

# **SPECIAL COMMITTEE ON COUNTY GOVERNANCE**

**Council of the County of Maui**

## **MINUTES**

**February 25, 2016**

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

**CONVENE:** 1:03 p.m.

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

**EXCUSED:** Kehau Filimoe`atu, Member  
Lori Teragawachi, Facilitator

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

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

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

Darlene Ane, Executive Assistant to Councilmember Gladys Baisa

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

*Seated in the gallery:*

Herman Andaya, Executive Assistant, Office of the Mayor

Michael Molina, Executive Assistant, Office of the Mayor

Jock Yamaguchi, Executive Assistant, Office of the Mayor

**OTHERS:** Zandra Amaral Crouse (CG-1(3))  
Bruce Erfer (CG-1(3))  
Diana Custer  
Marjorie Bonar (CG-1(1))  
Jeff Dack (CG-1(1))  
Barbara Fernandez (CG-1(1))

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

**February 25, 2016**

---

Nell Woods (CG-1(1))  
Dick Mayer (CG-1(3))  
Mercer "Chubby" Vicens (CG-1(3))  
Tiare Lawrence (CG-1(1))  
Arianna Feinberg (CG-1(1))  
Larry Feinberg (CG-1(1))  
Dale Bonar (CG-1(1))  
Mahina Martin (CG-1(1))  
Tim Lara (CG-1(1))  
Jasee Lau  
Mayor Alan Arakawa (CG-1(1)), (CG-1(3))  
(7) additional attendees

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

---

CHAIR TAKITANI: . . .*(gavel)*. . . Will the Special Committee on County Governance please come to order? Please turn off your cell phones. I'd like to introduce our Committee Members, Madge Schaefer, Vice-Chair, Pua Canto, Dave DeLeon, Renee Filimoe`atu is excused, Paula Friel, Kay Okamoto, Tamara Paltin, Ray Phillips, Jonathan Starr, and Kimo Haynes. My name is Tony Takitani. Lori Teragawachi is also excused today. From the Administration, we have James Giroux, Deputy Corporation Counsel. Committee Staff is Kimberley Willenbrink, Legislative Analyst; Sharon Brooks, Legislative Attorney; and Clarita Balala, Committee Secretary. Our District Office Staff on Lanai is Denise Fernandez, and Ella Alcon from Molokai. At this time we'd like to proceed with our public testimony. Ms. Willenbrink?

MS. WILLENBRINK: Yes. Thank you, Chair. One second, please. For individuals who will be testifying in the Chamber, please sign up at the desk located in the 8<sup>th</sup> floor lobby, just outside the Chamber door. If you will be testifying from one of the remote testimony locations specified on the meeting agenda, please sign up with District Office Staff at that location. However, we do not have Staff in Hana this afternoon. Testimony is limited to three minutes. At two and a half minutes, the light at the testifiers' stand will turn yellow, and at three minutes the light will blink red. If you are talking at the three-minute time limit, I will ask you to kindly stop. When you begin your testimony, please state your name and the name of any organization you are representing. We have established a connection to the District Offices through video conference...oh, not through video conference, but just through telephone. So residents from those sites can testify. To be fair, we will rotate between the offices. Lanai Office, is there anyone wishing to testify?

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez at the Lanai Office, and there is no one waiting to testify.

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

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

**February 25, 2016**

---

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai, and there's no one here waiting to testify.

MS. WILLENBRINK: Thank you, Ella. In the Chamber, the first person signed up to testify is Zandra Amaral Crouse, followed by Bruce Erfer.

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

MS. AMARAL CROUSE: Aloha, Members. Zandra Amaral Crouse, testifying on CG-1(3). Some of the concerns I have are number one, managers do not have to campaign. It was said by panel member Schaefer, and I quote, "I find it a very efficient way for the government to operate because the appointed manager don't have to campaign every time the elected officials do." I submit that this is not necessarily true. Case in point, every time a new Mayor and/or Council is elected, their lead people, e.g. Executive Assistants, Managing Directors, and all appointed personnel does have to campaign for their positions. They have to support their respective candidates, or not get appointed. The campaign is just done behind the scenes. Two, manager stays and not changed when new Council elected. Who hires and fires a manager, a city manager? A city manager is usually hired directly by the city council, and can be terminated by a majority of the council. Source, <http://www.mtas.tennessee.edu>. If a county manager is not to the liking of the new council body, they can fire them and appoint someone else. We have experienced more than once Council persons meeting behind closed doors with each other to gather support of each other to oust a Chair of the Council to appoint someone they liked. What makes us...what makes us think this power to appoint a manager for their own political reasons would not occur with a new council? Absolute power may be efficient; however, it is not good for the people. Three, separation of government powers. Wherein in the separation of powers...within the separation of powers, each of the boundaries of government has checks and balances over the other. Separation of powers serves several goals. Separation prevents concentration of power, seen as the root of oppression to the people, and provides each branch with weapons to fight off encroachment by the other branches. As James Madison argued in the Federalist Papers, No. 15...I'm sorry, No. 51, "ambition must be made to counteract ambition. Clearly, our system of separated powers is not designed to maximize efficiently. It is, however, designed to maximize freedom and accountability to the people." Such a...I close quote. Such a system makes concerted action more difficult, but it also makes tyranny and oppression less likely. Four, qualified candidates. Many city managers in other municipalities have earned a Master's of Public Administration, so they're well-versed in financial, legal issues, municipal regulations and processes, personnel management and more. Oftentimes city managers have worked their way up through the ranks of local government. Source, MPA@UNC at Capitol [sic] Hill. I submit that though many of our Mayors have not received an MBA, I do believe, however, they are just as, if not more, qualified to run our County based on the fact that they have met the criteria as set forth above, only done through practical application, in real life application, instead of books. In closing, I humbly request we not be in a hurry to place this on

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

**February 25, 2016**

---

the ballot this year. Though it may serve some who should decide to run for the appointment of a city manager next year, should it get passed this election. Mahalo, a hui ho, malama.

CHAIR TAKITANI: Thank you, Zandra. Any questions?

MS. CANTO: Chair? May I have copy --

CHAIR TAKITANI: Pua?

MS. CANTO: --of her testimony? Can we get a copy of her testimony?

CHAIR TAKITANI: Yes.

MS. CANTO: Please. Thank you, Zandra.

MS. AMARAL CROUSE: You're welcome.

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

MS. WILLENBRINK: Followed by Diana Custer.

MR. ERFER: Good afternoon. Those of you who know me, and a few know me fairly well, I speak my mind. I'm here today as an individual, although I am Chair of the Property Tax Board of Review, and had been on the Board of Review for more than eight years. A county manager who I'm very strongly in favor of having, is the head budget and planning officer, long-term, the head administrator, and the head educator to County Councilmembers. Maui's Mayors have been none of these, and these are the most important three parts of being a county manager. And if I had time, I would get back to that. Recently in the paper, there was a synopsis of previous Mayor Tavares' testimony to you. She said the County should first consider improving its current system before moving to a county manager structure. She said the County should find ways to hold officials accountable without making the change. Through instruments like Charter and Budget, program budget, accountabilities and responsibilities are built in there. She said that's where it needs to be beefed up. She made other recommendations. My question, when she was Mayor and Councilmember, why didn't she act on this? The irony is unbelievable, and it continues. We do not do what's necessary to support the taxpayers of this County. And I've been in a position long enough here to know this, and I've done a lot of work with the County Council, some with the Mayor. Many of my ideas have been put into effect, but many have not. And I am...I do consider myself an expert in property tax issues. I've been a consultant for many years previously with government. I was a high-level administrator, Planning Administrator for the University of California. I have experience in these issues. Twelve years ago I wrote a Viewpoint to *The Maui News*, "A Need to Change Our Form of Government," asking for a county manager. This is dated January 2004. I've read it recently, and I wouldn't change one word. I'm gonna read some of it. I realize I only have 50 seconds, but we cannot afford to

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

**February 25, 2016**

---

continue the wasteful transition from one mayoral administration to the next. With each new mayor comes a somewhat random firing and hiring of department heads. Persons deemed qualified and competent by last week's mayor are considered unqualified, incompetent by this week's mayor at extreme cost to the taxpayers. Departmental policies and programs of last week are not considered worthy of implementation this week. How can you plan long-term when your planning horizon is only the next election? We do not plan long-term here. We do not plan long-term. Similarly, and this is a big issue, politics confuses issues involving enforcement which should not be administered by elected officials. Enforcement must not be administered by elected officials. Enforcement and politics don't mix. Whether you like it or not, Maui has grown up in many ways. It's tough to run an island, and in our case three of them. The place for politics is within the County Council. They're the people that should be elected. The day-to-day operations of our government should be in the hands of a trained, experienced professional. On Maui we should be able to go out and find a really good experienced manager of a county or city who can come here and do a great job. The other problem is the employees that we have. The employees see their managers change over with a change of a mayoral group. That makes no sense at all. The employees also are burdened by having inexperienced --

MS. WILLENBRINK: Four minutes.

MR. ERFER: --unprofessional managers. We're done?

CHAIR TAKITANI: Thank you, Bruce. Any questions --

MS. WILLENBRINK: I wasn't watching.

CHAIR TAKITANI: --for Mr. Erfer?

MS. CANTO: Chair?

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yes. Mr. Erfer, thank you for your testimony. I'd like to ask you something that I've been trying to understand in my own head. Is...and this regards what changes would be needed to structure and Charter if we did implement, say, a council-mayor-manager type of structure, and particularly regarding budget and finance operations and planning. Do you have any suggestions in...I'm sorry.

MR. ERFER: Well, one thing I've written down, which I would've liked to say, is that I say strangely this change would actually be an extremely smooth transition, almost unnoticeable. In other words, the Mayor leaves his office one day, the next day you have this professional county manager there. Things don't change, except he's the leader. I mean things will change based...or he or she is the leader based on what they will do. To answer your question as far as implementing it and changing the laws and everything, I have no idea. And one thing I would like to say, I think it would've been interesting had you brought over a couple county managers or city managers

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

**February 25, 2016**

---

who had taken over for an elected mayor, and let them talk to you a bit. That doesn't answer your question, though. Sorry.

CHAIR TAKITANI: Pua?

MS. CANTO: I have a question for you. So the article that you wrote was dated January 2004. Is that right?

MR. ERFER: I have submitted it.

MS. CANTO: Okay. My question is, did you pursue that with the last Charter Commission? Or no?

MR. ERFER: It was sent...that article was sent to them. That's as much as...I never received any feedback other than sending the article.

MS. CANTO: So you never went before the Charter Commission to push this? Not then? No? Okay. All right, thank you. Thank you, Chair.

CHAIR TAKITANI: Any other questions? Thank you, Bruce.

MS. WILLENBRINK: Diana Custer, followed by Masorie Bonar...oh, Marjorie Bonar.

MS. CUSTER: Good afternoon, Chair. Good afternoon, Chair and Committee. I'm here as a retired County and State employee. My last phase of my career was at the Maui Police Department as a scientist, and I've also done extensive work with the Council to make improvements in the animal management program through Department of Housing and Human Concerns. So that is where I feel I have ability to speak today based on my experiences. I'm speaking to CG-1. I urge you to vote for the Council to consider the county manager position. To vote no so early in your research process, let's us the citizens down. Please don't do that. Many have determined that our current Charter is clearly outdated. Before this vote, have you explored under what kind of administration the Charter would be more effectively changed? Have you determined what the rate of improvements to the Charter would be under a county manager versus a mayoral system? Per the mayoral system that we've had for quite some time, I'm sure you all remember the performance measure budget coming out after we had just a regular budget. So if you look at the performance measure budget, there's problems that remain year after year. The goals and objectives are not measurable, sometimes even opposite of what the people are supposed to be doing. Yet, they get rubber stamped by the Mayoral's [sic] Office and submitted, and then rubber stamped by the Council with no improvement, year after year after year after year. What would a city manager do? Would he say to his people, hey, let's dig in? Let's figure it out. Let's get it right. Let's listen to the people. Now if you look at the performance measure budget of Department of Personnel, Maui Police Department, not bad. Pretty darn good. But guess what? You have a leader in those departments that is appointed by a commission and stays year after year, and he's usually from the ranks. So there are many, many examples of the weaknesses in the Charter. I could go on

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

**February 25, 2016**

---

and on. Has the current mayoral system been effective at truly evaluating the Charter and how to improve it? Not from what I see. Please be sure to do all due diligence for voting no today. Thank you very much.

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

MS. WILLENBRINK: Our next testifier is Marjorie Bonar, followed by Jeffrey Dack.

MS. BONAR: Good afternoon, all. When you each accepted an appointment to this Committee, you were questioned about your availability for meetings and adequate time to read research materials. It appears that some members underestimated the level of commitment and time required to meet this challenge. You have not yet held meetings throughout the County as part of your assignment. You've not been able to spend time in these meetings discussing the issues. The process relies on an honest exchange of everyone's viewpoint between members, and across a whole spectrum of ideas. The Facilitator supplied to guide deliberations has not had a chance to even start the dialogue, but *The Maui News* claims that you are ready to make a determination today before any deliberations. That's extremely disturbing. While there's been much criticism of even considering a change, little has been said of why we need to move forward with structural reform. Having a chief administrative officer does not preclude having an elected mayor, but it should ensure that professionally relevant job qualifications are established, and performance is routinely monitored. Last night at the Kula Community Association, several department directors were given time to discuss projects. A recent appointee was very forthcoming as not yet being familiar with most aspects of his department. He was promising more information in another two months when he has had time to learn what his divisions are about. A hardworking individual, but missing what should've been mandated in his job description. He's learning the job on the job, and on our dollar. It's not his fault. This is a poorly structured system. You need not pick any governance template from any existing list of choices. You have the ability to tweak and combine any formats, and craft a unique structure for Maui Nui. We don't need to follow any one else letter for letter. Performance and value to the citizens should be the only criteria for decisions. Were a recommendation made to not incorporate a professional manager, this Committee must at least recommend a way to clean up problems with the current system and assure that they are not perpetuated.

CHAIR TAKITANI: Thank you. Any questions? Tamara?

MEMBER PALTIN: So just clarifying, it's your understanding if we do not vote to move forward with a county manager setup that we will be changing...making changes? Is that what you think?

MS. BONAR: Well, let's hope that you have a recommendation. If your recommendation is not for county manager, what is your recommendation? It could be a manager with the mayor. It could be any combination, but I would find it hard to believe that you all have put in this much time to simply say, oh, it ain't broke, because by now you've

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

**February 25, 2016**

---

had so much testimony to tell you that it is broken. Things are not functioning like they should be, and the examples are just too legion, too deep.

MEMBER PALTIN: Thank you.

CHAIR TAKITANI: Okay, thank you very much, Marjorie.

MS. WILLENBRINK: Did Paula have a question?

CHAIR TAKITANI: I don't think so.

MS. WILLENBRINK: Did you have a question? Jeffrey Dack, followed by Barbara Fernandez.

CHAIR TAKITANI: Could you repeat your last name? I'm sorry.

MR. DACK: Yeah, my name is Jeffrey Dack, D-A-C-K, as was mentioned. I'm speaking to you today as a member of the public. I understand that Jonathan Starr had suggested I might be invited to speak to your Committee, but it looks like that hasn't happened, so I want to testify before you take your first vote. I've worked for the County's Planning Department for over 10 years, about 7 of that as a supervisor. Before that I was a planning director or deputy on the mainland for over 20 years, and worked directly for city managers for over 25 years. So I offer high internal working knowledge of the current County system, and the type of alternative system that you are contemplating. So I'd like to offer any assistance I reasonably can to you given the background I possess starting with the points today and more if you'd like to hear later. The cities I worked for had some similarities to Kihei including size, growth and development. Nineteen of those years were in a coastal area within...near by the destination resorts of Monterey, California and Carmel. I was the Planning Director there. The cities had less than 100 employees compared to Maui County with about 20 times that. Being smaller, they were more agile than Maui County in many ways. But a similarly important contribution to their agility in responding to development and other changes was the city manager form of government. As I'm sure you've heard the separate Legislative and Executive branches of Maui County government is by far more the exception than the rule in most places in the United States. A single aligned council and executive system is far more common. Council hires the executive or manager and all employees report to him or her. Again, that alignment of all staff and operations unified behind the council and the manager is something I consider the fundamental advantage of a county manager system, compared to Maui County's current separate Legislative and Executive structures which sometimes can operate at cross purposes. In council-manager system, excuse me, in council-county manager system, all the politics are vetted and resolved within one body, instead of sometimes spilling over into issues between the two branches. Policies are directed to the executive to carry out, and he or she never has any question of who he or she works for. Another advantage is the executive is a professional with usually decades of training and experience. A county manager is a professional's professional. It's a tough job, so who you usually get are pretty incredible people. And although they are not politicians, they have a very high level of political acumen, knowledge, and abilities



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

**February 25, 2016**

---

to work with a full council, and run the whole administrative apparatus of the county. In the private sector, chief executives are paid well. Because of the high value added by a good county manager, they cost money too. But please don't let that scare you if you believe the County deserves the best. Top notch leadership for a large organization like the County is worth the price, as it sets tone and standards for the entire organization. Department heads and other top staff would be appointed by the county manager, and serve at will. But because politics gets vetted with the council...within the council and becomes singular direction by the time that the county manager needs to execute policy, department heads are no longer political appointees, and instead become an extension of the fundamental professional role of the county manager and structure of the government. The entire administrative structure of the government becomes professionally led and directed. Again, the council determines the policy and the entire administered structure carries that out with a fundamental feature of the system as alignment with the agility, efficiencies and responsiveness, and quality that provides. And just very briefly, if you still...if the County still wishes to have a mayor, it's a very reasonable option to have the mayor be elected still by the citizenry and become a member of the...is a member of the council, is a leader of the council, has the same power and voting rights as all the members of the council. So you can get a combination of still having a mayor and having a manager in separate executive structure. And again I offer any assistance you might request from me at any point. Thank you.

CHAIR TAKITANI: Thank you, Jeff. Any questions?

UNIDENTIFIED SPEAKER: Yes.

CHAIR TAKITANI: Tamara, followed by Kay.

MEMBER PALTIN: Just...I had a question, but first I wanted to clarify. Did you say that you worked for the Maui Planning Department?

MR. DACK: I currently am. I've been an employee for the Maui County Planning Department for 10½ years. I'm speaking today as a private citizen, though. Private individual.

MEMBER PALTIN: Okay, so my question is, you know, I don't know if you're familiar with the Montana Beach House situation.

MR. DACK: Yes, I am.

MEMBER PALTIN: Could you run down, like, how it happens with a mayor elected, and how it could possibly happen with a county manager? Or even the Lahaina Front Street...my husband's grandmother's house, they allowed for building of a house on an open channel drainage. I think the property was 30 grand, and then the County went back and had to buy it for a million. It was under the same Planning Director, I believe, and that Planning Director was highly qualified, like a Master's in Planning, if I remember. Could you run that scenario through a county manager setup for me?

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

**February 25, 2016**

---

MR. DACK: Well, Montana Beach House, I must admit I'm not familiar with the second case. Montana Beach House occurred before my arrival. I don't know what led to that conclusion being made. I don't know if there was any political influence on approving that or not. But I do understand that it was...the decision was made in the last days of the Apana Administration, just prior to Mayor Arakawa taking term first...seat first time. Then the Planning Director at that time, the new one under Mayor Arakawa had a difference of opinion about whether that should've been granted. And so then the approval was rescinded. How that would happen through...to the extent that the approval of the Montana Beach House did have political influence in that occurrence, it would be much less likely to occur under a council-manager form of system because, again, the manager is reporting to the entire council. There's no one individual...so again, politics. Everything needs to be vetted across the entire council, so decisions by one individual from a political nature are much less likely to occur. Because, again, everything has to be vetted and be from a majority vote of the council.

MEMBER PALTIN: Thank you.

CHAIR TAKITANI: Kay?

MEMBER OKAMOTO: I've a question regarding, if you have the manager and then people have said, well, you could still have a mayor. I mean it's sounds like, well yeah, you could still have a mayor, but it's not necessary. Is...it seems to be a token mayor, and if so, why would we want to bother? Or would we?

MR. DACK: It's totally a choice of the County. You can or you cannot. There are...actually another example I'm sure you've heard that the great majority of counties in the United States are run through a board of supervisors with...and very commonly in those cases, they're just five, seven, nine, whatever individual board of supervisors who happen to have been elected. And they sometimes can switch the chairmanship every year. I worked for a city that had five councilmembers where there was a mayor, and they just switched the mayor position every year. Then I worked 19 years for a city which actually had an elected mayor, which was a structure I mentioned where that mayor was elected, sat, was the chair of the mayor...was the chair of the council, sat on the council, had no more votes than anybody else, but served as the head of the government. So carried out ceremonial functions, was a point person that media would contact, et cetera. And that's system worked just fine, in my opinion.

MEMBER OKAMOTO: So if you had that type of mayor, would that have any benefit over just not having a mayor not all?

MR. DACK: Again, it gives you a central point of contact for...I don't want to say titular leader but it's at least ceremonial, and perceived to be the single person leader of the county, versus someone...and so media, for example, knows where to go to. If you have five members and there's no mayor, and there's...maybe...and the chair rotates, whatever, people may have a little harder time to know who they might be able to be trying to contact. Again, ceremonial...it provides a point of, you know, a point for people to be focusing on.

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

**February 25, 2016**

---

MEMBER OKAMOTO: Thank you.

MR. DACK: There's probably other advantages too, but that's one that I've seen.

CHAIR TAKITANI: Madge, followed by Jonathan.

VICE-CHAIR SCHAEFER: So, Mr. Dack, thank you for your testimony. So I believe what you're saying is given the choice, you given the choice would believe that the county manager system is more effective in terms of governing.

MR. DACK: Yes.

VICE-CHAIR SCHAEFER: Okay, thank you.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yes, thank you, Mr. Dack. And I did give your name along with a couple of others, one of which had been 20 years as a manager and deputy of a large municipality. So I mean, do you think it would behoove us to talk to some of the people who've managed and worked in other structures with a manager system before we make a decision?

MR. DACK: I haven't followed all the work that you've done so far. I'm not really in a great position to judge that. I don't know how much you need that now. But from the general principle, if there's kinds of resources like you're mentioning, particularly a person who was a city manager for 20 years who hasn't had the opportunity to provide direct input to your Committee yet, it would seem like that would be very valuable resource to try to take advantage of, and others.

CHAIR TAKITANI: Any other questions? Ray?

MEMBER PHILLIPS: Okay, thank you, Jeffrey, for your testimony. You've had the opportunity to be engaged in government under both systems?

MR. DACK: Yes.

MEMBER PHILLIPS: Particularly Maui County for quite, you know, quite some time. I think you said nine years?

MR. DACK: Ten and a half now.

MEMBER PHILLIPS: Ten and a half. I think you and I have worked together as well. Mayor Alan Arakawa came in and gave us a good presentation on the benefits of having a mayoral system here in Maui County. And here's not to sabotage you, or to do anything politically affecting to you, but in your opinion, for where Maui County is at the moment, what would you suggest?

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

**February 25, 2016**

---

MR. DACK: I think a council moving towards...moving ahead with some kind of Charter amendment opportunity for the citizens to vote, and make a decision on this would be a very valuable move to take. I mean certainly it's up to the citizens, they make the final decision. We all, you know, the citizens are...I could think in the...I've heard in the Hawaiian monarchy even the citizens were considered to be god, you know. So, I mean we all will follow what the citizens do, but I think providing the citizens that opportunity of a well-vetted option would be the best course in my recommendation.

MEMBER PHILLIPS: Thank you, sir.

CHAIR TAKITANI: I have a quick question, Mr. Dack.

MR. DACK: Yes, yes, sorry.

CHAIR TAKITANI: I got a little bit of confusion in my brain when you mentioned that, when you talked about the Montana Beach situation.

MR. DACK: Yes.

CHAIR TAKITANI: You said it probably wouldn't happen because the manager had to answer to, or deal with, or work with nine people? I wasn't sure what. Does that mean that everything he does, he's gotta check?

MR. DACK: Oh, no, no. The, in a council-manager form of government, as again, the council provides the policy, and then the...it's the manager's role to carry that out. To the extent that there becomes political influence sometimes, then away from that system, then decisions can be made that can be switched back and forth. But political influence from any one individual is not nearly as likely to get carried out by the administrative staff under a council-manager system because you don't have one person at the head of the entire Executive Branch structure, or at least one elected official. You have five, tens, whatever, five, seven, nine, whatever it is, councilmembers that are head of the entire County structure. And they make the policies, and then the administrator carries them out. So political direction or influence by any one of those councilmembers is not very likely to make a manager take action. He or she needs to be sure that they have a majority vote before action...any significant action is taken.

CHAIR TAKITANI: You also stated that, and I don't know if this is your belief, but you said that the citizens are gods?

MR. DACK: I remember reading somewhere at some point that in...I was making a reference. I understood in, under the Hawaiian monarchy under, you know, pre, you know, back before then, that I think it was one of Queen Emma, or somebody...I was reading a book one time saying that, you know, that they...that it was considered, they wanted to listen to the people. They felt they must listen to the people, and follow the general will of the people as the people are god. I mean it was just a point to make that, you

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

**February 25, 2016**

---

know, we all...whatever we do we are all beholden to the people. And giving the people an opportunity to speak 'cause it's a valuable thing.

CHAIR TAKITANI: Then isn't it a little bit ironic that by allowing maybe five people on the Council to select who runs government in the entire County, versus the tens of thousands of people that vote for Mayor? It seems a little off.

MR. DACK: Well, tens of thousands of people vote for the Council. And then the Council --

CHAIR TAKITANI: And then five people get...

MR. DACK: --makes...provides the direction to the manager.

CHAIR TAKITANI: The manager. Something...it just seems a little odd.

MR. DACK: Oh, I don't know why.

CHAIR TAKITANI: Okay. Any other questions? Madge?

VICE-CHAIR SCHAEFER: Well, I think that Mr. Dack brings a very interesting point of view because he has a wealth of experience under both systems. And I would certainly like to see him put on a list of would you come back if we have further questions, or would like further information from your point of view?

MR. DACK: Yes, certainly. Presuming my bosses will give me the vacation leave to come as they did today, I'd be very happy to provide any further input you might like.

CHAIR TAKITANI: Dave?

MR. DACK: Thank you.

MEMBER DeLEON: Thanks for coming, Jeff. In your experience, did you run across any other kind of county council, with a similar kind of election process as we have?

MR. DACK: Well, I certainly...as I understand it, all four counties in the State of Hawaii are strong mayor systems.

MEMBER DeLEON: No, no, I'm not asking that.

MR. DACK: Oh, I'm sorry. I missed your question.

MEMBER DeLEON: My question is the structure of the way we select our Maui County Council, in the course of your experience, have you run across any other community that you dealt with that had a similar kind of structure for selecting the council?

MR. DACK: No, I don't recall one.

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

**February 25, 2016**

---

MEMBER DeLEON: Thank you.

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

MR. DACK: Thank you.

UNIDENTIFIED SPEAKER: Thank you.

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Kim? Ms. Willenbrink?

MS. WILLENBRINK: Yes, Chair. Barbara Fernandez, and then maybe we would wanna check the other offices.

MS. FERNANDEZ: Aloha, Tony.

CHAIR TAKITANI: How are you?

MS. FERNANDEZ: And...I'm good, thanks, and the Committee. Thank you for your hard work. I'm Barbara Halae Fernandez from Waiakoa, Kula. And I'm here to testify very shortly just on regarding the professional county manager form of government you folks have been working so hard on. You've spent time in the Committee and heard others testify. Me, I went out to my ohana and friends and tried to explain to them what I've heard among the community, different get-togethers, pro and con, and shared the information that you're trying to get, versus a council. The way I see it that if I was an employee, and whether my supervisor or the council didn't like what I was doing, I'd be either reprimanded, or let go. So I see the council as being the boss, or if we had a regular job, a supervisor being a job, and say, you know, hey, you're not doing your job. So I'm kinda toying with that idea, as is my ohana is too. So the regular guy that lives here, or girl, whether they're kamaaina or malihini, they're just not getting it. They all say regardless of the Committee struggling, we agree that maybe it should...not maybe, but we agree that your Committee should just let it go, let the people decide, and let it go for vote, versus, you know, continuing on in your hard work because their vote will decide. So we would have the final say. Mahalo.

CHAIR TAKITANI: Thank you. Any questions? Jonathan, followed by Madge.

MEMBER STARR: Yeah, I think that the change that would affect someone who's working under the system that would be relevant might be that from the way we have it now where people, the department heads and managing director are selected for whatever reason, but not because there are a great deal of qualifications required, or experience, or training. And then they basically function along with the departments without any real quality control, or metrics, or reasons to be graded every year about whether they're performing or not, and then decisions are not really made on performance factors. And we're looking at a system that would be able to bring that in where

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

**February 25, 2016**

---

departments would have continuity through administrations, and then there would be performance evaluations of the functions of government and the department heads.

CHAIR TAKITANI: Is there a question?

MEMBER STARR: Yes, there is a question.

CHAIR TAKITANI: Okay.

MEMBER STARR: In light of that, where the employee is under a system that is being evaluated, and not just let go because they're not liked or something like that, I mean was that something that might be an improvement?

MS. FERNANDEZ: Well, if you're let go just because you're not liked, you know how this island is, word will get around. And whether you're elected or just a elected councilmember, the people know about what you do. So I think the...no matter who each employee, and the Councilmen are employees. I mean we're the people who vote them in. So whether it's Council, or they should probably have a supervisor. Every person in the County has a supervisor. There should be some type of a format that's set up where everyone gets their job evaluated. Thank you for that.

CHAIR TAKITANI: Madge? Jonathan, you done?

MEMBER STARR: Yeah, I'm pau.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: Ms. Fernandez, this is the time of polls as we know. You just need to turn on the television and there's a poll. So it's nice to have a local poll. Thank you for doing that. You said...the first thing you said, you talked about the Council being the boss and having what I heard, and I may be mistaken, was having the ability to evaluate people, employees, and hire and fire. Is that...is my understanding correct? Is that what you were referring to with the Council being the boss?

MS. FERNANDEZ: Well, thank you for that. One of the concerns with friends and ohana is that, is that some are very scared. Oh man, you know, the Council will be taking care of all this, and some people don't like the Council, or they do like 'em. So that is something that...yeah, whether it means just a...like employment supervisor person as the committee. I mean it seems like the Council always goes into committees of some type. So there could be an overseer for that particular job, versus a regular supervisor within the regular employment pool.

VICE-CHAIR SCHAEFER: All right, thank you.

MS. FERNANDEZ: You're welcome.

VICE-CHAIR SCHAEFER: I appreciate that.

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

**February 25, 2016**

---

MS. FERNANDEZ: Thanks.

VICE-CHAIR SCHAEFER: Thank you for coming --

MS. FERNANDEZ: You're welcome.

VICE-CHAIR SCHAEFER: --and sharing your ohana's information

MS. FERNANDEZ: Thank you.

MS. CANTO: Chair?

CHAIR TAKITANI: Pua?

MS. CANTO: Do you think that the council manager, if it goes that route, should be selected by the Council?

MS. FERNANDEZ: Oh, wow, Pua. That's a good question.

MS. CANTO: Do you have a comment?

MS. FERNANDEZ: Yeah.

MS. CANTO: Would you like to see our Council hire?

MS. FERNANDEZ: Well, then it's more about what people say. The Council does this, the Council does that. I don't know. I don't have a top of...it seems...yeah, I don't think it...I think it should go into like a committee, rather than have, you know, seven or nine people decide on the fate of jobs. And it could be just for that one position. It doesn't have to be for his whole department because he's also gonna have people under him whether it be...I'm not gonna say just secretary because the secretaries and clerks are very important. But him being up like a supervisor or a council's job, it should probably be part of a branch of the Council that talks to this particular position. And, again, if the people decide via a vote, the main thing is that it has to get out to the folks so they feel that, you know, their vote counts on this decision.

MS. CANTO: Thank you.

MS. FERNANDEZ: Yeah, thank you.

MS. CANTO: Thank you, Chair.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: Aloha, thank you for coming.



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

**February 25, 2016**

---

MS. FERNANDEZ: Hi, Tamara.

MEMBER PALTIN: So I just had a question. You know, when you went through to your family, did they have any problems, like outstanding problems, that they thought could be fixed whether it's within this structure or a different structure?

MS. FERNANDEZ: No, my ohana, we're all from Upcountry, Waiakoa, family land and stuff. The only problem we have is a water meter, you know, 21 years on the list. So, and we're all very active, you know, in voting in our community. We all go to community meetings. There's not one particular thing that says, hey, you know, we don't need a mayor. If, you know, they said that if the Mayor does come up which would also be your job to put it on the ballot, do you want the Mayor to be...I don't know how to say it. Like, if the king or queen goes out and blesses things and stuff like that, you know, in that position because the Mayor himself has said that's important, you know. He goes out and says hi to folks, and stuff like that. So if that's what the people want, so be it.

MEMBER PALTIN: Thank you.

MS. FERNANDEZ: You're welcome. Thanks, Tamara.

CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: Thanks. Thank you, Ms. Fernandez.

MS. FERNANDEZ: Hi.

MEMBER PHILLIPS: Mr. Dack brought up a variety of situations he worked under. One of the situations I believe he said that he worked under was one where the mayor was actually part of, and head of, the county council and had a vote. I think there could be concern, possibly in your ohana as well, that representation from the residents in the County as well as the Administrative and the Legislative side of government isn't being handled. In your opinion, and possibly something you could ask your ohana, if the Mayor was included and possibly had a position with the County Council and we had somebody who was a professional administrator, could be a managing director or a county manager, would that be of satisfaction possibly to you, or to your ohana?

MS. FERNANDEZ: That's an excellent question, and it had been brought up. Whether the mayor is continuing on as the mayor, there needs to be very clear guidelines on what that mayor's job is. Very clear guidelines. So then both he or she, you know, would know what they're expected of of not only the Council, but of the community. Because then the community would know, you know, who to go to for what. It would be...it has to be very clear guidelines what that position would be. And having a vote...I'm sorry, Ray. Having a vote as far as that would be, I think that's something that the structure itself, if it comes about, would need to...we haven't discussed it at all, yeah. Thanks.

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

**February 25, 2016**

---

MEMBER PHILLIPS: Thank you. I think one of the items certainly that this Committee has been reviewing has been a need for, or possibly review of, job descriptions, titles, what have you, scopes of responsibility that all the employees, directors, what have you, need to have, County Council people as well as possibly the Mayor. I think all of that needs to be visited, revisited. Possibly you could think about that or ask your ohana how they might feel about that.

MS. FERNANDEZ: Yeah, absolutely. I mean no matter what you have as a job, whether you're...you know, I was in the medical field all my adult life. Whether you're the doctor, or the person working and keeping the hospital clean and stuff, you have a job description. And, you know, the person who has this job description doesn't scrub in for surgery, and the person who has this job description doesn't go down and admit patients and stuff. So it needs to be, I think an opportunity now for very clear guidelines on what the job description would be. And also, if you folks wanna take the effort, or there probably is a committee already, to just review everybody's job, what you're expected to do. And then the community, you know, won't have so much to complain about if they know what your job's supposed to be.

MEMBER PHILLIPS: Thank you very much.

MS. FERNANDEZ: You're welcome.

CHAIR TAKITANI: Anyone else? Thank you very much.

MS. FERNANDEZ: Thanks, Tony.

CHAIR TAKITANI: Appreciate it.

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

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

MS. WILLENBRINK: Thank you, Denise. If anyone shows up, would you mind e-mailing us?

MS. FERNANDEZ: Sure.

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

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

MS. WILLENBRINK: Thank you also, Ella. Could you also e-mail me if there's someone shows up?

MS. ALCON: Yes, ma'am.

MS. WILLENBRINK: Mahalo. The next testifier in the Chamber, Chair, is Nell Woods, and she is followed by Dick Mayer.

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

**February 25, 2016**

---

MS. WOODS: Good afternoon, Chair, Committee Members. You all saw Tuesday's paper, I'm sure, regarding "Governance Panel Could Vote Thursday." And no question it got some people's attention because there's a whole bunch of fresh faces testifying today. Sorry, I'm a familiar one. But I e-mailed you ten days ago, and I wanna reiterate the content of that e-mail because I think it's critically important. The task before the Committee as stated in the resolution is to determine whether establishing a county manager form of government would improve management and operation of the County. I would like to point out that a county manager form of government does not preclude an elected mayor. There are many examples of council-manager-mayor forms of government in the material that has been provided to you. To be asked the question of either an appointed county manager or an elected mayor is an exercise in irrelevance. I would ask that whoever submitted that question for vote withdraw it, and instead substitute, would the management and operation of Maui County be improved by having a chief executive officer, in other words the CEO-mayor, and an appointed professional chief administrative officer, CAO, or the county manager? It's my personal belief that the people of Maui County who have made it very clear to me, and I think to you, want a mayor. They want a person they can point at, and say that's the guy that is in charge. And my vision of a mayor with a county manager form of government would only change the Charter in limited ways. The mayor would still perform all the tasks he does now with the exception of hiring directors, department directors and deputy directors that...and the administrative portion of his job with running those departments would fall to the new county manager. He'd still be appointing commission members, committee members, all of that, still gonna be the chief executive officer. We're gonna have a balance of power. Gonna be an executive side of the coin, and a legislative side of the coin with a council. There's no reason why a county manager can't collaborate with his department heads and the mayor in the budget process, planning process, all of it. It then gets presented to the council, and the council does what the council does now which is review it, determine whether or not they agree with what's in it. And if not, they change it, and it gets voted. And if the Mayor's not happy with what they changed, he can veto it, and they can come back, and they can override his veto, or however it works. But we'd have a professional running the day-to-day operations of the County, day in, day out.

CHAIR TAKITANI: Thank you. Any questions? Kay?

MEMBER OKAMOTO: Okay, so correct me if I'm wrong. A professional running it, would that also be...could we use what we currently have as I believe the managing director, who I believe from everything I've heard, is a fairly high level professional. Would it just be to give more responsibility to that person? Because if the mayor still has pretty much all the same duties, I'm kinda confused how that's gonna...

MS. WOODS: No, the duties he no longer will have are appointing the managing director, or the department directors and deputies.

MEMBER OKAMOTO: Okay, so but that's the big difference you see.

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

**February 25, 2016**

---

MS. WOODS: That's the big difference.

MEMBER OKAMOTO: Okay, that's...thank you.

MS. WOODS: If the person that is hired as the county manager has the background, and the training, and the education to turn this County into a professionally-run operation both in equipment, in personnel, in services provided, and it doesn't change every time there's a new mayor elected. There's continuity.

MEMBER OKAMOTO: Although it could, correct? Council could change that person at will.

MS. WOODS: Very well could, but it's counter-productive if they've done a good job hiring him to begin with, and making sure that he's the right person before they hire him, chances of him, you know, not working more than ten years are slim.

MEMBER OKAMOTO: Maybe this is not really a question, but do you see the way the University of Hawaii is run. Okay, you have a --

MS. WOODS: Chancellor.

MEMBER OKAMOTO: --Board of Regents, and you have various people that are supposedly professional, and yet we have seen a open door going in and out constantly. Is there a difference --

MS. WOODS: Well...

MEMBER OKAMOTO: --in a county manager?

MS. WOODS: I would say that is a difference between the selection...the people who are doing the selecting. I would have to say that the Board of Regents has not had a spectacular track record with selecting people who have the wherewithal, and the training to do what they want them to do. But the other part of their problem has been that their contracts have been ridiculous in terms of the out clause, shall we say.

MEMBER OKAMOTO: Yeah, okay, thank you.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: So, Nell, in your scenario what happens when the mayor and the county manager do not agree on policy?

MS. WOODS: The county manager is the employee of the council. The council sets the policy, the county manager follows their policy-setting parameters. And if the mayor disagrees with what the council's doing, that's, shall we say, pretty much what's going on now. But at least now, in the future if we do this, it won't affect day-to-day operations.

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

**February 25, 2016**

---

MEMBER DeLEON: I don't understand that answer.

MS. WOODS: Because the county manager doesn't work for the mayor. If the mayor disagrees with what the council has told the county manager to do, the county manager's gonna do what his employer, the county council, has...

MEMBER DeLEON: Okay, so the mayor's basically a veto power and...well, it's basically the scenario that Mark brought us, the veto power and he can appoint boards and commissions, and do ceremonial stuff.

MS. WOODS: I would say there's a little more to it than that. Like I say, I'm still talking about all the boards and commissions, the positions being filled by the mayor.

MEMBER DeLEON: Yeah.

MS. WOODS: You know, there's also the issue of salary structure. Right now you have a mayor who has...I've lost count of how many Executive Assistants he has. The total salary package of the current Mayor's Office, including the Managing Director and all of his Executive Assistants, I can guarantee you would cover the cost of a lowered mayoral salary and whatever it would take to get a qualified, good county manager. Because he'd only need only one assistant, and we'd probably cut the mayor down to one or two assistants as well because without the responsibility of running the County's day-to-day operations, he does not need that many people to delegate his function to.

MEMBER DeLEON: So beyond the power to appoint boards and commissions, and to veto, or to be oversight over the council, can you enumerate any other powers that you could think of?

MS. WOODS: I'd have to go to the Charter to, you know, but I'm basically saying that the only thing that would change is that the department directors and deputies would no longer be hired by the mayor.

MEMBER DeLEON: Okay, thank you.

MS. WOODS: Their job qualifications and requirements would be set by the county manager, and it would be his responsibility to ensure that everybody he put in those positions was qualified based on a much more definitive minimum requirements.

MEMBER DeLEON: Okay, mahalo.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yes, I know we've been...started out with our paperwork reading to a county manager form of government. And at the very first meeting, Dave Mora from ICMA said that's a wrong description. My feeling is that what we're likely to be looking

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

**February 25, 2016**

---

at would be termed a council/mayor/manager type of government with basically three legs. Would you characterize it in that same fashion?

MS. WOODS: Exactly. That is what I am promoting, and why I'm asking that the question that you're currently deciding of whether or not there should be an elected chief executive, or an appointed chief executive is the wrong question, because they are not mutually exclusive.

CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: Thank you. As the situation stands now, we have one individual, the mayor, who at his convenience selects the people who are the directors of the various departments. In another scenario where he is part of the county council, in charge of the county council, he's also still interacting in the selection of the directors, and possibly has one or more votes in that selection, and the ability to let that particular manager go. In the situation where the mayor is not having any direct control or line of supervision over the directors, and the county council is totally in charge, in this case I think we will have nine county council people, who'd be making a decision instead of one person who makes it as his own option. So I think what people are concerned about at the moment and we keep bringing up, is that, you know, the difference is do we trust the county council in making a selection? Nine people of a particular director, or do we trust one individual who, whatever that job description may be of that individual, in this case the Mayor here in County of Maui. Is there a trust differential that we're concerned about? Is nine people better than one? Or one person better than nine? Or I'm confused.

MS. WOODS: Well, it would be my perspective that nine are better than one, because there is, in my opinion, been no question that there has been, shall we say, cronyism in appointing people to positions, salaried positions, for which it's just really a thank you for your support of my election. And that needs to stop.

MEMBER PHILLIPS: Okay.

MS. WOODS: I mean it would be very easy to require that any candidate hired, or fired, has to have a super majority from the Council, six votes. I mean there's many other situations that require a super majority, and certainly that could be one of them, that a potential candidate for hiring requires six votes. And before he can be terminated, that also would require six votes. That eliminates all of the, you know, backstabbing and partisanship that is exemplified by one person making those choices.

MEMBER PHILLIPS: Thank you.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: I think Ray asked my question. I would like to go back to your point about the original question. There was a lot of discomfort expressed here about the way the question was worded.

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

**February 25, 2016**

---

MS. WOODS: And it was well expressed by more than one Committee member. I mean there was an issue about balance of power and, you know, that was why one Committee member was really reluctant to answer the question in favor of an appointed person because, you know, a lot of Maui County wants that executive side in addition to the legislative side. And I think that can be done. I mean you in your recommendations to the County Council get to say what structure you think would function best for this particular county. And if that includes a council-manager-mayor form, that's within your power to do. You don't have to say it's one or the other. I mean a council-manager form of government does not preclude having an elected mayor.

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Anyone else? Tamara?

MEMBER PALTIN: Aloha, thank you for coming. My question goes back to when they were discussing what the managing director currently does. So just to clarify what you're explaining is we could have a mayor that does ceremonial things, appoints boards and commissions, possibly sits with the council and votes as well. And we would not have a managing director anymore. Instead it would be the county manager and that person wouldn't be answering to the mayor. He'd be answering...he or she'd be answering to the council as a whole.

MS. WOODS: Correct.

MEMBER PALTIN: Okay, just clarifying that. Thank you.

CHAIR TAKITANI: Anyone else? Thank you, Nell.

MS. WILLENBRINK: Dick Mayer, followed by Mercer "Chubby" Vicens.

MR. MAYER: Thank you very much. My name is Dick Mayer. Very brief background on myself. I was the Vice-Chair for the General Plan Advisory Committee on Maui. I've also had a long-term experience working with the County on a number of committees. I was on the Planning Commission back in the early '70s. More recently in the first term of Mayor Arakawa, I was Chair of a committee called Blue Ribbon Committee to help people...pick people for boards and commissions, worked with Dave DeLeon on that task. And I've had a number of other committees and assignments with the County. What I'm urging you to do is not to vote today, as was mentioned in the paper, on yes or no. But rather to go out to the communities around Maui. One of the other things that I do now as a volunteer is to help facilitate the Alliance of Maui Community Associations. I think it would be very useful for you to go out and meet with the various communities on Maui. My own experience with the General Plan Advisory Committee was wonderful in the sense that we went out to the communities. What we did have, we had a draft of the Maui Island Plan. We went out to the community and got feedback. Many, many meetings with the community members who gave all kinds of insights and input to us. I think you would be very much helped

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

**February 25, 2016**

---

by that. Having all these meetings at 1 o'clock in the afternoon precludes many residents of Maui from being able to speak to you and share their ideas, and their suggestions, and recommendations. So I urge you to do it. And the way I would urge you to do it is to have four meetings, one in West Maui, one in South Maui, one Upcountry, Pukalani probably, and one back here in the Chamber where you really make an effort in the evening, all these would be in the evenings, to get Lanai and Molokai people to be able to go to their sites, and Hana people as well, and be able to give you input, and I think you would gain things. Let me give you one type of a suggestion that might come up that hasn't come up at all before. We all talk about a county manager. I would visualize somebody on Molokai or Lanai saying, what we would like to do is have the...a deputy county manager for our island of Molokai, another one for Lanai, who would help coordinate all the various County functions that go over there. There could be a spokesperson who'd live on Lanai or Molokai and function to go right to the county manager, the one here on Maui Island, and provide input. That's the type of suggestion that could come up that you could put into your proposal that you wouldn't hear at 1 o'clock in the afternoon on a weekday. And there are many others. I'm not saying that's the perfect idea, or even a good idea. But it's the type of variety of ideas that you would get if you opened up to the community. We got so many very valuable ideas when we went out to the community. And I would urge you not to vote at this time on that. Now to help the communities do that voting, I would urge that you create three models, one with the present system, one with the...just the county manager and the council, the one...and the other one is with a mayor. Have those described just like the Charter Commission usually makes a recommendation. They will make a recommendation with the strengths and weaknesses of each of these systems. You don't have to say those are the final things. But just to get people's ideas to stimulate thinking so that the testimonies that you'll get from the public will be much more productive. Those are the things that I would hope that you would be able to do. I mean I could go on and talk about things why I think there are problems now or not, but my main --

MS. WILLENBRINK: Three minutes.

MR. MAYER: --point right now is get the community to be able to speak on the various points. And one last thing I would add is that if you do make a change and you and the County Council and everybody else and the public votes to make a change in the 2016 election, and it's put into effect let's say beginning of 2018, there will be another Charter Review Commission in 2021 that will tweak the ideas. We'll be able to make changes, see it's working well, this is not working well. We can make the recommendations to have the system fine-tuned.

MS. WILLENBRINK: Four minutes.

MR. MAYER: And I think that's something that would be very, very important.

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



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

**February 25, 2016**

---

MEMBER PALTIN: Aloha, Dick. Thanks for coming. One of the ideas that I came up with, and I was wondering if you thought was along with what you're suggesting is, like say, there's a trial period for the county manager-council setup where it's written into there that it can come up for a vote again in...like say, if it gets implemented in 2018, it will be also on the ballot in 2028 to see if people are liking it, and they wanna continue on with it. Like if it gets on the ballot one time, can it get on the...be automatically put on the ballot ten years later for people to evaluate if they like it? And then we wouldn't have lost more than, like, one two-term mayor trying out something different.

MR. MAYER: That's the sort of thing that the public may say, we really demand the ability to modify this if it doesn't work. And whether you do it, wanna wait, you know, ten years. I would suggest that you wait till the next full-on Charter Commission that can look at not just this concept, but any of the implications of the concept as it affects other parts of the Charter. And that Charter Commission would be formed in 2021 with the idea of making recommendations for the 2022 ballot. And that would allow for essentially a three or four year review of it's working, it's not working, this could be improved, this could be strengthened, yes we should have people on Molokai and Lanai. I mean whatever the ideas are that you eventually put into the Charter, or the vote of the public puts into the Charter. So, yes, I think...you do need to review it always. And this present system has essentially not been really well reviewed now for many, many decades.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: I'm interested in taking this out to the public. How would we disseminate that information? People...

MR. MAYER: *The Maui News* twice put an editorial out urging that the County begin investigating this thing. This was before your Committee was set up. And I think you would get some help from Joe Bradley, the Editor of *The Maui News* to make that available. I think you could also use the other media that's out there, radio and TV, and *Akaku*, et cetera, as well as holding a special meeting of this Committee with the idea of explaining this is what we wanna hear. These are the ideas that we have, et cetera, and there would be an actual printed out thing. And that's something you could look at, can we print this out, and either get it into *The Maui News* as like an advertisement, a full page. These are three models that we're looking at. We'd love to hear your feedback to us. I think there's way to get things out. The way the Charter Review Commission gets it out before an election when they give out each of the various things, and they make strengths and weaknesses of each of those ideas.

VICE-CHAIR SCHAEFER: So you're suggesting that this Committee would come up with three models, or less if there are less, and take those models and take them on a road trip?

MR. MAYER: Yes. I mean you can call it road show, I call it communicate with the public and let the public communicate with you, right. I think it's absolutely essential. And I don't think it has to be a very long process, months and months. I think it could be

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

**February 25, 2016**

---

done just like the County Council goes out, and the Mayor does also once a year, goes out to the various communities, holds an evening meeting on the budget. Both first the Mayor's budget comes out, and then the Council. And they do it in a relatively short period of time, get good feedback, and then go into session to discuss.

VICE-CHAIR SCHAEFER: You suggested that the changes be evaluated. If there was a change, that it be evaluated in the 2021 Charter Commission.

MR. MAYER: Correct.

VICE-CHAIR SCHAEFER: So you're only talking about one term.

MR. MAYER: I would imagine if...

VICE-CHAIR SCHAEFER: That's a pretty short time to evaluate.

MR. MAYER: I mean you could build into your process even that there'd be another review in 2025. I mean you could do whatever you want. I'm just saying that we will already have a built-in opportunity to review it in 2021. That'd be three years after it started. It would start in 2019, 2020, 2021, three years to see how it's working, how many people there are, what is the budget impacts, all of those various things that may not have been thought about. It will at least give a first cut review, and subsequently it could be reviewed at any time. The public says, hey, this is terrible.

VICE-CHAIR SCHAEFER: So let me ask you this, because I'm not familiar with the finite mechanics of how the Charter Commission worked. In 2021, could the Charter Commission automatically review it if they wanted to?

MR. MAYER: The Charter Review Commission's set up, and according to our Charter, that every ten years, and it's usually like 2001, 2011, 2021, they will look through the various things. They meet, prepare. They get lots of public input. They go out to the community. They then make recommendations to the Council to put things on the ballot for updates. And just like you're doing now, they will...you're going through that exact same process of suggesting to the Council something that should go on the ballot for the next election. And that would be on the 2022 ballot for the public to say yes, this is the change we should make.

VICE-CHAIR SCHAEFER: I understand, but what I'm saying is, if there was a problem, if they felt...if the public felt there was a problem, the opportunity to review would be at the 2021 Commission whether we said that or not, whether we set that up or not?

MR. MAYER: Correct.

VICE-CHAIR SCHAEFER: Okay, thank you. I appreciate that.

MR. MAYER: That's an automatic built-in check on what you're doing.

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

**February 25, 2016**

---

VICE-CHAIR SCHAEFER: Exactly. Thank you.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: Hi, Dick.

MR. MAYER: Hello, Dave.

MEMBER DeLEON: So if we're gonna wait till '21, why don't we just wait until '21 rather than trying to rush this into this election year?

MR. MAYER: I think this is an idea that's come. The last Charter Commission recommended this body that you folks do this now. Now as they said, they had so many other issues to look at, what they needed was a committee that would be focused on this one issue. That's exactly why you...and for you to kick it back to them, it's a dereliction of their charge to you.

MEMBER DeLEON: That charge...there was no charge. It was a suggestion that there be a citizen body to review this. There was no time limit on it. There was no like...my only problem with this process is we're gonna rush this to an election.

MR. MAYER: I think this is...

MEMBER DeLEON: And wait, let me finish. We've got about four months to get this process done, and come up with a comprehensive thought process for restructuring the County government. And then somebody's gonna have to sell that to the Maui public to the point where they understand it. Now often I run into people I talk to them, the government, they can't distinguish between State and County, let alone whether we have a mayor or council. And then we're gonna ask them to make an informed decision on a short term on a very complex issue. They have no experiences, because we've never had a county manager system in this State.

CHAIR TAKITANI: Question?

MEMBER DeLEON: So what's the rush?

MR. MAYER: The rush is that this may be an appropriate time, one aspect of it. This mayor will term out at the end of 2018. We'll have an election at that time. And this is an appropriate time to do it before we get into another mayor, who very likely might be in there for another eight years as we, you know, can see happening oftentimes when people get elected. And we may not have a good opportunity to make an easy transition. That's why I think it's useful to do it now. And I do think you have enough time. That's why the Council selected the group of you to look at it, to review it, with variety of experiences, backgrounds, geography, and everything else to make a recommendation. The Council also will take your recommendation and decide what the exact wording should be to put it on the ballot. So there'll be several checks even before it gets on the ballot to make sure that this is something that may be beneficial

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

**February 25, 2016**

---

to the community. I think the public can be educated later this year as to what the options are, and I think in your going out to the communities now will be part of that education process.

CHAIR TAKITANI: Paula?

MS. FRIEL: Instead of this blank screen, maybe we should put up our resolution for people to refer to. Would that be beneficial maybe? Just asking.

CHAIR TAKITANI: Yeah. I think what Paula is referring to, if I may at this point, and it's something worth giving some thought to. During our discussion period today, we're gonna have wide open opportunity to discuss anything today. But the resolution, unfortunately, or fortunately, did not track the language that was in the Charter Commission's recommendation. In the infinite wisdom of the Council, the wording was changed, and it limited what we're...I believe it limited, and I'll leave that to the attorneys, but it somewhat limited our instructions. So we're not free, as the Commission suggested, to thoroughly review structure of County of Maui government. That's not what we were assigned to do. So just give that some thought, and we can discuss that further. Thank you very much, Dick. I appreciate it.

MR. MAYER: Thank you, Tony. Thank you, and best wishes to all of you.

CHAIR TAKITANI: Thank you. Anymore testifiers?

MS. WILLENBRINK: Yes, Chair. Our next testifier is Mercer "Chubby" Vicens, and he will be followed by Tiare Lawrence.

MR. VICENS: Good afternoon, Mr. Chair, members of the Committee. My name is Mercer Vicens, and I'm testifying as an individual today. I live over in Spreckelsville. Been on Maui for over 26 years. Been associated with the Council since 1992. So what we're hearing today is some of the things that I've heard over and over and over again in the past. One of the things that...one of the advantages of sitting out in the audience is to observe what goes on. And over the years, I have to say that the...some of the times you get very close with the Mayor and the Council where they can work together harmoniously. That is some of the time. Then you have, you know, some strong Councilmembers and a strong Mayor saying I want this and I want that. And we lose a little bit of that agreement between what the Council and the Mayor should be doing. I call it communication, or lack of, and respect for the other's position. What exists today is that, the Council, its Chair, has absolutely no respect to the Mayor's Office. The Mayor's Office is always trying to defend himself off of that. But I don't think that's their job. I don't think that's what they're paid to do, much less what you're here to do today. What is the problem? Why doesn't the mayor system work today? Why does the mayor system work in several counties on the mainland where the mayor and the councilmembers are all in one, with the mayor being the chair? Why? Have we asked that question? Have we exposed ourselves to other kinds of governments that are real life and breathing? I think not. I sat on a committee with Dick, and we were supposed to be in the GPAC for a year, and we were

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

**February 25, 2016**

---

there for three and a half years. Any legislative matter that passes the County Council today takes 10 to 12 years to get out of the system. We're broken, ladies and gentlemen. We're broken both at the Council level, and we're broken at the Mayor's level, if you can believe what the people out there are saying, if you can observe what's happening. It doesn't take much logic to understand that we have a system that is not communicating with one another. How do we solve that problem? That's the key question you've got to ask. Whether you put up the mayor in the current state, the mayor in the council state, the council appointing the new county manager, it's not going to improve anything unless we communicate. People are very, very poor communicators. Why? Because we have selfish motives, very simple. Mr. Chair, I could go on for a long time ranting and raving about what I think is wrong. I'm more concerned about what we can do to make things right.

CHAIR TAKITANI: Thank you.

MR. VICENS: And I, like I said, I've been involved in the committees for many, many years. And I would be glad to share my manao if possible, if you need it. If you can ask a question, and I can answer it, I certainly will. If I don't, I will tell you I don't have the answer. And I think that's where the problem lies. We don't admit that we're wrong when we're wrong, and we take credit for things that are not ours.

MS. WILLENBRINK: Four minutes.

MR. VICENS: Thank you very much.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yes --

CHAIR TAKITANI: Followed by Ray.

MEMBER STARR: --thank you very much, Mr. Vicens. I appreciated your comments, and you really hit a point there. And I think you're maybe digging into why we're really here, which is how do we create and foster a structure that necessitates and creates teamwork? My own thinking comes from philosophies that are utilized both for successful corporate management, and military management, and government that really set out very clearly in the model cities charter and other stuff from the National Civic League, which has been creating these systems for a long, long time, which involves creating a clear chain of command, and then a structure of teamwork where everyone works together, and there's not like two channels going at the same time that fight each other. I hope you can be part of helping us resolve how to do that. But just...you've been...you spent a lot of your time in the corporate world. Do you agree that creating a much more succinct and to-the-point chain of command would be helpful, rather than having two conflicting entities kinda going at it?

MR. VICENS: Mr. Starr, let me answer this way. A corporation has a Chairman of the Board. A corporation has an Executive CEO, and he is the, let's call him the Mayor,

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

**February 25, 2016**

---

for lack of anything else. They also have an Operating Manager, a COO. And he is the guy that sets the policies for everything that goes on under him. He doesn't have to report back to the Board, or he doesn't have to...he reports to one guy, the guy above him. It works. It works when everybody stays in their little cubbyhole. Everybody stays and takes care of their rice bowl, and does their job diligently. So the structure works, but there's a discipline to it that you have to be able to follow. But it does work, and I think that sometimes we talk about public-private partnerships. This is one of the occasions where you can take some of the model, maybe even out of the corporate world, and say I'm gonna compare this to what's happening in Stockton, California, and see how they match up. And if they do, then maybe we steal a little bit of this, and a little bit of that. And I don't care what we do, as long as we become better, and we have that opportunity. And I don't say that you gotta make wholesale changes with what you have. We just gotta be better at what we do. We gotta be accountable for every action that we take.

UNIDENTIFIED SPEAKER: Chair?

CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: Thank you. Thank you, sir, for your comments. I think for those of us who have lived here a long period of time and been through various administrations, and County Councils and Mayors, this is not a new situation that we particularly are involved in right now. And I think to expand into attempting to alter the way government totally works here in Maui County is not exactly what our venue is. I think what our venue is here is to see the better way to have the day-to-day activities. And those managers who are responsible for the day-to-day activities execute their jobs in a better fashion, and to be more efficient, effective, having overview, and somebody who's actually responsible . . .*(inaudible)*. . . I think that's we're here to do today. And...

MR. VICENS: Well, you're making an assumption that some of the people are not doing their job. That is not true. We have some great people out here that are doing their jobs.

MEMBER PHILLIPS: I'm not making an assumption.

MR. VICENS: Are they being managed, you know? Are they being held accountable? Do we have enough wherewithal in the things we do to be able to control the day-to-day activities of running this County? This County has grown from about 72,000 to 147,000. We went over the 2½ million threshold in tourism in December. We are not the same county that I came to 26 years ago. Yet, by far, we are and can continue to be one of the best-run counties in the State of Hawaii. I believe that. I believe that strongly. We've just gotta be able to work together as Mr. Starr said, work together. I don't have to have...I don't have to be right all the time. Just give me a chance to be right some of the time. I say that for the Mayor, and I say that for the Council. They have got to learn to communicate. How they do it, hey, we're all big boys. We're all big girls. Let's start. We gotta start someplace. That's the how.

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

**February 25, 2016**

---

CHAIR TAKITANI: You wanna finish your question?

MEMBER PHILLIPS: I guess what I'm trying to communicate is I totally understand. I don't wanna get into personalities. I'm not making any comment about whether people are doing a good job, or a poor job. My only comment is, if we are going to continue to grow and we're projecting a budget of close to a billion dollars, and a population of 150,000, 165,000, are we to look to a system that is better...better functions on a day-to-day basis than what we have today? Is that something that we should be looking at?

MR. VICENS: Only if it will make it better. I don't know that it will. And that's what Dick was saying. Go out, find out from the public. Find out what they're thinking out there. You've got 11 different opinions sitting over here. But may not be the opinion of Joe Community. It may not be the same opinion that West Maui will have, or Hana will have, because they have different wants and needs. It may definitely be different from Central Maui. So, you know, these are the things that you have to consider when you start looking and poking around. I think that you've got to be able to expose, and explore, and poke, and probe, and then come up with what you believe to be the consensus decision of this group, right or wrong. It doesn't matter. It matters that you guys believe that it's the thing to do.

MEMBER PHILLIPS: I totally agree.

MR. VICENS: And get support from the community.

MEMBER PHILLIPS: And put it out to the community --

MR. VICENS: Yes, sir.

MEMBER PHILLIPS: --as well. Okay, I think that my initial comment was personalities are personalities, people are people. For those who have lived here quite a bit, a long time, we've seen interactions between the Administration and the Legislators that aren't always positive for Maui County. Getting people to cooperate with one another is a very difficult thing. It's like sometimes kids in a play field. How do you do it? And there's nobody in charge, there's no mom, and there's no dad in this situation. So we can be hopeful thinkers; however, is that gonna make anything improve? And so, it's the only comment I have about communicating better. Absolutely, I mean absolutely. It would be happening better in the way this country's run. It's good wishful thinking. And I appreciate it.

MR. VICENS: Well, you say wishful. I say if you don't dream the dream, you never accomplish it.

MEMBER PHILLIPS: I totally appreciate that.

MR. VICENS: Okay, and that's the point I'm making is that we want to be better. How do we get better? How do we get the people to line up behind us that wanna be better?

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

**February 25, 2016**

---

That's the goal, and we cannot give up on that dream. We cannot. I refuse to believe that we can't make it happen.

MEMBER PHILLIPS: Thank you.

MS. CANTO: Chair?

CHAIR TAKITANI: Pua?

MS. CANTO: I wanna take you back to your testimony, Chubby, and I'm always happy to see you. Thank you for being here. You know that I have the utmost respect for you always. I wanna ask you, while we are creatures of habit, yeah, what your remark regarding the reference to lack of communication thereof. I mean it happens everywhere. So are you saying that the lack of communication is between the Mayor and the Council, and back the other way? Or where are we lacking that communication?

MR. VICENS: I'll answer it this way. I think it's a two-way street. I think that you've got to be able to come down when you need to come down to the Council. And you need to go up when you need to go up as a Councilmember or as a Council Chair. You cannot go public as the Chair has done, and blast the Mayor. You cannot do that. Whether you like it or not, you've got to restrain yourself so that you can continue working together. You don't want to put that block in there. And we've put the block in there. This is the worse communication between a Council and a Mayor that I've seen in 26 years. And you have to ask yourself why. We have strong leaders. That's the reason. We have strong leaders. They have goals. They have anticipations of where they wanna go. And yet, they haven't sat down long enough to think about if I were Mayor, what would be my train of thought? And I think if you did that, it would change a lot of the misconceptions that you hold about either office. And the Mayor in retrospect has gotta be able to say, okay, I may not like this guy. I wouldn't shoot pool with him, or play cribbage, but I got a job to do. I'm gonna go do it.

MS. CANTO: Okay, and I have a comment.

VICE-CHAIR SCHAEFER: Mr. Chair?

MS. CANTO: I have a comment, Chair. You know, I believe the County of Maui needs a face of a strong mayor. I truly believe that. And I think that our current Mayor has been that face. Would you agree?

MR. VICENS: Yes, yes.

MS. CANTO: Okay. I'm done. Thank you.

MR. VICENS: In his job he's done a fantastic job. I mean...and, you know, the role that you're talking about is meeting people from all over the world. And I haven't seen the



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

**February 25, 2016**

---

guy handle it better, and the energy that he and Ann put out in this community to be able to represent us is unbelievable. Okay?

MS. CANTO: Thank you.

VICE-CHAIR SCHAEFER: Mr. Chair?

CHAIR TAKITANI: Kay?

MEMBER OKAMOTO: So we're still on communication, and I think everybody agrees this current Mayor, Council hasn't communicated well. Would a change of the system improve something like that? Or is it something else we need to look at?

MR. VICENS: The question is have we evaluated entirely what currently exists? Why? And is it broken? I'm not convinced that we have, okay? I mean if that answers your question --

MEMBER OKAMOTO: Yes.

MR. VICENS: --up to that point, I'm happy. Thank you.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: Hi. So here's my question, did you see the Mayor when he made his presentation here?

MR. VICENS: No.

VICE-CHAIR SCHAEFER: It's too bad. You might've had a slightly different take on the communication. We asked him very specific questions, not hard. Not hard at all, four questions about the administration, and trying to improve our learning curve. The Mayor came down here, didn't answer the questions, and I would describe his behavior is he had a temper tantrum. So there is that's our take. If you take away from what the Mayor had to say, there is a huge communication problem, and let me tell you it is not one way.

MR. VICENS: I agree.

VICE-CHAIR SCHAEFER: We have not had --

CHAIR TAKITANI: Question.

VICE-CHAIR SCHAEFER: --Council Chair down here. Maybe we ought to do that. So my question was, did you see the Mayor's presentation?

MR. VICENS: The answer is no. However...

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

**February 25, 2016**

---

VICE-CHAIR SCHAEFER: I think the video --

MR. VICENS: However...

VICE-CHAIR SCHAEFER: --is available online and you can --

MR. VICENS: Well, I will --

VICE-CHAIR SCHAEFER: --go and watch it.

MR. VICENS: --certainly look at it, Madge. But let me tell you this. A one-night stand doesn't define who the person is, okay. I'll just give you a very short example. Last night I watched the University of Hawaii play volleyball. They played the number one team in the nation. Their first team got blown away in the first and second sets. Coach got upset because he didn't believe that they were giving their best effort. Put in what they call the B Squad. They beat the number one team in the nation. Why? Grit. Why? Determination. Why? They weren't gonna be embarrassed, okay. So my wife is lamenting, God, if these guys can do it, why weren't...he cut the guys? And I said, you gotta remember that in sports, like in life, we're all allowed a day off. Maybe that was their day off. Maybe they weren't up to playing that day. But, however, your whole life should not be defined by one moment. Thank you.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: Hi, Chubby. Hey, one of the things that we're looking at is, like you talked about, what's broken. We're trying to figure out what's broken, and how to make it better. And one of the items that we haven't talked about yet, and I wanna get your opinion on, was with the department heads. And right now how the system's set up is those come and go with each administration, and it creates a lot of chaos at the County, and makes it hard for continuity. Do you think that can be improved under the current system, or do we need to look at changing the system?

MR. VICENS: Well, the only way you can improve under this system is to take those jobs and have basically a county manager make the appointments based on the talent you have, not political appointments. And I will say this, some of the people that are up there are excellent, excellent. Not all, maybe. But, you know, they're giving it the best shot they got. So maybe to answer your question, that would be a way to improve by having this taken away out of that, of that particular market. But that also means that you may get some people in there that can't communicate. So I think the Mayor looks for people that can communicate with others as is one of the criteria. And I would hope that he, the Mayor, works very, very diligently in getting himself and the Chair of the County Council together to take care of some of this malady that we're having now, because it's hurting everybody. And I don't really...you know, maybe they don't realize how badly they hurt us. But the answer is, it could work either way. Some political appointments are great. But if you take that and give it to a city manager, and he's gonna be the guy responsible for having them feedback to him, then you've got a different ballgame.

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

**February 25, 2016**

---

MEMBER HAYNES: Yeah, and I think one of the things that I think is good by looking at a county manager position is you don't have that huge turnover every election period where there's all in and all out, regardless of how good or bad the people are that are in place, or that're coming in. That's not the issue, just the system itself seems to be structured so that it's these breaks every time there's change in leadership.

MR. VICENS: I agree with you. Continuity is everything.

MEMBER HAYNES: Thank you.

CHAIR TAKITANI: Paula, I'm gonna do one follow-up before I call you. I thought we heard some testimony today that some of our...it was the opinion of one testifier that some of our better department heads were not selected by the Mayor or manager, but they were selected by commission. Wouldn't that also be another option?

MR. VICENS: Oh, sure, sure it would be.

CHAIR TAKITANI: Okay.

MR. VICENS: I tell you what we've gotta do though, is you can't have the Legislative Branch hire a county manager, and he reports to them because then you've only got one governmental process. You need to have a separation of powers, so that the guy...if you hired me, let me go do my job. If you don't like it, fire me. But until I screw up, stay out of my way because I'm gonna run my department. I'm gonna hire the people that I believe will be best for Maui County, and on and on and on. So --

CHAIR TAKITANI: Thank you.

MR. VICENS: --I mean, that's it.

CHAIR TAKITANI: Paula?

MEMBER FRIEL: Good afternoon. Mahalo for coming in and being one of the first to point out what is working, and that not everyone is screwing up, or that some people are really doing their jobs really well, and getting things done the right way. And that was refreshing, and I really appreciate that. I also like the way you flip the same question that we have, but looked at the other side of the coin. What governments on...outside of our County, have a Mayor system and is working correctly? And what are they doing differently that we're not? You know, it's the same situation, but looking at it from a positive perspective. It seems as if, and I'm just going by what we've been hearing, but it seems as if the problems this term are more pronounced because of the lack of communication between the Legislative and Executive, without blame on either party. Just both have things that they can both be doing better. If the communication were not so damaged, do you believe that there would be still such a...this push to change or restructure entirely our government system?

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

**February 25, 2016**

---

MR. VICENS: Well, what you just said may be the problem, right. So if that's the problem, and you can solve it by working together, you don't have to create a change. But a stronger concept is this deputy mayor, or county person, because he would be independent of everybody. He would be given a task to run all these departments, make them function efficiently, and he would be the single guy that determines whether the department head is gonna stay, or he's gonna go. We know that in our system today the other reason it's broken is because they're protected by...I won't say unions, but protected by some caveat that prohibits them from either retiring or being retired so we can get better people in there. Sometimes we overstay our welcome, and that's the other thing we've gotta recognize. How you communicate that, and let the person go whole, as sister said that she's gonna retire after 39 years of service, what a wonderful thing to do. And she realizes it's time to go to pasture. Sometimes we don't realize. By the way, good people of Maui, this will be one of the last times you'll see me testifying. On the 29<sup>th</sup> of February I go into my final retirement. I will be available to help make this community better. But I will no longer be employed or a consultant of the parent company of Alexander & Baldwin. And you're the first group to have heard it in public. I turned 80 last week, and I think it's time for me to recognize that it's time to walk into the sun. So I really appreciate what you're doing. I love this process. I love this community, and I will do anything I can in conjunction with the Mayor and the Council, and you to make this a better place for my 13 great-grandchildren. They need to be assured that we're gonna be around, and we're gonna be healthy. Thank you, Mr. Chair.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: I've always really appreciated your input and working with you, and today does not change that. It just makes it even more appreciative. Most managed municipalities, at least those that work with the ICMA, which is a professional association that works throughout the...internationally and the country, they utilize metrics and annual reviews to specific criteria both for the County as a whole, for the manager, and for department heads so that there's an annual review. And so it doesn't wait until things are screwed up so bad that all of a sudden there's a crisis, and someone gets thrown out. I mean we have had situations with department heads who have really stopped working for six months or most of a year before they were replaced. And departments that have not functioned, and we certainly have some great departments now, and have in the past as well. This annual evaluation process is something that I feel very strongly that we need to implement, but that is almost impossible to implement in a fully politicized system like we have. I mean how do you feel about evaluations, and have you worked in a system where everyone who runs a department is evaluated and has to perform?

MR. VICENS: I've been in management for over 50 years. I've conducted evaluations for over 50 years. In my view, an evaluation is to tell the employee what the temperature of the water is at that moment, and for the last year leading up there, and to suggest to the employee how he can become better. If you're using that evaluation for anything else, throw it away. Your job as a manager is to make the people that work for you better than you, okay. Better than you. And the evaluation process, if done right, is a

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

**February 25, 2016**

---

very positive tool. And a lot of people like it. I absolutely love it because it gives me that one opportunity to sit down across the table with one of the employees that I hold very in high regard, or marginally, and say, this is what you've done. That's fantastic job, or look, let's you and I work together and see if we can improve us in this particular area, and move on. There's nothing behind us. Everything's up front. And that's what we gotta remember as we manage people, as we manage systems, as we manage municipalities. We wanna move on. Question? Answered? Thank you.

CHAIR TAKITANI: Is that it? Chubby, just in case you never testified before this...in this building again, I kinda feel would be remiss if I didn't say, thank you for your many years of testimony, and on behalf of the County, mahalo. And on March 1<sup>st</sup> when you officially are retired, how's about you hooponopono this problem?

MR. VICENS: You know, as I said earlier, I have this love affair with Maui that is unbelievable. I mean I don't even understand it. But I just know that I'm a better person because I've been here. I just know that I'm...I think better because I'm here. And I think that the people that I have met over the period of time that I've been here surpass anybody else in the world, really. Mauians are very special people, and a lot of 'em that are sitting in the audience that I've known for long, long time have been friends. And we may not always agree on a particular subject, but that doesn't mean that I'm gonna take my ball and run home. I'm gonna try and figure out how I can get some of their ball, you know, and then work together with them and maybe make all of us better. Like I said, if I can make you better than you are today, then I've done my job. And that's my goal in life, and you know, maybe I'll make it, maybe I won't. It doesn't matter. I'm gonna give it a try.

CHAIR TAKITANI: Thank you, Chubby.

MR. VICENS: Aloha. Thank you very much.

CHAIR TAKITANI: If it's okay, can we take a ten-minute recess?

COMMITTEE MEMBERS: Yes.

CHAIR TAKITANI: Ten minutes.

MEMBER PALTIN: Can we take one more testifier before that, please?

CHAIR TAKITANI: One more. Is it...you know what...ten minutes. Ten minutes.  
...*(gavel)*...

**RECESS: 2:54 p.m.**

**RECONVENE: 3:10 p.m.**

CHAIR TAKITANI: ...*(gavel)*... The meeting come to order. Ms. Willenbrink?

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

**February 25, 2016**

---

MS. WILLENBRINK: Yes, Chair. Our next testifier is Tiare Lawrence, followed by Arianna Feinberg.

MS. LAWRENCE: Aloha e, Committee Members. My name is Tiare Lawrence. I'm a small business owner, mom, and a resident of Upcountry Maui. I come here today in 110 percent support of a county manager model. I believe now is a great opportunity for us to take a progressive approach at how things are managed at the County level. Like Uncle had mentioned earlier, he too, is...he loves Maui, and I love Maui so much too, and mahalo for your comments earlier because, you know, Uncle had mentioned earlier that the system is broken. And yes, it truly is broken. So why not we take a more progressive approach, and give it a try. You won't know until you try, and that's why I encourage you folks to please vote yes, and give the opportunity for the residents to decide what they want. And it's up to you folks. You have nothing to lose. It's basically giving the opportunity for our residents, our voters, to come up, and you know what? If you put it on the ballot, you probably encourage a lot more people to come out and actually vote, which is an issue here on Maui. So let's give it a try. Let's take a progressive approach at how things are managed. I also do believe that we need a county manager to come in and hire people with experience. I would like to see more accountability and transparency, and I think that's lacking right now. And I think that a county manager is somebody that can oversee the operations, day-to-day, and also encourage communication among different department heads. So I come here again to encourage you folks to please vote in favor of a county manager. And I think now is the time, and why wait? Like Uncle had said, oh, you know, the Council anytime things get done it takes 12 years. You know what? Let's not take time. Let's do it. And you know what? I agree with Dick Mayer. Maybe community meetings do need to happen over the course of the next four weeks. I would encourage, you know, maybe four community meetings held at night so that more of the community can put their input in. And I believe that when you do that, you too will find it in your hearts that, yes, this is something that we need to do for the people of Maui, and that they, too, will come out and say, give us the opportunity to vote for something awesome, like a county manager.

CHAIR TAKITANI: Thank you. Any questions? Madge?

VICE-CHAIR SCHAEFER: Well, thank you very much for coming before us again. I appreciate it. It's interesting you talked about the voter turnout. I was curious because I think Kay had raised the question about voter turnout. And so I went to the County Elections, and was really surprised that how...first of all Maui County has the worst.

MS. LAWRENCE: Thirty percent during the Primary, and 50 percent during the General Election. That's pretty sad. But I think we need to motivate our voters to come out, and this is just another awesome opportunity to encourage people to register to vote, and have a voice.

VICE-CHAIR SCHAEFER: Great, thank you.

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

**February 25, 2016**

---

CHAIR TAKITANI: Dave?

MEMBER DeLEON: Hi, are you familiar with the fact that all the social science research on this shows that the county manager system promotes less voter turnout and less in civic engagement?

MS. LAWRENCE: Actually based on my research that I did lately, I've heard through other blogs and research that I've done online, that a county manager has actually been quite successful, especially in Orange County where I have a lot of friends that live there. And they were very supportive of a county manager. And based off of some of the research I did, it seems like a lot of people are actively involved in voting. But the great thing about a county manager that I wanna address that I didn't get to is this is an opportunity to take money out of politics, because now you have a Council deciding who gets to have that job. No ties, no money. This is somebody that is hired by a panel of eight to nine members, and that were voted by the people. So I think this is a great opportunity.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yeah, Tiare, thank you for being here today. If we're able to take this out to the community, and further if it were to go onto the ballot, what are the tools that we could use to get people more aware, particularly younger people who maybe are first-time voters, or interested.

MS. LAWRENCE: I'm glad that you said that.

MEMBER STARR: Tell us what...how we could really create excitement to make this.

MS. LAWRENCE: I've got great ideas.

MEMBER STARR: Please share them.

MS. LAWRENCE: So one of the things that I would suggest...like I'm a social media whore, and so that's...and I'm gonna tell you that because millennials don't vote, and so I will personally...I will stand here today...I will personally make it my effort to get millennial voters out to come and vote if you put this on the ballot because I think it needs to happen. So I would suggest social media. I would even suggest, you know, perhaps the County fund, maybe offer a small grant to a group of millennials like, you know, we have some awesome millennials here, Tim Lara and Arianna Feinberg, who are part of the young Democrats, who I'm working with also to help push the vote. But, you know, we do need resources. And I think social media, short videos, YouTube videos, and just organizing community events is a great way to encourage voters to come out.

MEMBER STARR: When the last Charter Commission did its work, they had some public meetings, and frankly, the questions they were doing dealing with were pretty wonkish, and pretty detailed. But still, when they had community meetings, they were only a handful of people who attended. And if this went out to community

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

**February 25, 2016**

---

meetings, do you think it would be possible to pack the room with people really interested in being part of that discussion? Or do you think we'd end up kind of with the same three people who come down here?

MS. LAWRENCE: Oh, absolutely. And you know why? Because I'm a major supporter of this, and I don't know if you know about the Aloha Aina Unity March in Lahaina that attracted close to 5,000 people. Well, that was something that I helped organize, and we have a strong team of young leaders here on Maui that are great at organizing community events. And I'd be happy to help you guys facilitate something like that because I think that is something that the community should have an opportunity to come out. You know, like for myself, I...my store is closed for the past two and a half hours, going on three. And I left, booked it here, and you know, unfortunately, a lot of people don't have that convenience, and they're stuck at work. And I know a lot of people wanted to be here today.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: It just gives me such hope to see these enthusiastic young people out there ready to replace us.

MS. LAWRENCE: Well, and...

VICE-CHAIR SCHAEFER: Some of us.

MS. LAWRENCE: Well, no, not necessarily. I just think that we need more accountability, and we need to take a more progressive approach. I think being conservative is outdated, and I think right now more than ever with everything happening in the world, we need to be progressive. And I think there is a coalition building that's happening among our community. And that's because people really want change. And so I encourage you guys to make the right decision, and vote yes, and give people the opportunity, 2016, let's do this. Take one for the team. Put it on the ballot.

CHAIR TAKITANI: Anybody else? Thank you very much.

MS. LAWRENCE: Mahalo nui.

MS. WILLENBRINK: Our next testifier is Arianna Feinberg, and Arianna will be followed by Larry Feinberg.

MS. FEINBERG: Hello, hi, I'm Arianna Feinberg. I'm born and raised on Maui, and I run my small family business that operates Statewide. I'm here today because one of my kinda key issues in life, and what pushes me forward is that I would like to get money out of politics, and make government more efficient and effective, and get more people to vote. And I think that moving to a county manager could help with all of those things. I think that currently in our mayor system, it is the people in the departments, they...with the turnover, it's their responsibility to get the Mayor elected again, instead of what is actually best for the whole community. And what is best



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

**February 25, 2016**

---

for...unfortunately, their thinking and what...how can we get the most campaign donors, and how can we get the people that have the power that harness the votes. 'Cause not everyone votes, not the whole community votes, unfortunately. We need more people to vote. And when I talk to people about why they don't vote, they say, it's because, you know, they just have this perception that government is ineffective and corrupt. And I think that we need to make kind of a drastic change. Like you guys have the opportunity to create, to restimulate people's interest in government, and get them more engaged. And I wholeheartedly support the notion that we should have evening community meetings for you guys to reach out and talk with the people of our community. And because it's really hard to make it here at 1:00. I would've loved to come to your previous meetings, like just learning today hearing people talk, like it's fascinating for me. But I can't make it. I work 9:00 to 5:00, and a lot of other people do. I think that people would come out to this. We definitely do need more social media, newspaper, *Maui Time*. I loved reading the op-ed so far. And I think people are engaged, and every time they learn about it, they get excited, and have more questions, and want to learn more, and are excited about the potential for change. So please, you know, when I read the newspaper saying that maybe you guys would, you know, vote and just stop whatever this...the Special Committee is. It was very upsetting for me, and so that's why I skipped work and headed on down 'cause I'd really like to encourage you guys to continue on, keep asking questions, keep learning, and make a informed recommendation to our Council that I hope will be to move to a county manager form of government. Thank you.

CHAIR TAKITANI: Thank you, Arianna. Any questions? Tamara?

MEMBER PALTIN: So you mentioned getting money out of politics. Are you familiar with the ICMA ethics and standards at all?

MS. FEINBERG: Not exactly.

MEMBER PALTIN: Okay, you know, I was...one thing I wanted to run by you that I was thinking of, you know, when you appoint a manager, or a director heads, what you think about having it within the contract, or the clause, that they are not allowed to make campaign donations at all?

MS. FEINBERG: That sounds great. That sounds really...that's a great idea. And I think that we need to have more discussions of ways that we can, you know, create that separation that you don't have the people that you would be hiring, you know, be responsible to campaign for you or, you know, get contributions for you. Yeah, I think that's extremely important.

MEMBER PALTIN: Thank you.

CHAIR TAKITANI: Kimo, followed by Kay.

MEMBER HAYNES: Aloha, Arianna.

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

**February 25, 2016**

---

MS. FEINBERG: Hi.

MEMBER HAYNES: Hey, one of the concerns that's been raised if we were to go to a professional manager was that there'd be no check and balance between the Council and manager. You know, from your perspective as a young up-and-comer, what do you...what's your opinion on that?

MS. FEINBERG: I don't see that as an issue like...actually my idea of sort of the ideal government I think maybe it's a little bit too radical for what you guys move to, where you would have district elected County Council, like people, and then have the Council Chair be elected Statewide, you know. Have everyone vote that and then they would be the ones that put in...or the Council Chair would be who did the committee chairs 'cause that's very important. And...but...anyways I don't see that being an issue 'cause I think that we've seen enough other communities that have populations of our size that it's not issue, so.

CHAIR TAKITANI: Kay?

MEMBER OKAMOTO: Would you say your biggest concern is the idea of the money and the politics?

MS. FEINBERG: Probably efficiency, just government efficiency. But the turnover from administration to administration is disturbing to me.

MEMBER OKAMOTO: So...

MS. FEINBERG: And I think it can be done better. I think there's a lot of room for improvement.

MEMBER OKAMOTO: Okay. So turnover and especially getting the politics out of the --

MS. FEINBERG: Yeah.

MEMBER OKAMOTO: --running of it. Okay, thank you.

CHAIR TAKITANI: Thank you very much, Arianna.

MS. FEINBERG: Thank you.

MS. WILLENBRINK: Larry Feinberg, followed by Dale Bonar.

MR. FEINBERG: Good afternoon, everyone. I actually wasn't gonna come down here, but my daughter forced me to. And I'm one of these people that I want the best for everyone. And knowing that, I can't see that...you have such an important decision to make that it would be taken so...not that you're taking it lightly, but in such a short amount of time that today would be the final day. And I think it's very important to go out to the community and speak to a lot of people. And when this came up, I have friends on

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

**February 25, 2016**

---

both sides of the aisle, and personally because anybody can run for Mayor, the next election cycle, I was gonna throw my hat into the ring just to get out there. Not spend any money, but *The Maui News* will interview me, these people, because I feel that if the government, the Maui County government, you have rules and regulations, all the people have to do is show up and do their job properly. Do it with aloha. Make sure that the County runs properly. I've been here for 33 years. I've lived through a number of Mayors. I think most of 'em have done very good job. And I like this Mayor. I liked the...well, the last Mayor's another story. But I really feel that Maui, just like Chubby said, is one of the best places in the whole entire world. And a lot of the people in this room have come from other places to make Maui a better place. And that's what I would like to see. So hopefully in your wisdom, that you will, you know, keep it going, and getting more and more opinions because it's a very important subject, and it's nothing lightly. It's a brand new thing, and change is very difficult for a lot of people. And, you know, you could say if it's don't fixed, broke it...if it's not broken, don't fix it, whatever. And at this point in time as we've heard and we've seen over the last couple of years, the Council and the Mayor are diametrically opposed on a lot of things, and it does create a logjam. And we can't afford that. We cannot do that. And I'm sorry to say, seeing the cane company closing down, it hurts me because it'll take away our 36,000 acres of front lawn. And for all the people that say we can do other things, it's not that easy. And we have to keep Maui great. And it's your job to...it's a very tough decision what you're making. And I just want you to think about it seriously. And thank you very much.

MS. CANTO: Chair?

CHAIR TAKITANI: Pua?

MS. CANTO: So, I'm sorry, can you define your position on the item, on the issue then?

MR. FEINBERG: Ooh. At this point in time, I'm in the same position you're in, to where the jury's still out. There's a lot of pros, and there's a lot of cons. I've...like I said, I know people that are very much behind it, and then there are people that are opposed to it. And I see both sides of the issue. I want what's the best for Maui County. I want, you know, the DMV to run properly. I want the Planning Commission to run properly. I want people to come in and do their jobs with aloha, just what they're supposed to do. It's not like they have to make it up as they go along. There are rules and regulations to run this County as the government is supposed to run. We all pay our taxes. We pay a lot of money in taxes, and we should get the services that are provided. For me to see...not be able to go to the County landfill on a Sunday when most people that work during the week, work in their yards and they wanna dump their trash, and they can't go there, that is not right. And for either the Council, or the Mayor, or everybody pointing their fingers. Oh, we don't have the money for this. We don't have the money for that, but you have a lot of money for other things. But for something that everybody uses, and for it to be closed at 3 o'clock on Saturday, and not be open on Sunday, that's not right. So --

MS. CANTO: . . .*(Inaudible)*. . .

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

**February 25, 2016**

---

MR. FEINBERG: --whoever's gonna fix it --

MS. CANTO: Thank you.

MR. FEINBERG: --that's who I'm for.

MS. CANTO: Thank you. Thank you, Chair.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: So, Larry, our position is not to make the decision here, but to put something on a resolution out there. What's your position on that? Should we move forward with...

MR. FEINBERG: I feel that you should put it forward, and let the course of action take place further down the line, instead of saying, well, we're not gonna do anything, you know. I don't think it warrants that. And also, congratulations on the wonderful piece in the paper about your parents. And I've always told my daughter, I said, being a philanthropist is the best job you can have. And hopefully if she gets into politics, she'll be able to make it better.

CHAIR TAKITANI: Any more questions? Thank you very much, Larry.

MR. FEINBERG: You're welcome. It's a pleasure to be here.

CHAIR TAKITANI: Appreciated seeing you here.

MR. FEINBERG: Aloha.

MS. WILLENBRINK: Chair, our next testifier is Dale Bonar, and he will be followed by Mahina Martin.

MR. BONAR: Hello, Chair, Members of the Committee. I hadn't intended on testifying, but in response to a couple of the questions that were presented, and I thought just clarifying some answers based on the various research and things that have looked at extensively. By reference, we've also...we, a number of us, have gone to lots of community meetings, Rotary meetings, and things, and just talked with people. You know, what do you think about this? Which almost overwhelmingly, the thing is boy, yeah, something's gotta be done to fix. And I mean, that's the point, is the fixing. And like some of the others have said, I think the turnover of senior management staff has been very harmful to us, and the inability to...for the Mayor or the Council to be able to offer somebody a director's position for any more than a short fixed period of time there. Being able to say as long as you're doing a great job, pass good reviews, you're doing fine. I have a couple of suggestions about the hiring question that's come up here. What a number of other places do is we'll have, you know, where the council or the supervisors, whatever's it is, may be the responsible body for hiring, and then

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

**February 25, 2016**

---

oversight of that one senior manager there, is just you put...in the first place you run a formal search for it, use a good search firm. You're talking about a high-end need here for a manager that's running a county with a budget and the size that we are. You have...the Council would have a committee set up, and would include citizens at the same time. So there's good flow back and forth about the people. Have them elected by...or have the chosen person chosen by a super majority of the Council, six out of the nine, or whatever the Council would decide. And the same thing would be true if there was a decision to remove a person from that position, it would be at that same super-majority level. There's a number...some people had suggested, well, we could have a structure where one of the Councilmembers is the manager, and that could cycle every year or two years, or whatever. That may work okay in really small jurisdictions. In the first place, people of Maui want to vote for a Mayor. And so it's also been pointed out by some of the Councilmembers that the responsibility of being the head of the Council and sitting at that desk there as individuals do, is a heavy one. To do the mayoral types of things at the same time, it would just be overwhelming there. As far as the duties of Mayor, and there's many different places that have the descriptions that could be chosen to do it. One of the things is a Mayor is elected because they're a politician. They're out in the people. They're talking with the people. They're the visible person there, and so typically they're measured by popularity. The face of Maui needs to be somebody who is willing to be out there, to talk to people, to be charismatic, to try and include, you know, working with the State, working with the Federal level, working with our foreign dignitaries, our sister cities, those kinds of things. And so there are those kinds of benefits to having an elected director.

MS. WILLENBRINK: Three minutes.

MR. BONAR: To finally answer one more thing, that's the question that Dave presented, is why is this suddenly urgent now? For more than 20 years, the Charter Review Commission's been recommending that this be taken a look at. It's seen as too big for the Commission because they've got so many things on their docket when they're considering at each ten-year interval. The...in the past, either the administration or perhaps Council has chosen not to bother about setting up the Commission. And I mean there were several years after our last Charter Commission that made a strong recommendation that a committee be set up to look at it. And it's kinda gotten forced at the last minute. So the reason for addressing this and dealing with it now is because otherwise it's kicking the can down the road again, which is one of things we're all so tired of in politics. So --

CHAIR TAKITANI: Questions? Jonathan?

MR. BONAR: --I'm in support of idea of a professional manager that would...

MEMBER STARR: Mr. Bonar?

MR. BONAR: Yes.

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

**February 25, 2016**

---

MEMBER STARR: Annual review for a manager, if implemented, any suggestions?

MR. BONAR: Absolutely.

MEMBER STARR: How?

MR. BONAR: There's lots of examples out there. I mean anyone that's worked in a company at a senior management level...

MEMBER STARR: Yeah, how do you do it?

MR. BONAR: You have set criteria that you're evaluating somebody by. Typically what you do is say, okay, what was the performance this year, you know, and you can look at what was planned from the previous year. 'Cause in a good management system, you've got plans usually that go even more than a year out. How successful are you? What are the benchmarks that have been made? What are the hurdles to getting to that point? And, you know, so it's an interaction rather than a, oh, you didn't do this, bad, bad, bad. It's getting to the root of why those things aren't getting done. It's doing ideally, in the best of all worlds, you do 360 reviews where if I'm being interviewed, if I'm a director or executive director, or whatever, that the staff gets checked with, you know, what kind of evaluations go on. ICMA's got some really good examples of that. There's a similar one that looks at ethics, you know, are these things all being done ethically. So you talk to employees under their supervision. You talk to their supervisors. And I mean what's really good is for personal development looking at, okay, where could you be doing things better. You've gotta be careful about that when you're dealing with the senior manager and who does it. But there are all sorts of those kinds of examples to sit and do a careful evaluation and --

MEMBER STARR: Okay, thank you.

MR. BONAR: --for the County to say how can we make your job work better.

CHAIR TAKITANI: Any other questions?

MR. BONAR: Thank you all very much.

CHAIR TAKITANI: One quick question.

MR. BONAR: Yeah.

CHAIR TAKITANI: You kinda...when you were explaining what the Mayor's position looked like, you kinda made 'em look like a backslapping Joe Aloha. And he's out there in the public, he's talking story to people, he's hearing them out, he's getting their concerns. But he has no authority to do anything is what it sounds like. If the Council has all the appointment powers, and all the management powers go with the manager, it somewhat looks like a figurehead. Why would anybody wanna talk to him?

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

**February 25, 2016**

---

MR. BONAR: Okay, 'cause in the...well, in the first place for some people, that's what they do well, that's what they're good at, they like, you know, being out there interacting. And the second place, I'll challenge the way you said that. If they have no interaction with Council and no powers you say, then that's gonna happen. But as you've heard repeatedly here today, one of the big problems we have is that there's not enough interaction. Typically, in most jurisdictions where there's a manager system, the manager will sit in on county council meetings. And the manager is actually an educator of the county council about, you know, what's happening down there, you know, what the needs are, the challenges they're feeling. And those are the kind of things that, for the most part, do not happen now. Our reports that come from the various County departments, you know, which are Charter outlined, you know, these should be filed every year, they should do these benchmarks and things, some of the departments it's been years since there's been anything practical that's been produced other than a short, oh, here's some pictures of our...of all of our employees that, you know, out doing whatever they're...but it's that integration that is so critical. And if you have a place...I mean it's why in some jurisdictions where the mayor is a member of the council. I should also say that in jurisdictions where it's an elected mayor, they're not sitting on the council as a councilmember, is that often they still have a veto power. The Council could override that veto, as they do now. But it gives them that choice. They are also, if you integrate the establishment of people who are on commissions, who are on committees and things, by doing it as a consultation...I mean the fact that our department chairs, deputy directors and...department directors, deputy directors, they're appointed from one single person here now. And up until recently, I know that there's been a bill that Riki Hokama has just introduced, saying, you know, the Council should be, you know, at least reviewing and approving this, which has been something suggested for years and years and years, and it just got dismissed. It's those kinds of things that are gonna make a larger, better cross-interacting type of a government in total, Administrative and Legislative both.

CHAIR TAKITANI: Would Hokama's bill improve things, in your mind?

MR. BONAR: Well, I mean it will help in that you've got the...what would really improve is that, yeah, they approve it, but the directors are also then going to be, you know, not permanent from necessarily a union standpoint, but, you know, you keep doing a good job, you'll stay. You're not gonna be out at the next mayoral election as things stand now. Provides a consistency, it provides more feedback.

CHAIR TAKITANI: If they have advice and consent, why would they...

MR. BONAR: Yeah, essentially, yeah.

CHAIR TAKITANI: Wouldn't it behoove a new mayor to keep them?

MR. BONAR: To what?

CHAIR TAKITANI: Wouldn't it behoove a new mayor to keep an old director --

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

**February 25, 2016**

---

MR. BONAR: Absolutely.

CHAIR TAKITANI: --who has sailed through the Council?

MR. BONAR: But let me ask you how...yeah, if it would sail through the Council, absolutely.  
I mean all we gotta do is look at how often --

CHAIR TAKITANI: So if they're doing it...

MR. BONAR: --that happens, right now.

CHAIR TAKITANI: If it's the Council that advised and consented to it, and the new mayor came in would it...

MR. BONAR: Yeah. If somebody left and there was a new position open...

CHAIR TAKITANI: No, let's say there's the same position.

MR. BONAR: Okay.

CHAIR TAKITANI: Public Works Director, and we beefed up the requirements, and the new Mayor came in, and the Council had supported this person for eight years, and continued to do a good job. Wouldn't it probably behoove the Mayor to keep the same person, and/or come up with somebody better, because they already know his work ethic and the quality of his work?

MR. BONAR: That's right.

CHAIR TAKITANI: And they have advice and consent.

MR. BONAR: That's right.

CHAIR TAKITANI: And if they withheld that, the person wouldn't be appointed.

MR. BONAR: Yeah, but on the other hand, the Mayor could still come in and say, well, I'm just cleaning house and starting over, the way it happens so often now. You know, this would give...you know, there's often the claim, well, you know, you get more turnover in these kinds of positions. That is gonna happen if you can't offer people good positions. I mean people who are near the end of a mayoral term, if there's a vacancy in a department...you know, if I'm gonna ask you to leave your job, and take this job, but I can only guarantee it for two years. You know, the pool that you've got to choose from is gonna be enormously different than say, here's a long-term position as long as you're doing a good job and survive your annual review.

CHAIR TAKITANI: You can only...what I'm not getting ...*(telephone rings)*...



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

**February 25, 2016**

---

MR. BONAR: You need a 12-year-old, right?

CHAIR TAKITANI: I'm sorry. I'm good, thank you. Any other questions?

MR. BONAR: Okay, thank you.

CHAIR TAKITANI: Thank you, Dale.

MR. BONAR: Thank you all very much.

*(Telephone rings)*

CHAIR TAKITANI: What just happened?

MS. WILLENBRINK: I haven't a clue, Chair.

CHAIR TAKITANI: Did we lose one of the...

MS. WILLENBRINK: Someone, some person called this number so I had to answer it, but then we lost our connection to Molokai and Lanai. So I thought I could quietly...and that didn't work.

CHAIR TAKITANI: Are we allowed to proceed, or should we wait for you to...

MS. WILLENBRINK: Well, no one from Lanai or Molokai has e-mailed us.

CHAIR TAKITANI: Oh, okay, all right. Okay.

MS. WILLENBRINK: So I think we're fine.

CHAIR TAKITANI: All right.

MS. WILLENBRINK: Our next testifier is Mahina Martin, followed by Tim Cara.

CHAIR TAKITANI: Okay, thank you.

MS. MARTIN: Aloha.

CHAIR TAKITANI: Aloha.

MS. MARTIN: My name is Mahina Martin. I was not going to testify today, but I was so inspired by Chubby Vicens and Tiare Lawrence that I thought maybe I should say a little bit about what's on my mind. If I say everything, then we might be here till Monday, so I'll just share a little bit. You know, I have been part of many things in the last...most of my adult life, so that's about 30-something years. I've been working with government. I've been inside government. I've been working with nonprofits. I've been employed by nonprofits. I've been very lucky to be just, you know, working with

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

**February 25, 2016**

---

corporations and part of a corporation. My public work has gone through our Hawaiian Home Lands as a former commissioner. I was very, very fortunate to be part of the leadership to work on the overturn of the Public Land Development Corporation that threatened our public lands many years ago. And I say this because all roads have led to the community, all of it. So in this important decision that we're faced with now as a community, I think it would be fortunate and helpful to open the doors a little bit to the public and allow for time and opportunity beyond the afternoon meeting where most folks on Maui we know work, you know, couple of jobs just to survive, and many, if not all of you, 'cause I don't know all of you personally, have reached out to a lot of folks in your own circles or, you know, leaders in the community and asked the questions and looked for feedback. But there are many that are not being asked. And Molokai, Lanai should weigh in. Whether they show up or not, whether it's 2 people, or 20 people, or 2,000 people, they've had the opportunity. So, you know, I really encourage you to pursue that. You know, we are talking a lot about communication, and is there a breakdown in communication, what more can be done, can it be differently, or better, or...I wanna add to that a little bit. I do think communication is a factor, but I also think that there's trust. And the trust factor, you know, is so critical that the public needs to feel that they can trust not just the...both the Legislative Branch and the Executive Branch, but they can trust you as a committee. Because like those two branches, you represent the different parts of our community. There are nine Councilmembers representing their districts as well as everyone else because it's...everyone gets to vote for them. An elected Mayor represents the constituents that put them into office, and they all look out for the better good, just like the task that you sit on as a committee. So each of you represent different backgrounds, different experience, different, you know, something you can bring to the table, or your contacts that you bring to the table, or the experience that you and your contacts have had. So I encourage you to broaden that a little bit 'cause we expect that from the Council, and from the Legislative and Executive Branch. And it can do no harm to ask the question and leave that open. A lot of time, you know, we talk about what Maui deserves, and I agree. I do everything so that Maui can move forward. I do everything whether it's corporate, public, community, athletes, high school, or general public to move us forward. And we need to move forward, but we need to move forward together. But we need to define it the way Maui wants to define it. That's the key. So mahalo for the time, appreciate it.

CHAIR TAKITANI: Thank you. Any questions? Thank you, Jonathan.

MEMBER STARR: Thank you, Mahina. I know we had testimony today that we should have four community meetings in West, South, Upcountry and Central. And since then, I've been thinking about this, and I'm from East Maui, and whenever I go to Hana people grab me and say, when the Committee gonna come Hana and hear our manao? And, you know, I remember times when Planning Commission, we go to Hana and there'd be 30, 40 people with really intelligent comments and wanting to know. And when I was Board of Water Supply and we would go Molokai or Lanai, most of the time we'd pack a room, and people really were interested and happy that they had an opportunity to be part of that. So I know how hard it is to schedule meetings in Hana, Molokai, and Lanai, but I feel that's, you know, maybe that should be part of the

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

**February 25, 2016**

---

process. And I know you've had experience in Hana, and Molokai, and Lanai. I wanted your comment on this.

MS. MARTIN: Absolutely. I think that those remote communities deserve the attention, equal to what others. It's cumbersome, it's definitely logistically difficult to do. But it's difficult for them as well to come here. So why is the onus on those communities? You know, that's to me, leadership. Is to step out and go where we need to go.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: Aloha, Mahina.

MS. MARTIN: Hi.

MEMBER PALTIN: Thank you for coming. I don't mean to put you on the spot, but if you were in our position, do you have an opinion as to whether there should be to a vote, or whether you support the council-manager setup, or council-manager-mayor, or mayor-council setup?

MS. MARTIN: I think it's a really complicated issue. And I'll tell you why. Because I have been in a unique position with working with Mayor Charmaine Tavares who came before you and gave you her input and insight. And she's far more technically adept than I am at, you know, in government and operations. But I think it's too complex. I think that it is too important, too critical, and too historically-changing for our County to sit in a room and make that decision. And I have not delved into it enough to look at the details of what those impacts are. But I will tell you that we are a community in conflict. We really are. In the last 24 months, our community has marched 5,000 strong on the streets of Lahaina for Aloha Aina. Our community has blocked a project on Haleakala. Our community has been in dogfights over the closing of HC&S. I'm just saying it out loud, 'cause we all agree and I see heads nodding. And our community can no longer survive that, and yet continue to say we wanna get better. So until we have those community conversations and be inclusive and understand what that respectful process is, it's really, really difficult to make historical decisions, you know, in a room. I really feel that strongly.

MEMBER PALTIN: Can I just follow up too? A lot of people have mentioned that, you know, the people are in favor of a mayor-council setup is the checks and balances. And for me personally, I don't see the checks and balances taking place. And I just wanted to ask your opinion having been in an administration and being without...outside of an administration, what is your opinion on the checks and balances in either structure, if you have one?

MS. MARTIN: Checks and balances, I feel that you do need the...you do need the Executive Branch and the Legislative Branch because as I said, nine folks represent their districts, and you have one, you know, Mayor's Office, and the Administration that side representing. And the assumption is that campaigning is so difficult, but it forces candidates to get into the public to listen, to hear, to kinda weigh what the issues are,

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

**February 25, 2016**

---

get into office and employ all your authority and power to respond to that. That's why that process is critical and important. And I too feel that more people should vote, so they can own their process. But the balance of power is necessary, so I would not, personally, in my experience, eliminate the election of a mayor because it fulfills that, that checks and balances. I think that accountability and execution of the accountability changes by the skill level of either a Councilmember, or a Mayor, so I think it kinda depends. From experience, I can tell you that the transition in and out of an administration is a very complicated one. And coming from outside the government, you know, it took me a while to sort that out. That was quite an eye-opener. I anticipated that it was a difficult thing to do, but you know, in the eyes of the outside 200 South High Street, you know, no one really knows what goes on and how difficult that is. And going in and exiting are not quite simple. They're just really critical things that happen that you lose traction on, or just an overhaul, or it takes months for someone to gain some ground.

CHAIR TAKITANI: Thank you very much, Mahina.

MS. MARTIN: Thank you.

UNIDENTIFIED SPEAKER: Thank you, Mahina.

MS. WILLENBRINK: Our next testifier is Tim Lara, sorry. And excuse me, sir, would you like to testify after Mr. Lara?

MR. LARA: Thank you. My name is Tim Lara. Sorry for my bad handwriting. And if I could just gonna give my time, and let Mahina come back up. I think you're probably better served listening to her. I'm in favor of this moving forward, primarily just for the part of the appointments of department heads. I kinda look at these different departments as being their own entities, their own businesses. And so to change out, you know, the CEO of a company every four to eight years isn't the best way to run a business. I own several different small companies here on Maui. I also serve on several nonprofit boards in Hawaii and on Maui. And I see it just not being a very effective way where your primary position should be operational, yet it becomes political. So in a operation sense we need, you know, intelligent, qualified people running these departments so that Maui can function, so that Maui can operate and move forward. But, unfortunately, we have appointments that come in, or have the ability anyways, for appointments to come in that might not have anything to do with the job description. You know, whether that's to launch a political career, or pay back a favor, it opens the door for that to happen. And so I'm strongly opposed to that system, and I think that if we had opportunity to hire good people, find good qualified people, it would really just help the County move forward in a positive way.

CHAIR TAKITANI: Thank you, Tim.

VICE-CHAIR SCHAEFER: Question.

CHAIR TAKITANI: Questions?

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

**February 25, 2016**

---

VICE-CHAIR SCHAEFER: Yes.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: Thank you for testifying. My question is, do you think that a job description that simply says five years of experience is a good enough job description for a department head in the County?

MR. LARA: I don't think it is. And even if that was the only qualification, we're not going by that anyways. Because we, you know, we have departments right now where people haven't served in that capacity for five years, and are appointed when the person right underneath them has actually served in that department for at least a couple of years, but they didn't meet the five-year requirement. Therefore, they couldn't have that title. Yet an appointment comes in that has no experience in that department, and is running the department. So even if that was the only qualification, we're not even going by that right now. But, no, I don't think that's the best qualification, or needs to be the only qualification. When I hire my managers, you know, I definitely don't say you need to have five years, and that's it. There's a lot of other qualifications I look for before I hire somebody to run my business for me.

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Thank you very much, Tim, appreciate it. Next?

MR. LARA: Thank you.

MR. LAW: Aloha.

CHAIR TAKITANI: Howzit.

MR. LAW: Citizens of Maui, Commission Members, me llamo Jasee Law. That's J-A-S-E-E L-A-W for the record. Thank you for working for the community and not getting paid. I used to stay at a small city in Virginia called Fredericksburg. They had a seven-member city council, including the mayor as chair. They all had four-year terms, but the elections were every two years. The mayor and at-large candidates elections were held together, and the four ward candidates were held together. The city council had three employees, a city manager, city lawyer, and a city clerk. They all had yearly evaluations in closed session. I started attending city council meetings in 2000 when Bill Beck was elected. He was like Thomas Jefferson. He liked freedom of speech. He didn't like the old city manager who was suspected of being in cahoots with the big developer in town. You know, it was a small city, we only had one developer there. And he was there for about ten, maybe like a whole decade. Two years after Beck was elected, he got more allies on council with the next election. He got a majority vote, and he terminated the contract to the old city manager. It took over a year to find a new city manager. The next election Bill Beck lost to a doctor with almost no political experience. So now Fredericksburg had a manager with little

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

**February 25, 2016**

---

experience, and a mayor with no experience. A few of the directors didn't like me as a community activist, and convinced the new manager that I was a bad egg, and then the new mayor started thinking the same way. I even got banned from City Hall, believe it or not. The new manager's head got bigger and bigger, and about a year later he got cheating on his wife with a employee at the Economic Development Department, also known as the visitor center. And his contract was terminated for ethics violation. I felt sorry for the poor sap, but he got a job making almost as much. He probably needed it for the alimony.

CHAIR TAKITANI: Thank you, Jase. Any questions?

MS. CANTO: Jasee, I have a question.

CHAIR TAKITANI: Pua?

MS. CANTO: Oh my goodness. What is your position on the issue at hand?

MR. LAW: That's a tough one, 'cause I've only been here two years. I feel like, I haven't been up to the 9<sup>th</sup> floor yet, but I feel like...I'm trying to go with the process. I feel like I'm supposed to talk to the Mayor first, but our Kula representative, Gladys Baisa, attends all the community meetings so I've talked with her more. I just haven't had a chance to come all the way over here and talk with the Mayor 'cause he's a pretty busy guy. But they both...I haven't been up there so I can't compare with these guys stay behind locked doors. I don't know if his is locked or not.

MS. CANTO: It's not. Thank you.

CHAIR TAKITANI: Dave?

MS. CANTO: Thank you, Jasee.

MEMBER DeLEON: So would you characterize your experience in that other Virginia community as less than perfect as far government is concerned?

MR. LAW: Less than perfect?

CHAIR TAKITANI: How's about just interesting?

MR. LAW: Yeah, I can't...I don't understand the question.

MEMBER DeLEON: Okay.

MR. LAW: Less than perfect, aren't we all?

MEMBER DeLEON: Well, I mean...not ideal?

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

**February 25, 2016**

---

MR. LAW: Oh, it seemed to work pretty good. They gave us five minutes to talk to...it seemed to work pretty good. If they would not judge people, just...yeah.

MEMBER DeLEON: All right, thank you.

MR. LAW: Don't judge a book by its cover.

CHAIR TAKITANI: Thank you. Anyone else?

MS. WILLENBRINK: Chair, Staff has confirmed that there are no more testimony from Lanai or Molokai. The final person signed up to testify in the Chamber is Mayor Alan Arakawa.

MAYOR ARAKAWA: Good afternoon, panel.

CHAIR TAKITANI: Mr. Mayor.

MAYOR ARAKAWA: I've been listening to a lot of the testimony, and there are a few things I'd like to clarify first of all. This is the County Budget, and there's been a lot of discussion about no direction being set, nothing being put where the departments know what's going on. If you were to look at the County Budget, you'll find that the Council has required the County Administration for every department to put down goals and criteria. For any of you that have been through the process, you know that during...every year during the Budget session, each department is grilled by the Council on that criteria. So to say that there's no check of what's going on is absolutely not true. The Council does this every year at Budget. Not only at Budget, but during the year whenever there's a Council meeting for a specific department's area, our department heads are here before the Council answering whatever questions there are, and being able to provide questions or and answers for the Councilmembers. We get many, many written requests, literally hundreds of written requests for information that we provide to the Council. So when we talk about a disconnect between the departments and how they're running and the Council, on almost every other week when the Council is having meetings, we have our members, whoever is being requested from Administration here before the Council answering a lot of these questions. So there is an absolute connect between the department and the Councilmembers on a continuous basis. The directors are here. They're here to answer those questions. There's reviews that are done continuously because every time there's a question that comes up, the Councilmembers are asking for direction and question. The Budget, by the way, the entire Budget is the Council's document. So we as Administration simply put together a budget. We send it to Council. The Council reviews each and every segment of it. They question the different departments, and ultimately they create the Budget. There is a check and balance system that is necessary. For those that wonder what the EAs do, when we have people from the public that complain, have issues that they want to be able to look at, those EAs are specifically assigned to be able to address certain things within the community. A mayor by himself will not be able to work with the State on new legislation, be able to work with all of the different departments like the State

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

**February 25, 2016**

---

Highways Department, be able to work within the community, on what Kihei Community, or Kula Community Association wants. All of those kinds of things are funneled through, and the EAs go out and do the research, and work with the public to make sure that each of the districts that we have are being cared for. If anybody thinks one person can do all that work, I'd like to see him try with a population of 168,000 people. We get literally thousands of requests from the community that we have to be able to process through everything from potholes, to a tree, to...you name it, we get it...overflowing cesspools. The complaints come in, we have to be able to funnel that. Much of what has to be done is when the public communicates with us, we send that through the EAs to the different departments. The departments work on it, and then we get the feedback to the community. So a lot of that is currently being done. The system that we have now...

MS. WILLENBRINK: Four minutes.

MAYOR ARAKAWA: Okay. The system that we have now is separated into segments. As Mayor, I'm the Chief Executive. My Managing Director takes care of the various departments, and he handles the day-to-day operation and meets with all of the different Directors. I generally don't do that. My Chief of Staff is the one that controls who is coming from the public, what information is being brought in, where those questions need to be resolved, who's gonna resolve them, from the public, from the State, from foreign governments, from the U.S. government. You gotta realize that about 81 percent of the County's Budget, as the TAT Committee that was formed by the State Legislature this past year, about 81 percent of the County Budget is not County money, it's not the taxpayer from Maui County putting it into the County coffers. But 81 percent is what the State covers. So a lot of the jurisdiction that the Mayor has to be able to work with, and our staff has to work with, are the Federal programs, the State programs. We have to be able to work with the Department of Transportation. Be able to get all of the rights of way. Be able to do the planning for years to come. There are literally hundreds and hundreds of different projects that we have to coordinate. So to think one person is gonna be able to do that, is absolutely insane. Now the setup that we have now allows our departments and our Administration to be able to filter most of these things, and to be able to work with it. Now that doesn't mean that we have control of all the different aspects of the community. Quite frankly, we're lucky if we're addressing 50 percent of the needs in the community. We don't have all of the drainage systems that are necessary. We don't have control of the axis deer. We don't have control of all the invasive species. We don't have control of a lot of the pollution going into the ocean. We don't have a control of a lot of things. And everybody assumes that government can do everything for everybody all the time, which is a absolute fallacy. Every year we go to the Council with a budget, and say this is what we propose. If it is not granted by the Council, we do without. So many of the shortfalls that we've had as was pointed out before, the growth of the County, the magnitude of the community that we have, our base has not expanded to the level that it should. And we cannot be expected, and no manager can be expected, to manage the entire County in everything. If you don't have the funding, and you don't have the personnel, you just don't have the time of day to be able to address it all. So I leave you with that.



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

**February 25, 2016**

---

CHAIR TAKITANI: Questions? Madge?

VICE-CHAIR SCHAEFER: I have a question. Mayor Arakawa --

MAYOR ARAKAWA: Yes.

VICE-CHAIR SCHAEFER: --you were here on the 15<sup>th</sup> of January, and at that time we had sent some questions, four questions, about structure...there were structural questions about the Mayor's Office, and what your observations were. You didn't answer the questions then, and we asked you if we could send them again, and would you answer them. And last meeting, we asked the secretary of our Committee if the answers had come. They have not. Do you ever intend on answering those questions?

MAYOR ARAKAWA: Give me the questions. I have not received those. Tell me what the questions are.

VICE-CHAIR SCHAEFER: Well, we'll send them up again. It would be nice if you...

MAYOR ARAKAWA: If you tell me, I'll answer 'em right now. I have no qualms in answering questions.

VICE-CHAIR SCHAEFER: Well, I think we'd like 'em in writing now, because we have asked for them three times, and it would be very respectful of the process. And we're talking about the process, not about the personalities. But it would be respectful of the process if you could provide information to us that is related to the structure of the office.

MAYOR ARAKAWA: Again...

VICE-CHAIR SCHAEFER: And as you may have...

MAYOR ARAKAWA: Send it to me. Send it to me. I'm perfectly willing to answer them.

VICE-CHAIR SCHAEFER: As you may have heard, or observed, or been told that when Charmaine Tavares was here, she gave us some very good suggestions, some very good concerns that she felt should be addressed. In all fairness, she has had time to be removed from the situation, and you know, hindsight is always 20/20. We would...I would hope that you would answer those questions.

MAYOR ARAKAWA: And again, if you give me the questions, I will answer them. And if you give me...you have...if you happen to have 'em, I'll be willing to answer 'em on the floor. And then I'll give it to in writing.

MEMBER PALTIN: One of my questions...

CHAIR TAKITANI: Question from Tamara.

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

**February 25, 2016**

---

MEMBER PALTIN: Where can we find the annual reports? The County Clerk, it says in the Charter that it's supposed to be on file with the County Clerk no later than September 30, 2015, and he has said that he hasn't gotten them. And in the last meeting, we had asked if we can't have a physical, or a digital...

MAYOR ARAKAWA: Which report?

MEMBER PALTIN: All of them.

MAYOR ARAKAWA: We send down literally hundreds of reports.

MEMBER PALTIN: The annual departmental reports.

MAYOR ARAKAWA: We send down literally hundreds of reports. Finance...

MEMBER PALTIN: All of 'em.

MAYOR ARAKAWA: I'll get you as many as is practical, but I do think you're gonna need a truck to carry all of it. The Finance report, the quarterly report's about this thick. So each one...

MEMBER PALTIN: It's not on digital copy anywhere? That are transparency.

MAYOR ARAKAWA: No, I can try and get you the copies, but I tell you it's voluminous. The documentation that we send down covers every single penny that's spent, all of the different operations. So it's literally...you're gonna find boxes and boxes of it. So if you want, just to see it, that's one thing. If you're gonna read it, I'll dig 'em up for you. But we send down reports on a regular basis, and the Council receives those reports. Any reports that is by Charter required, the Council requests, and we make sure that we send it down as much as possible. There may be some that we've missed, but very few. So I'll get those to you if you want.

MEMBER PALTIN: Yeah, sure.

MAYOR ARAKAWA: Okay.

MEMBER PALTIN: Can I also ask about the...there's some major studies paid for by the County that hasn't been released to the Council, like impact fee studies, and things like that. Is there a reason? I mean the County taxpayers paid for it, but it hasn't been released, and those types of information would help for infrastructure planning.

MAYOR ARAKAWA: There are many studies that are done by the County, depending on what happened...what the topic is, and where it's intended to go. If they're internal and the department is looking for something specific, that's generally not given to the Council. If it's a Council-generated request, then it's given to the Council. But all the SMA

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

**February 25, 2016**

---

studies, all the shoreline studies, all the different kinds of studies about a whole lot of stuff...

MEMBER PALTIN: How about the impact fee studies?

MAYOR ARAKAWA: The impact fee studies...I can try and get it to you. I believe we have copies of that.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: Thanks for coming down.

MAYOR ARAKAWA: Thank you.

MEMBER HAYNES: You talked about the goals --

MAYOR ARAKAWA: Yes.

MEMBER HAYNES: --that are in there, and I just want...if you could clarify the...like the evaluation process on how frequently you guys go through that, and what the process is with the department heads, and is it...and where that information ends up.

MAYOR ARAKAWA: It's in the Budget, okay. So all of documentation...when the Council questions it, the recordation of all of the questions and the answers are actually in the Council minutes. So the County Clerk and the Council, they transcribe, they put it in the records, and it's kept in the records.

MEMBER HAYNES: But from Administrator's standpoint, is there a formal process where you review those with your department heads, and look at progress, and is that information available?

MAYOR ARAKAWA: No, I'm just looking at the Prosecuting Attorney. I happen to turn to this page. I can turn to any of the other department, Parks and Recreation, Waiehu Golf Course. There's a program description, Countywide outcomes, population served, services provided, all of those kinds of information is within the Budget document. So we provide a lot of this information to the Council on a regular basis. It's required. It's not an option. It's required for us when we put the Budget together. The Council has asked for this. That's why we provide it. So if you wanna see it...

MEMBER HAYNES: But it gives like progress, and evaluates the department heads on their progress for that?

MAYOR ARAKAWA: The Councilmembers go through this. They request the information, they quiz our departments on each and every one of these items pretty much. As a rule, again, during the year the Council has our department heads here, and when various parts come up, they quiz our departments on what's happening with them. So

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

**February 25, 2016**

---

every construction project they're asking about what was done, how much is being spent, and all of that kind of information is there.

MEMBER HAYNES: But do you, from the Administration side, do you guys do like performance reviews with those department heads?

MAYOR ARAKAWA: Yeah, each of the departments are required to go through and complete out the project. So there's an evaluation on whether the department is, completed out the project or not. And we evaluate whether or not it's within budget, close to budget, if there are problems with it, why there are problems. That's why we have under the Managing Director, the Construction and Management team headed by Wendy Taomoto. They do detailed evaluation of all the construction projects. We go through with the different programs, and we evaluate the different programs as well.

CHAIR TAKITANI: Kimo, keep trying.

MEMBER HAYNES: Yeah, I'm sorry. I'm trying...I'm wondering if from your standpoint, as a executive, are you evaluating the performance of your department heads on a regular basis, and is there a formal structure that you use?

MAYOR ARAKAWA: I evaluate my department heads on a regular basis by what they actually perform and what they do. When I'm looking at the projects that they're supposed to accomplish, we do an evaluation whether they're accomplishing it or not. If somebody is falling behind on a project, we call them on it, and we ask them why. Waikamoi Flume, for instance, we actually went up there and looked at the flume, and the performance from the beginning, middle, and the end product. So, yes, with each of the Directors. We also evaluate them on complaints. If there are public complaints that come in, we take those complaints and we ask the Director what is this complaint about? So I actually call them into my office, and we have these discussions. And that is the way I evaluate all of my Directors and Deputy Directors. On each of the projects that come in, I keep track of what they're doing, and we check on timeliness of the production. And a lot of times if they're not performing, we ask...we try and find out why.

MEMBER HAYNES: Okay. Maybe give you an example of what I do with my managers that report to me. So through the year we set out...in the beginning of year we set out goals. And we work and we have those. And through the year, we touch base with them and we work to see how the progress is on those goals. But once a year, I go through a formal process where I evaluate the performance on their goals, on other objectives that we're trying to accomplish. And we're able to come up with kind of an annual review that gives them --

MAYOR ARAKAWA: Okay.

MEMBER HAYNES: --kinda some criteria.

MAYOR ARAKAWA: I think I understand what you're trying...

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

**February 25, 2016**

---

MEMBER HAYNES: And I'm wondering if you guys have like that process, like an annual?

MAYOR ARAKAWA: Yes, we do. And let me quantify it for you. When we do our Budget, we have to put down the specific goals that we're working on, and evaluation of where we are as we're going through, because we have to present it for the Council. During that time, if want to look at the documentation in the Budget, that's where you'll see each of the things listed in which we're evaluating. And again, the Council gets to grill every department on those evaluations as well. So that's where you can physically see what our criteria is.

MEMBER HAYNES: One more question.

MAYOR ARAKAWA: Okay.

MEMBER HAYNES: Is that a structure that you guys have taken from somewhere else? Or is there best practices that you're using? Or is that kinda your structure?

MAYOR ARAKAWA: It is a structure that I believe when Linda Lingle was Mayor, she implemented this structure to be able to set goals and objectives. And since then, every Mayor has sort of been required by the Council to follow this parameter. So the grids, the design may change a little bit from time to time. The capabilities of the Administration may change a little bit from time to time. But the basic requirements and reporting to the Council is there, has been since I think Mayor Lingle was Mayor. It wasn't something that we created from our administration.

MEMBER HAYNES: Thank you.

CHAIR TAKITANI: Kay?

MEMBER OKAMOTO: Thank you for coming. One of the items we're hearing is department heads not having continuity because they change every time a Mayor changes. Can you come up...recommend anything that might improve that situation so that a new Mayor comes in, everybody...all the department heads are not, you know, dismissed and new ones come in? Is there anything you can see that would help that situation?

MAYOR ARAKAWA: My personal opinion is that can be very problematic, and it can be good. There's a good side and a bad side to it. Now if the community wanted continuity, we would do away with term limits. So the Mayor and his administration could stay there as long as they were serving the public in the correct way, and that's meeting the conditions of the community. Then everybody would be there. The community has stepped up and said, we want term limits for the Mayor, for the Councilmembers. When they made that decision, they also made the very conscious decision that the administrations would change. And there were a lot of good reasons for changing. You know, in the past we've had what I'll call "empires" built within the departments. And if you have someone in the department too long, what generally happens is they build all their friendships, they build their political allies, and you tend to get

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

**February 25, 2016**

---

sidetracked, and those are the only things that are strong. What that particular entity wants. All the opposition, or all the opposing sides gets shifted down to...shall we say, they sort of get punished because they're not with the in group. And that's something that we've noticed in almost all the departments. So we've had to monitor it, and move some of that around. You're hearing some of that also in departments that we don't control, like the Liquor Department. One group stays in power, it sort of rotates in, long time, and they have all their allies in one area. You don't have a changeover. By changing over the department heads and the Directors, you still have all the staff under them. You're only changing two people in the department to try and correct some of that. I don't wanna use the term "nepotism," but that ability to grow that kingdom without interference. While it's good to have the Directors and Deputies long-term, that will also occur where you'll have a very, very high comfort level with unwillingness to change. Now from my position as the Chief Administrator of the County, one of the toughest things that we have to do is to get our employees to change. Now lot of our employees were working the same jobs. They wanna be able to just do the same thing year in, year out, and not affect...not have change. But that's not healthy for our community, nor is it healthy outside of the government system, which is why we are seeing a lot of the day-to-day type of operations change in the structure in which it is. If you don't have the ability to come in from outside and see and recognize what is working and what is not working, it's very, very difficult, and once you build up all those friendships, it's very difficult to go to my friend and say, you're not doing your job. I'm gonna discipline you. Because you built that together. That's the danger of having long, long-term heads. And you notice even in private sector, managers are changed fairly frequently. And even with the big corporations, you see that happening. Take A&B, how many new managers have they had in the last 10, 15 years? The hospital, how many managers have they had? You know, sometimes it's good if you got a really good teamwork going. But it can also be very bad if you've got a bad group working in there, and they're covering up for everybody. Now one of the things we've had to do from our Administration, and I'll point this out, there were illegal practices that were going on in various parts of our departments. We had somebody up in Makawao, and in Lahaina...or in Lanai, excuse me, that were actually forging the driver's license for IDs. We were able to catch that because we're coming from outside, and we're reevaluating it. We had a landfill attendant that wasn't cashing the checks. So we were able to catch that because we were coming from outside, and seeing something different. We've had various other incidences in recent...that's been publicized, P-card misuse, selling of tires. But we were able to catch that, and make the changes that are necessary and take the corrective action. That doesn't mean we catch it all. But we're more likely to do it, and not allow it to slip through. If it were someone that is entrenched, it's less likely to be recognized. And that's the challenge.

VICE-CHAIR SCHAEFER: Mr. Chair?

CHAIR TAKITANI: Tamara?

VICE-CHAIR SCHAEFER: May I ask just a question about...are the lights gonna go out in five minutes?

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

**February 25, 2016**

---

MAYOR ARAKAWA: No, it shouldn't.

VICE-CHAIR SCHAEFER: Okay.

CHAIR TAKITANI: They paid the bill this month.

MEMBER PALTIN: I just wanted to clarify and then ask another question. I was talking about the 2013 to 2015, the annual report. So it's like the summary report that's due at the end of the fiscal year for all the departments, the annual report.

MAYOR ARAKAWA: Okay, again, most of the time, we're giving the reports to the Council on a regular basis. So the compilation of all that would be the annual report.

MEMBER PALTIN: The summary report.

MAYOR ARAKAWA: Yeah.

MEMBER PALTIN: Yeah, that's what I'm asking for. And then the other question was off of Kimo's point there. You know, during the last budget process when your administration had come out to Lahaina, and I'm just using an example that I'm familiar with. It's not indicative of like that's the only case. But I had spoken with the Managing Director about our personal goals for Ocean Safety, and one is like to educate the public, and then the other was to provide high-quality lifeguard service at the County's designated beach parks. And my point to the Manager that I had made was every time we respond on a 911 call, we're leaving our County-designated beach park. So, in fact we're leaving our designated beach park with less than high-quality lifeguard service. And that's in opposition to what the stated goal is. And so then when we came on this Committee and I was charged with looking at the budget and accountability, I wasn't able to find the goals at all, and then I was informed that that, the online version isn't the legal document. So maybe it got lost in transmission, possibly. But so my suggestion was, you know, like why they don't just add another goal, like that we be on the 911 system? But then that would require the resources to meet that goal, which we don't have right now. We're being forced when there's only a couple people at the beach to make the decision, are we gonna watch our designated beach park which is the goal, written down.

CHAIR TAKITANI: Question?

MEMBER PALTIN: And we're being asked...or to go and respond to a 911 call which might be an emergency or might not, depending on who made the call. So my question is, how...who reviewed that? It's missing. It's not...I think that's a legitimate concern, and it wasn't addressed. My question is what happened with that?

MAYOR ARAKAWA: Let me suggest to you that the County parks, our lifeguards, are the only lifeguards on the beaches. The State park in Makena, Big Beach, has contracted for County to have lifeguards. The vast majority of the oceanfront do not have

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

**February 25, 2016**

---

lifeguards assigned to them because they are technically State areas, okay. We could very well tell our lifeguards, only stay on the County beaches, and many people would drown, and many people would die. Or, we can do what we're doing right now, is at the discretion of the lifeguards to be able to go and help rescue. Now the tie-in with Police, Fire, the lifeguards, Coast Guard, all of those are on a respond system. There is no optimum personnel that we can supply to cover all of the different beaches and all of the different areas. So we try and do the best we can, and yes, every time we respond away from the County areas, we are gonna short those areas. But it's generally to be able to try and save someone's life because there's an emergency situation, generally. Without a massive budget increase, we will never be able to supply all the beaches with the lifeguard service that would be ideal. But within the jurisdiction that we have, which is the County beaches, we try and supply what we can. And, again, we've put in new stands at several different beaches, like Hookipa. The Department can only do what it can budget for. Trying to just get those stands through the Council took us years.

MEMBER PALTIN: So legally speaking though, if we...you're saying that you don't have a problem. You would back us up if we went on a 911 call whether it be from a tourist or a resident, and leave our beach, and something were to happen at our beach.

MAYOR ARAKAWA: We automatically have to back you up, whether we wanted to or not. We could be...we are a constant target for being sued, which is why we've been at the State Legislature to be able to get ocean safety coverage, the same kind of coverage that the State has for their areas, the liability coverage. Now that liability is about to expire this year, the coverage, and we're petitioning at the State Legislature to extend that coverage, because all the counties are in the same position. We...the State has liability coverage for the State. If this expires, then the County will not have the same liability coverage. But in the past we've been --

MEMBER PALTIN: But not if you're negligent.

MAYOR ARAKAWA: --literally ...we've been sued for millions of dollars just because somebody started from one of the beaches, or in the case of Lahaina, from a graveyard, walked half a mile down the beach and got hurt in the surf. We've been privy to many of those kinds of suits. So we cover you automatically as lifeguards because you are our employees.

MEMBER PALTIN: But we gotta be doing our job. You can't be --

MAYOR ARAKAWA: You are doing your job.

MEMBER PALTIN: --negligent.

MAYOR ARAKAWA: I don't think you can show me any example where our County lifeguards in performance of a lifesaving or an emergency situation were ever sued as individuals and had it stick, if they were pursuing it in performance of their duty.



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

**February 25, 2016**

---

MEMBER PALTIN: Thank you.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: I pass.

CHAIR TAKITANI: Okay. Madge?

VICE-CHAIR SCHAEFER: Two questions. On the budget, the big budget, I know that the condensed budget is sent out to residents. That budget, is that available to the public?

MAYOR ARAKAWA: Yes, it's online.

VICE-CHAIR SCHAEFER: It's online. Okay.

MAYOR ARAKAWA: This is this past year's budget. This is not the upcoming budget. The upcoming budget will be going down to the Council next month. That's the one we're preparing. Okay, we propose a budget. The Council finalizes and passes their version of the budget. But it's online.

VICE-CHAIR SCHAEFER: So the goals and...

MAYOR ARAKAWA: It's all...

VICE-CHAIR SCHAEFER: Everything that's...it's all online, okay.

MAYOR ARAKAWA: It's...everything should be online. There's even very specific...there are actually three books this size that are the budget books. One is itemized budget, and one is the section where the rates and fees are.

VICE-CHAIR SCHAEFER: Yes. Second question, would you agree that having professional standards, qualifications beyond what is currently in the Charter would be a good idea for department heads?

MAYOR ARAKAWA: Let me suggest. I believe I have the most qualified professionals in the jobs that are Directors and Deputy Directors right now. Now understand, Maui County does not have 100 people that are qualified for each of the positions. Within each of our communities, we have to be able to find people that are not only qualified, but willing to work in these jobs. I'm gonna say about half of my Directors took a pay cut to become Directors. So there are not the whole mass of people that are willing to come in and do it. If you go outside of the County, and you bring in managers from outside, the learning curve for them is very, very high because they don't know who the key players in the community are, they don't know who to talk to, they don't have the history of what is there, and they're gonna have to depend on word-of-mouth instruction for the most part, okay. If you have friends within the community that you can talk to, you can get information a lot better. So what does it take to really be

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

**February 25, 2016**

---

qualified to do the job? I think if you can define what it takes to be the most qualified for the job, you're gonna find that the way that we're doing it gets us the most qualified. It may not be the biggest degree, the highest degree. It may not be the most years in service. But you're gonna find that you also need the quality of someone willing to serve that has a heart for the community, that really understands people in the community.

VICE-CHAIR SCHAEFER: So you would be opposed to broader job descriptions for department heads?

MAYOR ARAKAWA: No, I didn't say that. I'm saying that if I'm looking at the people that we have, what we have done is about...we've gotten very good responses from the people that can, and are willing to serve. If you put too hard descriptions on the job, and we find this in the Commissions, you know, when we try to fill positions for the Commissions. Some of them are too onerous. We can't fill the positions. So you can put conditions there, you can put requirements. But they have to be something that's practical and applicable where applicants can meet the requirements so we have enough of a choice. If they're too stringent, it's gonna be very difficult to find applicants to meet those requirements.

VICE-CHAIR SCHAEFER: When you hire department heads, did you go out in a regular...solicitation probably isn't the right word. Did you go out...

MAYOR ARAKAWA: Yes. We have a committee. We had actually several committees that actually do search in the community. We ask a lot of people whether they're willing to serve or not. We have to try and find the best people within the community. And that's how we got a lot of people. Some of my Directors and Deputy Directors, I didn't know them at all. The search committee is the one that put them together to be able to get the best qualified people, okay. I didn't handpick every Director or Deputy Director. If anybody thinks that, that's completely a misnomer.

VICE-CHAIR SCHAEFER: Okay. Thank you.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yeah, could we get a list of who served on the search committees, say in the last...

MAYOR ARAKAWA: No.

MEMBER STARR: Okay.

MAYOR ARAKAWA: I'm not gonna let...that's my private group, and I'm not gonna expose them to the public because there's no purpose to it. They are a search committee, and I can assure you if you wanna talk to me in private, Jonathan, I'll talk to you in private, but not to be public.

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

**February 25, 2016**

---

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

MEMBER PALTIN: I've got a question, one more, sorry.

CHAIR TAKITANI: Oh. Tamara?

MEMBER PALTIN: You know on Chapter 8-8.5, Page 27 of the County Charter. Page 27 of our County Charter.

MAYOR ARAKAWA: Okay, I got it.

MEMBER PALTIN: Number 3 states that the planning director shall issue a report annually providing a detailed explanation of the implementation and enforcement of the general plan and the community plans to the mayor and the council. Just wondering how often this is done, and when we can expect the next one?

MAYOR ARAKAWA: I'm gonna say that this particular requirement is probably not adhered to in the way that this Charter requires it. And a lot of that is because the committees that are doing the General Plan and the Community Plan have changed over time in how they do their business. Now the planning process requires that the community plans be reviewed every ten years, and changed every ten years. With the process that the Council goes through and the various planning commissions that we go through right now, we're lucky if we can get one community plan in three years. So to meet these requirements are almost impossible under the current system. If we're going to be able to try and meet these requirements, then we have to have all the plans going through at the same time. Our staffing would probably have to triple because we wouldn't be working on one plan. We'd be working on all the plans. And the community requirements to meet, we'd have to be able to be very strict and adhere to the rules of timing. Almost every community plan group, citizens group, that I know of has asked for extension of time to be able to work through the planning process. And that includes the General Plan that some of our testifiers were on. I mean it was supposed to be a short period. It ended up years. And each of the...every time it goes through this, through the planning process, the whole process is changed in what they need to be able to evaluate, and how they need to be able to evaluate it. The General Plan, the last...not this one, the one before that and before that, was about four or five pages. It was a very, very thin document. This General Plan is almost like an encyclopedia. So the time that the various groups were meeting to try and put it all together, I guess...I think, Jonathan, you were on that commission. So you know what I'm talking about in that it became very, very lengthy, And what this Charter was trying to do when it put this together, cannot be done on a practical basis with the system that we have.

MEMBER PALTIN: Isn't also a County ordinance, 2.80B.030.I? It's...so I mean it's mentioned twice as being...

MAYOR ARAKAWA: I will point out that there are many ordinances and requirements in the rules that are impossible to adhere to. And the...and I'll give you a good example. We

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

**February 25, 2016**

---

have Federal legislation that ask us to do ADA. Every building, every place is supposed to be ADA compliant. We're still not, and we won't be for decades. It's not just County buildings. It's all the different businesses and buildings. They can't...you can't meet them. The cesspools, sewers, a lot of those kinds of rules that are put down, you can't meet the requirements in a timely manner. So even though it's in the book, that's one of the dichotomies of having to manage. We are challenged many times. I'm supposed to form a new division in the Department of Environmental to deal with environmental issues. We've gone to the Council, when was that? About seven years, six or seven years now. It still hasn't been approved by the Council for the positions and the expansion to create that. So the rules say we're supposed to have it, but on a practical basis, it's just not physically possible to get some of these things accomplished.

CHAIR TAKITANI: So the ultimate question, Mr. Mayor, is, is it because you're inefficient? Or is it...would a manager be able to do this, in your opinion?

MAYOR ARAKAWA: In my opinion, nothing short of God is gonna be able to do some of these things. No manager is gonna be able to do all ten Community Plans at one time in the ten-year span, or the General Plan, especially if we're looking at it the way it is right now. Nobody is gonna be able to do all the ADA, or get rid of all the animals and do the...there's another requirement to try and do all of the storm water plans. That's gonna cost us literally billions of dollars to be able to do. We don't have the budget to be able to do it. And we don't have the ability to tap onto the money to be able to do it. So some of these requirements that are there, just...no matter whether it's myself, or a manager, they're just not gonna be able to do it.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: So maybe the next Charter Commission should look at this and take these things out so that the Charter reflects what the Administration has the ability to do, and...

MAYOR ARAKAWA: It would be nice if that were the case. You've been a Mayor?

VICE-CHAIR SCHAEFER: Yes.

MAYOR ARAKAWA: Now I'm certain that you've had to deal with a lot of rules and regulations, especially unfunded mandates where you just couldn't meet the requirements of law because it was just physically and fiscally impossible to do. We had to come across with the grease trap implementation where we're required to change all the businesses' grease traps. Some of those were in the hundreds of thousands of dollars. Businesses couldn't do 'em. We couldn't get it all done in a timely manner, but we tried to adjust it to where we finally did get it to a point where it's almost acceptable. But even now we're losing many businesses because they can't afford to put in the grease traps that are required. And a lot of the laws change in the middle of business practices. So one, you build it, it's allowed. And then they change the law, and you gotta redo everything. It becomes almost impossible to do, and

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

**February 25, 2016**

---

impossible to manage in a timely manner. No manager, I don't care who it is, is gonna be able to circumvent the physical and the fiscal obstacles that lot of these unfunded mandates provide, or require.

VICE-CHAIR SCHAEFER: The unfunded mandates are the curse of local government.

MAYOR ARAKAWA: Hey, tell me about it.

VICE-CHAIR SCHAEFER: There's no...you'll get no argument there, but...

MAYOR ARAKAWA: Yeah. I'm getting sued for a Lahaina injection well when we met every requirement that the State Department of Health asked us to. We were actually one of the first communities in the State to go to secondary treatment. And all of our processes were approved. Then we got a declaration that it's not good, and we gotta figure out how to fix it. It takes time to be able to make any kind of an adjustment. So we've gone through bringing in ultraviolet lights, we've gone through making it, you know, much better so that we could actually treat it as the best grade. But we still have to be able to disburse it. All those lines, millions of dollars, you know. So a lot of these kinds of requirements that come up can't just happen overnight because in order to get...just get the permits to do it. We have to do SMA permits, we have to do all the others. That can take literally years to go through the permit process. And we're still waiting for our permits from the State Department of Health, who's telling us we've gotta be able to divert the water to be able to do the studies that they want us to do, and it's been about four years now. We still haven't gotten that approval from them. So, you know, lot of times we're in one of those Catch-22s where you wanna do something, you can't do it. But you gotta do it, even though you can't do it. What do you do? We get fined.

MS. CANTO: Chair, I have a question.

CHAIR TAKITANI: Pua?

MS. CANTO: So can we afford a county manager? Can the County of Maui afford a county manager?

MAYOR ARAKAWA: Let me suggest that the librarian at the State...the UH system get paid about three times more than I do. There are many executives within our State system that get paid more than I do, you know. When you're gonna try and find good managers, you have to look at what the market will allow. For the kind of quality that you want, I would be very surprised if you can get somebody for three times the salary that our Managing Director gets now. And I could be wrong. You know, maybe you get lucky. But in this day and age when we have people moving from job to job, looking for opportunities, to be able to find somebody qualified that will stick with you long term, is gonna be difficult under any circumstances. I think the statistics are every employee now is gonna change at least seven jobs in their career. And when you take into consideration you start at 18, and you retire at 60, that's not a whole lot of years you're gonna be in any one job. So it's possible, but I think it's gonna be

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

**February 25, 2016**

---

very...it's gonna be much more expensive. And, you know, as some of the testifiers were saying, well, you know, you don't need any Executive Assistants. This one guy is gonna have to go do all the stuff that...they're gonna have to answer the phones. They're gonna have to go call the people up and return phone calls. They're gonna have to go through the thousands of e-mails. They're gonna have to go through and meet at the State, so all the different meetings that they have to go through, like with Department of Highways, like the Department of Health. They're gonna have to attend all of these kinds of meetings. I even have to go to the Armed Forces meeting because I'm part of the group that manages in case there's a national real disaster. So all the military, I go to those meetings. So this manager that you're trying to get, if he's gotta do all this stuff, it's gonna be...it's not gonna be possible for one person to do. And even for things like replies to the Council, I don't have a single employee within the departments that has a job description that says, do research for the Council, not one. So when you talk about waste of energy and effort, now I have my Directors and Deputy Directors here every other week. They're sitting, they're waiting for questions from the Council. And we send them here because we're trying to be cooperative and open. But they spend a lot of time waiting. Those Directors could be doing a lot more if they were allowed to work within the departments. Now contrary to popular opinion, no one person is gonna know what all 16 different departments are doing, and be able to keep track and answer all the questions. So to ask a county manager, one person, to know what's going on with all the different departments and to be able to come here and answer the questions for the Council, sit here for every other week for the whole week, and still be in touch with what's happening outside to get all the reports, I think that's asking too much. And I don't think that's practical. You need to have the staff to be able to filter, which is why we have all the division heads, we have all the hierarchy that we do have that can come with the Directors and answer the questions, you know.

MS. CANTO: Thank you.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: Sorry. So one of the things we've learned is that there's about four out of five counties/cities that are our size are under this new format. In your opinion, there can't...we can't find a manager, a professional manager who could do this. How do you think that they're able to find people to do it?

MAYOR ARAKAWA: I'm gonna point out that, you know, when you're in, let's say, Los Angeles, now you've got a big city. You've got different blocks. Each county is...Madge, how big are the counties? Like about 10 blocks, 15 blocks, something like that?

VICE-CHAIR SCHAEFER: How big are the counties?

MAYOR ARAKAWA: Yeah, you go to Los Angeles, you got all these counties. You go from one district to the next district. You can drive through the county in about five minutes.

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

**February 25, 2016**

---

VICE-CHAIR SCHAEFER: Well, Los Angeles is one county. There's Orange County.

MAYOR ARAKAWA: Yeah, there's Los Angeles city.

VICE-CHAIR SCHAEFER: Which is to the south, and Ventura County which is to the north.

MAYOR ARAKAWA: You've got Orange County, you got...

VICE-CHAIR SCHAEFER: Orange County, but that's not L.A.

MAYOR ARAKAWA: Yeah, it's all...it's separate, but it's...within that, you have many counties...county groups.

VICE-CHAIR SCHAEFER: Cities. We have many cities, but not counties. Only one county, L.A. County, Ventura County, and Orange County.

MAYOR ARAKAWA: They're managed by...they're managed as cities where you have the Mayor and the Manager managing small areas.

VICE-CHAIR SCHAEFER: Yes.

MAYOR ARAKAWA: Within that big group in L.A.

VICE-CHAIR SCHAEFER: No. You have...every city has a City Manager.

MAYOR ARAKAWA: City Manager.

VICE-CHAIR SCHAEFER: Yes.

MAYOR ARAKAWA: So they manage that small part.

VICE-CHAIR SCHAEFER: They manage the city, within the limits of the city.

MAYOR ARAKAWA: Within...right. But that's, let's say, a square mile. Would you say each of those cities are a square mile?

VICE-CHAIR SCHAEFER: Oh, no. Heavens no, bigger than that, way bigger.

MAYOR ARAKAWA: Redondo Beach, Hermosa.

VICE-CHAIR SCHAEFER: Yeah.

MAYOR ARAKAWA: They're all different cities.

VICE-CHAIR SCHAEFER: Oh, yeah, they're bigger than that. But a square mile, oh...

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

**February 25, 2016**

---

MAYOR ARAKAWA: But for the most part, most of what they have is very similar from areas, from city to city.

VICE-CHAIR SCHAEFER: Well, they have the same service requirements. You know, they need to provide water, and sewer, and fire, and police, and, you know, the standard government services just like you do here.

MAYOR ARAKAWA: Right. So, but they're mostly the same. So if you want to manage from one, you move from one to the other, it's very similar. Here you go to Molokai, very different from Lanai, very different from Hana, very different from Kihei, very different from Makawao.

CHAIR TAKITANI: Okay, we get that.

VICE-CHAIR SCHAEFER: Yeah, but the services are the same. I think Paul Janes made a very fair comment when he said there's no culture to a sewer treatment plant. There's no culture to paving a road.

MAYOR ARAKAWA: I'm actually gonna disagree with that. Maalaea has a very different system than Kihei. They have an independent system. The system in Kihei is very different from Kahului. The machinery that's there, the things that're there are very different.

VICE-CHAIR SCHAEFER: You're talking about the treatment plants. So there's different types of treatment plants.

MAYOR ARAKAWA: They're very different.

VICE-CHAIR SCHAEFER: Well, that's true in many cities too.

MAYOR ARAKAWA: Yeah, I happen to be a Grade IV Wastewater Operator so I worked in the different plants. Each plant is very unique and different. The group that you're serving is also very different, and how you have to service them. But in any case, when you start going throughout our County, if you don't know how they each...each of the individual areas run, and how you're gonna be able to put together and satisfy the community, you're gonna run into some real problems. For instance, on Molokai we had problems with the swamp area that was there. And on Lanai we had problems with the holding ponds for the wastewater. In Kahului we had problems with the storage basins overflowing into the ocean, and having to restructure and put in a retaining wall so that the erosion doesn't kill the plant.

CHAIR TAKITANI: Mr. Mayor, we got some people that we gotta...

MAYOR ARAKAWA: Okay, well, in any case --

CHAIR TAKITANI: We appreciate that...



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

**February 25, 2016**

---

MAYOR ARAKAWA: --they're all different.

CHAIR TAKITANI: Thank you for...thank you for sitting through the afternoon, and testifying.

MAYOR ARAKAWA: Okay.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yes, and thank you, Mayor. Mr. Chair, I don't know if we still have a compulsive need to do a vote today or not, but I know...

CHAIR TAKITANI: Were you reading *The Maui News*, or something?

MEMBER STARR: No, but I'm reading my notes, and there are three things that I feel that I'm gonna need to go through as...to feel that I've fulfilled my duty on this Committee. Not today, but over the next number of meetings.

CHAIR TAKITANI: Are we all compelled [*sic*] to do the same thing?

MEMBER STARR: So I'd like to just say them really quickly.

CHAIR TAKITANI: Okay. Go ahead.

MEMBER STARR: They are, one, to have a community evening meetings. My preference would be to have seven if we can, but I don't know if that's possible.

CHAIR TAKITANI: Madge just said no.

MEMBER STARR: Another would be that when we had a facilitator made available to us, I'd assume that we would have a true facilitated discussion, and the ability to throw out ideas, good, bad, and different, and then we could rank them, and kind of boil down to some kind of consensus which could lead us to whether we wanna move forward.

CHAIR TAKITANI: What's number three?

MEMBER STARR: And number three is that I feel that we need to have some presentations by actual managers or deputy managers, or some other people who've worked in...managed jurisdictions. And I know...I have a few names of people who would be happy to come and present to us, and I'm sure there are more available. But those are...

CHAIR TAKITANI: Should we also get managers that were terrible at it?

COMMITTEE MEMBERS: Yeah.

CHAIR TAKITANI: To get some balance.

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

**February 25, 2016**

---

VICE-CHAIR SCHAEFER: Well, speaking of balance, why don't we ask the Chairman of the Council to come before us, and make --

CHAIR TAKITANI: That'd be fine.

VICE-CHAIR SCHAEFER: --structural changes, suggest structural things.

CHAIR TAKITANI: I'm surprised no one has said that we should get rid of the Council, and let the Mayor pick the new manager.

VICE-CHAIR SCHAEFER: Well, we got so confused with the NBA last week.

MEMBER STARR: Yeah, I had one more, half a sentence before, which is I would like to get another presentation, a follow-up from the ICMA 'cause I feel like we got the elementary part, and I wanna get at least the intermediate part from ICMA. And they're available for us.

CHAIR TAKITANI: Okay, I don't have any problem with the first one and meeting...our next meeting I would suggest we'll do an evening meeting here. I don't think we're gonna do seven meetings, Jonathan. We just won't finish.

MEMBER STARR: Well, at least four, and then I'm the one who'll get the rotten eggs when I go to Hana.

CHAIR TAKITANI: I don't know if we're gonna get four.

MEMBER HAYNES: I think having a meeting at night, maybe the next one, to test the waters might be a great idea.

MEMBER STARR: Yeah, sure.

CHAIR TAKITANI: Okay, we'll start with that, the next meeting. We'll figure out when that will be.

MEMBER STARR: Or the one after the next, if it's hard to do the next one physically.

CHAIR TAKITANI: We don't have time. We gotta start doing this stuff. Can we do a night thing here?

MS. WILLENBRINK: Yes, Chair. I checked with my supervisor, and she's just waiting for us to come up with some dates so she can check for availability of the Council Chamber.

CHAIR TAKITANI: Can we get rooms at the Four Seasons for our friends from Molokai and Lanai?

MS. WILLENBRINK: Probably not.

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

**February 25, 2016**

---

MEMBER HAYNES: I would propose that we'd make it the next scheduled meeting, which would be the 10<sup>th</sup>.

CHAIR TAKITANI: And basically it would be like a continuation of today.

VICE-CHAIR SCHAEFER: Yeah, that would be...

CHAIR TAKITANI: Receiving testimony on this issue.

VICE-CHAIR SCHAEFER: Yes, because, you know, we have now gotten...it's wonderful that we had all this testimony. It's wonderful. I'm so appreciative of these people coming out, and telling us what they think. But we need to have an open discussion.

CHAIR TAKITANI: And that'll probably be one after the next one.

VICE-CHAIR SCHAEFER: Well, how do you...the next one is just for public testimony.

CHAIR TAKITANI: Correct.

VICE-CHAIR SCHAEFER: At night.

MEMBER FRIEL: I just have a question.

MEMBER STARR: Mr. Chair?

CHAIR TAKITANI: Paula? Go ahead, Paula.

MEMBER FRIEL: And I'm sorry, this is just clarification 'cause got so many rules. But on the resolution, it does not say to raise the awareness of our community. So I'm asking...so can I...or is it my kuleana? Do I send out notices? Do I notify and let...'cause the people on my island are not aware that this is going on. Plain and simple.

CHAIR TAKITANI: The only problem that we're faced with the resolution is that there's that one sentence in there that says to meet at public locations throughout the County.

MEMBER FRIEL: Yeah, so but...

CHAIR TAKITANI: And that sorta...

MEMBER FRIEL: Am I violating anything if I raise their awareness, and tell 'em, hey, you guys wanna listen in...

CHAIR TAKITANI: No, by all...

MEMBER FRIEL: 'Cause nobody from Molokai --

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

**February 25, 2016**

---

CHAIR TAKITANI: You have a...

MEMBER FRIEL: --shows up because they don't know this is happening.

CHAIR TAKITANI: And that's why we try to use this location because they're hooked in. So I would suggest for Molokai and Lanai, by all means --

MEMBER FRIEL: And they don't have to be...

CHAIR TAKITANI: --have them weigh in if they're interested.

MEMBER FRIEL: They can just write letters of testimony. They do not have to be present either.

CHAIR TAKITANI: Absolutely.

MEMBER FRIEL: So even if people are working or not able to be there, they can always just drop off letters, correct?

CHAIR TAKITANI: Yes.

MS. WILLENBRINK: Excuse me, Chair? We also would be, if we have the night meeting, available to do video conferencing, and they could go to the Council Office and testify --

MEMBER FRIEL: You're gonna need security.

MS. WILLENBRINK: --through the television.

CHAIR TAKITANI: I think that's what I said.

MS. WILLENBRINK: From Hana, Molokai, and Lanai.

CHAIR TAKITANI: Kay?

MEMBER OKAMOTO: Just from the Charter Commission, I can tell you the three biggest crowds we had at any meetings, were Molokai, Lanai, and Hana.

CHAIR TAKITANI: Okay.

MEMBER OKAMOTO: The other ones, we had sometimes only two or three people show up.

CHAIR TAKITANI: Okay. Jonathan?

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

**February 25, 2016**

---

MEMBER STARR: If we do get through all the testimony in a fairly quick fashion, I'd like to ask if we could have Lori prepared to begin a facilitated discussion where we can put out ideas, and she can have some --

CHAIR TAKITANI: Yes.

MEMBER STARR: --of the big Post-its, or whatever.

CHAIR TAKITANI: Okay.

VICE-CHAIR SCHAEFER: And I'd like...is there...I'm...

CHAIR TAKITANI: What is this? Christmas, or what? Everybody wants something.

VICE-CHAIR SCHAEFER: Yeah, but I raised the question, I ran it up the flagpole, and I'm asking if anybody's saluting it in terms of asking the Chair of the Council to come and present structural changes? Maybe give...I don't know whether the questions are appropriate...

CHAIR TAKITANI: Do you wanna do that at a separate meeting, or at our next meeting?

VICE-CHAIR SCHAEFER: No, no, at the next one.

MEMBER OKAMOTO: No, we're gonna be here all night.

MEMBER HAYNES: Let's get through the next meeting.

MEMBER OKAMOTO: Yes.

MEMBER HAYNES: Let's just get through...let's open it up. Let's do a nighttime meeting. See what kind of response we get. We can talk about a facilitated process, and then let's make a decision then. I don't think we have to make a decision right today.

VICE-CHAIR SCHAEFER: Okay.

MEMBER STARR: Yeah, we got enough.

CHAIR TAKITANI: I'm sure. Are we okay?

MS. WILLENBRINK: Excuse me, Chair. Point of clarification. Could you close testimony?

CHAIR TAKITANI: No. . . .*(laughter)*. . . Anybody else want to testify? Okay. At this point we'd like to close the testimony.

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

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

**February 25, 2016**

---

CHAIR TAKITANI: Date for our next meeting.

MEMBER STARR: Tenth.

MEMBER FRIEL: Tenth was Thursday, yeah.

CHAIR TAKITANI: I am unavailable on March 10<sup>th</sup>. Wait, it's at night, right?

MEMBER STARR: Yeah.

VICE-CHAIR SCHAEFER: Yeah.

CHAIR TAKITANI: Is night 5:00?

MS. WILLENBRINK: Night is whatever you want it to be.

MEMBER OKAMOTO: Five or 6:00?

CHAIR TAKITANI: Oh, it's a long day, okay.

MEMBER HAYNES: Just play nine holes then.

CHAIR TAKITANI: No, I gotta work.

MEMBER OKAMOTO: What time did we decide on?

CHAIR TAKITANI: Five o'clock on March 10<sup>th</sup>, here. It's a Thursday. It is two Thursdays from...

MS. WILLENBRINK: And let me just check on the availability.

CHAIR TAKITANI: Oh, please.

VICE-CHAIR SCHAEFER: Talk among yourselves. Maybe we can take a two-minute break while she looks.

CHAIR TAKITANI: No, no breaks.

VICE-CHAIR SCHAEFER: No, just to stand up.

CHAIR TAKITANI: You can do that. Incidentally, I was informed by Kehau that her AHA meetings end this week.

VICE-CHAIR SCHAEFER: So we'd have a full committee. That's good.

CHAIR TAKITANI: Yes.

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

**February 25, 2016**

---

MS. WILLENBRINK: The date is fine.

CHAIR TAKITANI: I'm sorry?

MS. WILLENBRINK: The date is fine.

CHAIR TAKITANI: Okay. So if it's okay with you all, March 10<sup>th</sup>, 5 o'clock, here. And please feel free to invite as many, and they can share...it is...they can share in any way, shape, manner, or form. Well, within reason.

MEMBER STARR: Move to adjourn.

CHAIR TAKITANI: Oh, hang on. So, so I gotta read...oh, so we stand in recess.

MS. WILLENBRINK: No, no, no.

VICE-CHAIR SCHAEFER: Recess. Yeah, maybe we should recess.

CHAIR TAKITANI: We adjourn?

MS. WILLENBRINK: Yes.

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

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

**ACTION: DEFER.**

CHAIR TAKITANI: Okay. You know, you making me look bad. Okay. Let's adjourn until March 10<sup>th</sup>, 5:00.

MEMBER FRIEL: Five p.m.?

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

**February 25, 2016**

---

CHAIR TAKITANI: Five p.m. . . .(gavel). . .

**ADJOURN:** 5:05 p.m.

APPROVED:



---

TONY TAKITANI, CHAIR  
Special Committee on County  
Governance

cg:min:160225

Transcribed by: Reinette Kutz



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

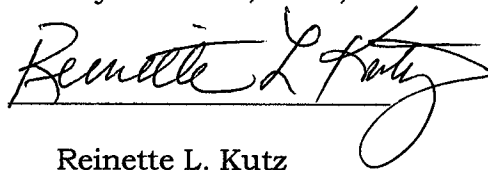
**February 25, 2016**

---

CERTIFICATE

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

DATED the 21st day of March, 2016, in Makawao, Hawaii.

A handwritten signature in black ink, appearing to read "Reinette L. Kutz", written over a horizontal line. The signature is cursive and includes a large, stylized flourish at the end.

Reinette L. Kutz