

# SPECIAL COMMITTEE ON COUNTY GOVERNANCE

Council of the County of Maui

## MINUTES

April 29, 2016

### Planning Department Conference Room

**CONVENE:** 1:02 p.m.

**PRESENT:** Tony Takitani, Chair  
Madge Schaefer, Vice-Chair  
Pua Canto, Member  
Dave DeLeon, Member  
Kehau Filimoe`atu, Member  
Paula Friel, Member (arrived at 1:08 p.m.)  
Kimo Haynes, Member (arrived at 1:07 p.m.)  
Tamara Paltin, Member  
Ray Phillips, Member  
Jonathan Starr, Member

**EXCUSED:** Kay Okamoto, Member

**FACILITATOR:** Lori Teragawachi

**STAFF:** Kimberley Willenbrink, Legislative Analyst  
Sharon Brooks, Legislative Attorney  
Pauline Martins, Committee Secretary

*Seated in the gallery*

David Raatz, Director, Office of Council Services  
Scott Jensen, Legislative Analyst  
Chancy Hopper, Supervising Legislative Analyst, Office of  
Council Services

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

**OTHERS:** Jim Smith  
Rosemary Robbins  
Paul Kailiponi  
Tom Croly  
Nell Woods  
(3) additional attendees

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

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CHAIR TAKITANI: . . .(gavel). . . Will the meeting please come to order. Good afternoon. It's 1:02 and the meeting of the Special Committee on County Governance shall come to order. We ask that you please turn off your cell phones. The Members present so far

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today is Pua Canto, Dave DeLeon, Renee Kehau Filimoe`atu, Paula Friel is trying to park her car, Kay Okamoto is excused, Tamara Paltin is here, Ray Phillips, Jonathan Starr, and Kimo Haynes will be here shortly, I believe. A Facilitator is here today, Lori Teragawachi. And --

MS. WILLENBRINK: Chair?

CHAIR TAKITANI: Yes.

MS. WILLENBRINK: Madge Schaefer.

CHAIR TAKITANI: Oh, I'm sorry.

VICE-CHAIR SCHAEFER: And you're here too.

CHAIR TAKITANI: The most important person. Our Vice-Chair who ably does all the good things that she does, Madge Schaefer is here. Representing the Administration is our Deputy Corporation Counsel Ed Kushi, Committee Staff is Kimberley Willenbrink, Sharon Brooks, and...that's not Clarita.

MS. MARTINS: Pauline.

MS. WILLENBRINK: Pauline.

CHAIR TAKITANI: And Pauline?

MS. MARTINS: Yes.

MS. WILLENBRINK: That's good enough.

CHAIR TAKITANI: Today, we will not be receiving any public testimony from the District Offices. I thought I would just throw that pause in there for fun as they are staffing the Budget Committee hearings that are going on right now. And the people that signed up said what? So we won't be having the Hana, Lanai, and Molokai Office. And at this time we'd like to proceed with public testimony. Ms. Willenbrink?

MS. WILLENBRINK: Thank you, Chair.

CHAIR TAKITANI: And I ask everyone to please speak into the microphone. Thank you.

MS. WILLENBRINK: For individuals who will be testifying here in the Planning Conference Room, please sign up at the desk. If you will be...testimony is limited to 3 minutes. At 2½ minutes I will let you know that you have 30 seconds to conclude. When you begin your testimony, please state your name and the name of any organization you are representing. Chair, we do have testifiers.

CHAIR TAKITANI: Okay.

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MS. WILLENBRINK: Our first person to testify is Jim Smith.

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

MR. SMITH: Aloha, Members of the Committee. My name is Jim Smith. I've submitted written testimony and I'm happy to be here today. You know, this is really serious. The work you do is gonna be taken by our Council. Okay, and they're gonna need this independent judgment and when I read this memorandum I'm thinking somebody's out to lunch. There is nothing in here that resembles a fact. You say that somehow a fact that in 1960 there was 45,000 and then forward there's 3 times, 5 times...what does that do with anything? That has nothing to do with anything. I've passed out a copy of the 2012 Mayor's Address and what he did was he said basically we have \$110 million of Carryover/Savings. Now is that efficiency-driven? Huh? I don't know? Have you even looked at Carryover/Savings? Have you ever looked at any material fact related to what you're doing? I haven't seen anything. And this report is worse than terrible. I mean resources, you combined questions. You want to justify your last act by vote so you take this memorandum and you come forward with all of this stuff about resources? Resources from California, wherever and it's supposed to be relevant to anything? It's not. And you find something? What does that mean? We found, okay, that there has to be a separation from the election cycles. There has to be continuity of leadership separated...what the hell does that mean? We vote. It's a republic. The people with power are elected. And you're coming forward and you want to separate from the election cycle? My vote? What are you thinking? Are you thinking? That's the problem. You're not thinking I think about that situation. And I'm asking you to start thinking about...the Mayor's Address, his statement this year says look we came from 49 million or something like that to 20 million. We dropped our Carryover/Savings. Is that efficiency? If it is, it's a fact. What fact do you have or do you considered that says it's inefficient? None. Why? Because you're reading --

MS. WILLENBRINK: Thirty seconds.

MR. SMITH: --California statements. You're reading these uppy-up guys. These status guys. You gotta get down to Maui no ka oi and it's not about touching, rubbing smart people's intellect. So I'd ask you please do it right and so far it doesn't look like you've done it at all. Thank you very much.

CHAIR TAKITANI: Thank you, Jim. Any questions for Mr. Smith? Thank you very much. I'd also like to point out that Members Paula Friel and Kimo Haynes have joined us. Next, Kim?

MS. WILLENBRINK: Our next testifier is Rosemary Robbins.

MR. SMITH: *[Note: Rosemary hands Jim his glasses left at the podium.]* See. Team.

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MS. ROBBINS: Good afternoon, everybody. Rosemary Robbins, concerned citizen. Actually I wanted to start out by saying thank you so much for all that you have done. None of this is easy and I was able on Friday to pick up the materials that have happened since the last time that the public was here and able to testify. Again 7<sup>th</sup> floor Staff was wonderful about getting anything that I needed verification on. So on this sheet dated April 21, '16...everybody has that? It's part of a five-page \_\_\_\_ here. One thing that I did want to ask to about it mentions at the bottom paragraph under resources on Page 2 that you folks had consulted with Richard Wittenberg. I have no idea who he is but I think it would be nice if we could hear that during today. people would be able to say oh yeah that's how come. Alright, so thank you that's over on Page 2. Then over...I'm sorry that's on Page 1. Over on Page 2 again April 20 the date on this one it does talk about the increase in the population. We don't want all those people to die of thirst because they don't have enough water so I do think that's an important thing to be able to realize more people, same as ourselves at home. If we're preparing a dinner for five, and ten come, you make a quick adjustment in there when you're dealing with something, the extensiveness that you are dealing with to be able to anticipate. Also up on the top of that on Page 2 it talks about a University of Hawaii Master's thesis. I just would like to say something in terms of that and maybe the headhunting group that you might end up dealing with. In so many places, including here in Hawaii, our colleges have grown from being two-year colleges to four-year colleges and then eventually over to having some graduate stuff. With the way science has been galloping ahead, we need to make sure that whoever we're gonna be dealing with is able to understand what has been happening and maybe what was relevant when he/she was in college years ago is not necessarily going to be --

MS. WILLENBRINK: Thirty seconds.

MS. ROBBINS: --comfortable with what we need to deal with now so I'm trusting that you will take that into consideration. I also was very happy to read in the materials that were there. I'm talking now on Page 1 of Appendix 5 and it says in here that the issues that should be presented to the Council by the CAO, the person who would be the Chief Administrative Officer, are those that are significant to the wellbeing of the community.

MS. WILLENBRINK: : Three minutes.

MS. ROBBINS: Amen. The County needs to hear that. Nobody's trying to shoot the Mayor. Nobody's trying to hire the middle-school kid next door. I know that you're gonna do a good job on that. So thank you for doing that. Thank you.

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

MS. WILLENBRINK: Chair?

CHAIR TAKITANI: Yes?

MS. WILLENBRINK: The next person to sign up to testify is Paul Kailipono...poni.

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CHAIR TAKITANI: Mr. Kailiponi?

MR. KAILIPONI: Good afternoon, Chair. Good afternoon, Committee Members. My name is Paul Kailiponi. I am the Chair of the Cost of Government Commission for Maui County. I'm here today to testify indicating that at the beginning of this process we came before you mentioning that we were doing a parallel study to your own. Yesterday we finalized our report and I have distributed to you a draft version of the executive summary of that report for you to take a look at. The purpose of this testimony now is to briefly go over some of the findings from that executive summary, our recommendations, and to talk about different ways in which or an appropriate way in which we could talk about some of the substantive findings and items of evidence that we went through in looking at this. Over the course of this process we have included within our report upwards of 30 exhibits, 20 of which are academic scholarly reports and findings. We've interviewed approximately 20 individuals from the Mayor's Office; different department heads, division heads, as well as executive managers from the finance fields as well as executive search professionals. And we've also gone over approximately 20 pieces of written correspondence that looks into this. The reason why I mention this is because we want to be sure to provide to you the best possible evidence-based facts, findings, and recommendations for this process. Ultimately our findings as shown in Section A indicate that a Council-Manager form of government will not necessarily result in lower expenditures or improve the economy efficiency at the County level. That a County-Manager form of government does not necessarily...is not a condition for professional qualified management nor does it mean that you will get any more qualified management than you would under a Council-Manager form of government. That the Council-Manager form of government will not necessarily reduce turnover costs at the CAO level. That a Council-Manager form of government will not necessarily result in lower overall executive costs in the Mayor's Office. Under the Council-Manager form of government will likely have no effect on the acquisition of advantageous terms for General Obligation Bonds or financial standing for the County. Each of these facts or each of these assertions that we make here are based off of the economy and efficiency of a proposed Council-Manager form of government which we see as our Charter responsibility. There have also been other values or other reasoning's that have been investigated but were not included explicitly in the report. Things that look at, for example, the political, the insulation of politics through a Council-Manager form of government or the representativeness or accountability that we've done some investigation on that could be shared but not within the report itself because it did not touch on economy and efficiency which is part of our Charter responsibility. Ultimately we would like to be able to present --

MS. WILLENBRINK: Thirty seconds.

MR. KAILIPONI: --this to you in a very official kind of presentation form, whether that happens later on in this process, I understand that you're very busy and that you have very little time to complete these things. Alternatively I am ready, and willing, and able to answer any questions that you may have about any of the evidence that we've used in coming up with these findings or the process that we went through in coming

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up with these findings or recommendations right now. As well as any other of the additional information whether it be on the politics or the representative or accountability --

MS. WILLENBRINK: Three minutes.

MR. KAILIPONI: --of the two different systems. Thank you.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: Chairman Kailiponi, could you describe in a little more detail the process you guys followed, your Committee? Maybe even describe...

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

MEMBER DeLEON: Could you describe the process you folks followed and maybe give more information about who the Cost of Government Commission is?

MR. KAILIPONI: Okay. The Cost of Government Commission is a commission made up of public individuals that are appointed, at first by the Mayor's Office, but goes through a review process through the County Council. In other words every member of the Commission, of our Commission, is vetted by both the Mayor's Office as well as the County Council. The current standing and members of our Council came well before this ever became an issue; meaning that you can rest assured that no...I mean we were there before and we had investigated these kinds of things before this even came up and were requested by the, by Chair White as well as by the Mayor to look into these kinds of issues. The expertise varies. We come from various fields in management and in finance. I have a Policy PhD as well and we've looked at this in a very evidence-based approach. We looked at...we used a value-based approach meaning that we're not looking at trying to compare whether one is better than the other. But rather we're looking at what do people want in government? Does a Council-Manager form of government meet what people want for their government? And that's how we came up with these assertions and the evidence-based facts behind does a County-Manager form of government lead to better efficiency and economy? Does a County-Manager form of government...because that's what people want...does it lead to lower costs? Does it lead to insulation from political effects? Those are what we tested and not necessarily whether one is better than the other. Ultimately what this allows us to do is come up with recommendations that go beyond saying we want a Council-Manager form of government. Instead what it is is looking at something that's very specific to the needs of Maui County.

MEMBER DeLEON: Thank you. One of the arguments being given here for actually going to a County Manager is the argument of continuity.

MR. KAILIPONI: Yes.

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MEMBER DeLEON: The argument that when the government changes then everybody changes and the leadership changes and it causes an inefficiency in the government. And so the goal is to separate the Manager from the election process?

MR. KAILIPONI: That's right.

MEMBER DeLEON: What was the Cost of Government Commission's take on that?

MR. KAILIPONI: Turnover costs are real. I mean, there's no doubting that. Whenever there's turnover in a government there's gonna be cost to the organization. There's no doubt about that. However, just because you have a Council-Manager doesn't eliminate turnover all together. So essentially what we wanted to do and we tried to test was look at what is the difference in turnover between our current and historically current Maui County for the CAO--that's the Managing Director's Office--versus general turnover for City Managers across the entire country. We used three different pieces of evidence to find that. One is the ICMA survey which only looks at ten-year average tenure and it's not even really an average tenure because they don't track their City Managers across the entire tenure of their position. We also found academic articles that looked at trying to figure out what is the real turnover of City Managers. And ultimately they found number one, that using the average of the City Managers is not right to use; mostly because an average is gonna be seriously affected by those City Managers who have been in office for 15 to 20 years. Which is very, very unlikely. But because of the way that the statistics run it pushes up your average higher and it's not really a real measurement of what that turnover would be. It almost always suggests using a median; meaning that at what point do half of the City Managers turnover and that median was found to be approximately five years across three different sources of evidence that we looked; two academic and one from an interview that we did with a Mark \_\_\_\_\_ from an executive search company that does these sorts of things. When we looked at the historical information of turnover for the CAO, we found that their average turnover for the CAO was approximately four years. Not that different from what a Council-Manager form of government would be. And that that number was highly affected by whether we have a four-year Mayor or if the Mayor is re-elected. For a four-year Mayor that average is around four years or that period of time but for an eight-year Mayor, it jumps up to six years. Which is actually above what the median is nationally. This indicated to us that natural turnover within the City Council-Manager is not that different the normal turnover that we have here using our Council-Mayor form of government. Therefore to suggest that there's gonna be enormous turnover savings by switching over is not pulled through by this evidence.

MEMBER DeLEON: So you intrigued me with this one comment you were making about the insulation of government from politics.

MR. KAILIPONI: Yeah.

MEMBER DeLEON: Could you speak to that whole \_\_\_\_\_ please?

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MR. KAILIPONI: I think that's a very important topic. It's one that we didn't explicitly look at because we wanted to hold to our Charter. However, I think that it's something that a lot of people care about. I think, I mean it's obvious that people care about insulating politics from our government. Oddly enough a lot of the evidence that we have or that we encountered for that are ones that you already have. So specifically the ICMA State of the Profession Survey which you currently have within your own documentations has a question. Question number 28, asking in the, in terms of pressure that Council-Managers feel what are the reasons for that pressure? One-third of those surveyed answered that political pressure remained one of the things that held sway over their profession and led to that kind of turnover that occurs. This indicates to us that politics are not completely insulated by switching over to a Council-Manager form of government. Similarly in the Carr article, which again is an article that your Committee already has, there is a statement in there that states from several different pieces of evidence and I have a quote here, it says simply appointing a professional manager does not mute the forces of electoral politics or provide incentives for efficiency that did not previously exist. If matters were so simple the urban fiscal crisis could've been solved long ago. Essentially that simply because you have a Council appointing that individual does not mean that politics will not hold sway. This is also something that's stated by professionals during testimony talking about these kinds of things and that would lead us to believe that it's not a complete insulation. Politics will be there no matter what form of government exists.

CHAIR TAKITANI: Dave...

MEMBER DeLEON: One last question. One last question.

CHAIR TAKITANI: You sure? You can come back, you know.

MEMBER DeLEON: No, I'll be pau. I'll be pau. Okay. And that last question is your Commission recommended to the Council if they were to proceed with this review that the proposal should go to a Charter Commission. Could you speak to why that is?

MR. KAILIPONI: We have a process for Charter amendments in this County. I think it can go without saying that any change towards a City Manager form of government would lead to substantial changes to our Charter. The proper process through which that occurs is through a Charter Commission; having 18 months to go over that process and relevant stakeholders being engaged in that process. I do not see as hard as we've tried and as hard as you are trying at understanding this process, that due diligence and process occurring over this timeframe. And that is largely due to the these kinds of unforeseen things that could occur and things that are difficult to understand. And one example of that if you allow me one quick example is that is essentially what I would typify is the salary problem. You care very much about having qualified professionals. I don't deny that. I want qualified professionals. That's something that's common across both forms of government. However, currently within our form of government our CAOs are paid quite frankly incredibly less than comparable City Managers in municipalities all over the country. If you want more qualified professionals, you are gonna have to pay for it. Unfortunately the Council does not

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have power over salaries. The Salary Commission sets those kinds of salaries. We spoke with members from the Salary Commission and asked them what would happen if we had this change and would they see a increase in salaries for the CAO commensurate with salaries that exist on the mainland for similar types of municipalities. Just to give you an outlook on this, currently our Managing Director makes approximately 120,000-\$130,000 a year, City Managers in the State of California across all municipalities which is the largest data set that we could find; we're talking about 458 municipalities, information; the average Council-Manager makes around \$250,000 which was also a number that was stated by Chair White. If you were to go along with that and a Deputy Council-Manager that makes approximately 10 percent less than the Council-Manager, which is the current system that we have now, deputy heads with deputy...or department heads with their deputies making about 10 percent less, that's about \$500,000 in executive salaries. That's an 83 percent increase in salaries for just 2 positions even if you eliminate the salary from the Mayor. And that's not even stating that that's possible that could occur because the Salary Commission could go ahead and say well we're not gonna increase salaries that high. That's not something that they can say. But what happens then is that you can't guarantee qualified professionals or if you do that that those professionals are gonna jump boat if they ever find another job that pays them more or what it should be on the national level. It's these kinds of instances, these kinds of complexities and these kinds of interactions that we mean when we say we need to take a deeper look at this.

MEMBER DeLEON: Thank you.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yes, thank you for your comments and your work on this. You know, my first takeaway is that, you know, you did all this research and looked into a lot of things and then you said that when you decided to put the opinion and the remarks together on the subject that you based it on what people want. And so I assume that you're catering to the whims of some powerful people. So could you identify who those people are that you are...

MR. KAILIPONI: Can I ask you first who you mean by powerful people?

MEMBER STARR: Well the ones who you said well that your comments and your opinion is based on your judgment of what people want.

MR. KAILIPONI: Okay. I'll clarify that.

MEMBER STARR: Yes.

MR. KAILIPONI: What we mean by a value approach is that we looked at all of the testimony that was provided to your Committee. We looked at all of the written correspondence that we received. We looked at the opinions of those who testified before our Commission which include the Mayor, the Managing Director, it included Members of

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the Maui County Council, including Chair White and some of his staff. It included division heads. It included department heads. It included executive professionals. We cast as wide a net as we could and we looked to identify...when I say what people want what I mean is what the general populous of Maui County has expressed to us as being important to them. It is not necessarily --

MEMBER STARR: You mean...

MR. KAILIPONI: --whether they should have a Council-Manager or not but rather why they want the Council-Manager. If the reason why they want the Council-Manager is because it's gonna be more efficient and economic that's what we test. If it's because there's gonna be less politics involved then that's what we test. It has nothing to do with their opinion of whether one is better than the other but only on what their value is on having one form of government or the other.

MEMBER STARR: Okay. So you based it on those who currently benefit from the spoiled system --

MR. KAILIPONI: No.

MEMBER STARR: --who testified to you --

MR. KAILIPONI: Absolutely not.

MEMBER STARR: --and then that's why --

MR. KAILIPONI: No.

MEMBER STARR: -- you've been...

MR. KAILIPONI: No.

MEMBER STARR: That's what I take away. Now...

MR. KAILIPONI: Neither is that what I said.

MEMBER STARR: Anyway I'll ask another question here. When you did an evaluation on the longevity of governance in terms of the personnel, you said that you discounted and took out of the mix those who served for 15 or 20 years so that you went out of your way to create a model that shows shorter terms of government. In other words, you said oh we're just gonna knock off all that are really successful that served for long terms.

MR. KAILIPONI: That's not true.

MEMBER STARR: And that seems insane.

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MR. KAILIPONI: That's not what we did. All we're saying is that to use an average of tenure is not a true indication of what that turnover would be because it is heavily...and it's not that we discounted either, it's included. We included all of those Managers. All it's saying is that using a median as opposed to a mean is a better indicator of turnover than that. We have academic research that indicates that that's true. It's in our report. If you would like me to explain to you the statistics of why a mean and those outliers affect the mean versus the median I'd be happy to do so.

MEMBER STARR: No. No need. I mean it sounds like you cooked the books and, you know, that's what I take away.

MR. KAILIPONI: Mr. Starr, may I address that statement?

CHAIR TAKITANI: Go ahead.

MR. KAILIPONI: The Cost of Government Commission takes our credibility and objectivity extremely seriously. The report that we have is objective and uses as much of the evidence referenced to academic standards as we could. I suggest that you look at those evidence and those piece of standards before suggesting a lack of credibility on terms of our Commission simply because of your misunderstanding of what I've testified.

MEMBER STARR: Thanks very much. Now you started out by expressing that what seemed to me to be an opinion that everything that is being done by our County government is the best possible, that there's no benefits to be gained, no efficiencies to be gained, that the department heads that financial data keeping is the best it can possibly be.

MR. KAILIPONI: I do not suggest that.

MEMBER STARR: That seemed to be the take away that, you know, there could no improvement by...

MR. KAILIPONI: I am not saying that there could be no improvement. I think there's plenty of things that could be improved in this government. All I'm saying is that a Council Manager doesn't necessarily mean that those improvements would occur. That's all that I'm saying.

MEMBER STARR: So it doesn't guarantee it?

MR. KAILIPONI: Of course not.

MEMBER STARR: Thank you.

CHAIR TAKITANI: Paula?

MEMBER FRIEL: Aloha, Dr. Kailiponi, wanted to make sure I said that right.

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MR. KAILIPONI: Thank you.

MEMBER FRIEL: You know, first of all, I would like to thank you and your Committee 'cause it sounds like you folks worked very hard and --

MR. KAILIPONI: We tried.

MEMBER FRIEL: --without any disrespect to anyone, if anyone in our Committee is coming across as unappreciative for the amount of work that it sounds like you folks did, I would like to apologize on behalf of our Council. 'Cause I don't think any of us are really meaning to do that. And not supposed to make comments so my question is based on your observation of your Committee does it seem like people came in with a personal bias of what they already believed was best or did they come in with a pure academic research-based agenda to address the needs and the questions and issues at hand?

MR. KAILIPONI: It is not my place to try to find bias in anybody's testimony. Neither would we be able to do that. When we took people's testimony in to look at these kinds of things, they do so because they care about this County. And we do not discount any of that kind of testimony. What we wanted to get from those is why they care about it? What is it that they would measure the effectiveness of our government on? And that's what we want to try to test. A lot of this is trying to put forward information that tries to provide better understanding of those values; what we want for our government. And that's what our using the best possible evidence attempts to do. In earlier drafts of this it was much, much, much stronger. Thank you to my Commission and to our technical writer for softening much of this language. If you look at the evidence you can see the degree to which we had to soften a lot of this language. We wanted to be as fair as possible which is why a majority of our findings doesn't say that one is better than the other but rather the objective analysis that we can't know, we can't be certain. And that the kinds of evidence that we show indicate that we need to be very careful if we think that by accepting a City Manager we're gonna see 10 percent decreases in our fiscal budgets. That is worrisome. That's what we want to try to avoid.

MEMBER FRIEL: Thank you.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: How you doing?

MR. KAILIPONI: Hi.

MEMBER HAYNES: I had a couple of questions, I'm just trying to understand. So when you were looking at the data did you guys look at...when you're talking about turnover earlier, did you guys look at the department head level too?

MR. KAILIPONI: That's a great question. No we did not.

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MEMBER HAYNES: Okay.

MR. KAILIPONI: We looked only at the CAO --

MEMBER HAYNES: Yeah, yeah.

MR. KAILIPONI: --which was the, which is the Managing Director in this case. We did however do numerous interviews with the division and department heads, talking about what that turnover cost is going to be. You may have received written correspondence indicating business within business fields, some quantified number of what that turnover cost would be. To a large degree the turnover cost as expressed by department heads and division heads is significantly less than that mainly because they know when there's gonna be turnover. And because they know that there's gonna be turnover and there's a historical reasoning and a process and a cycle to that turnover, they're able to put into effect policies that limit the negative effects of that turnover. That was what was expressed to us. That does not however indicate that turnover costs don't exist. They're there.

MEMBER HAYNES: That's my next question.

MR. KAILIPONI: Yeah.

MEMBER HAYNES: So how are you quantifying costs then?

MR. KAILIPONI: In terms of department heads we couldn't.

MEMBER HAYNES: Oh, sorry.

MR. KAILIPONI: In terms of, yeah, in terms of department heads we couldn't. And that finding is in here. We couldn't make the same assertions that we could for the CAO as we could for department heads.

MEMBER HAYNES: So your report can't talk about the timing of how these happen? Like in a current system when you look at the timing of a mass exodus of department heads, you didn't address that, versus kind of the structured...I mean you're gonna have attrition but maybe not --

MR. KAILIPONI: No.

MEMBER HAYNES: --to the extent you would have that would come in and out --

MR. KAILIPONI: We could not.

MEMBER HAYNES: --with the Mayor.

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MR. KAILIPONI: We could not. We couldn't find the appropriate evidence and there's no national academic studies --

MEMBER HAYNES: Right.

MR. KAILIPONI: --that look at turnover at the department head level.

MEMBER HAYNES: And so just as well you probably didn't look at succession planning and how deputy directors can move into and when you do have a loss of a head you can have a deputy director move in rather than both of them leaving at one time right?

MR. KAILIPONI: No we were not able to do that.

MEMBER HAYNES: What about...did you guys look at the transparency process of the hiring of department heads?

MR. KAILIPONI: Yes.

MEMBER HAYNES: Did you guys look at that and compare that at all between a strong Mayor and a Managing Director?

MR. KAILIPONI: The process could be more transparent. One of our recommendation deals specifically with that.

MEMBER HAYNES: But you were able to get data that suggests how much or quantify it or anything?

MR. KAILIPONI: No.

MEMBER HAYNES: No?

MR. KAILIPONI: No.

MEMBER HAYNES: And then did you guys look at the specific changes to the Charter that would have to be made? You made a statement earlier that there'd be a lot of changes but I was wondering if you guys spent any time to really specifically look at what those would take?

MR. KAILIPONI: Apart from the interviews that we performed to, for instance the County, with the, with members of the government itself, all them indicating that it would be large changes.

MEMBER HAYNES: But no one looked and actually looked at what would --

MR. KAILIPONI: We in no way said that --

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MEMBER HAYNES: --happen . . . *(inaudible)*. . . . You can't really make that statement, right?

MR. KAILIPONI: --80 percent of it has to be because well we don't know what it would be changed to.

MEMBER HAYNES: Right.

MR. KAILIPONI: Until we know...

MEMBER HAYNES: That's my point.

MR. KAILIPONI: Yeah, until we know exactly...

MEMBER HAYNES: But that's a statement that you can't really stand behind if you don't really know. I mean it's not fact finding.

MR. KAILIPONI: The movement towards a traditional County Manager form of government would be large. Anything in between of that would depend on exactly what it is that you are changing.

MEMBER HAYNES: Okay. That makes sense.

MR. KAILIPONI: Yeah.

MEMBER HAYNES: Yeah. Okay. And then I do like your recommendations that you talked about. Talking about, you know, any decisions, what they would mean. Talking about accountability, minimizing political influence. I think those were all things that we were looking at as well. So thank you.

MR. KAILIPONI: And I appreciate all of the work that you go through in doing that. I hope that the same level of care that we've put into our report is put into yours as well.

MEMBER HAYNES: Yeah. I just think sometimes I don't know if we're asking the same questions, we're trying to answer the same questions. I mean I'm hearing \_\_\_\_\_ questions that you're answering and I get it. But I don't know if we're, that we're actually looking at the same questions.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: Thank you for the information. I have a question regarding the study on the turnover of the Chief Administrative Officer --

MR. KAILIPONI: Yes ma'am.

VICE-CHAIR SCHAEFER: --or County Manager. Was that broken down by city or county size?

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MR. KAILIPONI: Yes it was. There is a table which is in our report, you won't find it in that one piece of paper there. But you can refer to this once we finalize our report. There was a study that indicated and looked at the turnover costs dividing municipalities for those that were over 200,000, approximately 200,000, 100,000, 75,000 50,000, 25,000 and overall. I'm happy to pass this around for you take a look at. There isn't a large amount of difference in the median turnover across all of those different municipality categories. And smaller municipalities tended to have those managers with very large longevities.

VICE-CHAIR SCHAEFER: Alright. Thank you. Second question regarding, is regarding the reference that this should be done by the Charter Commission.

MR. KAILIPONI: Yes ma'am.

VICE-CHAIR SCHAEFER: And actually this study was requested by the last Charter Commission and that's what I think caused the Council to ask for this Committee to be formed. I think there's been two Charter Commissions that have recommended that this be studied but haven't taken on the study themselves. So that says to me they wanted it handled in a different way.

MR. KAILIPONI: Or handled by a subsequent Charter Committee.

VICE-CHAIR SCHAEFER: But that's not what it said. It said it, as I recall the language, it said referred to for further study.

MR. KAILIPONI: That's fair. That's fair, Madge. I think the issue that comes then into play is whether we feel we've had enough time to give this issue the weight that it currently has. The recommendation of our Commission is that we haven't.

VICE-CHAIR SCHAEFER: Well, I really appreciate what you all have done and I'm sorry that we just received this, even the summary just on the table. It's rude to have to read something when someone is speaking and so...

MR. KAILIPONI: It was just finalized yesterday.

VICE-CHAIR SCHAEFER: I understand.

MR. KAILIPONI: Yeah.

VICE-CHAIR SCHAEFER: I understand.

MR. KAILIPONI: We wanted to get the information to you as quickly as possible and we're more than happy to answer any questions or provide any additional testimony that you may require.

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VICE-CHAIR SCHAEFER: I appreciate the work you've put into this and as I said probably there would be more questions if we had had an opportunity to see it ahead. But that's the way --

MR. KAILIPONI: I'm sorry we...

VICE-CHAIR SCHAEFER: --the cookie crumbles. I understand.

MR. KAILIPONI: I can't share something with you until my Commission's okayed it.

VICE-CHAIR SCHAEFER: Right. No, I understand.

MR. KAILIPONI: Thank you.

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Pua?

MEMBER CANTO: Dr. Kailiponi, thank you. Thank you for being here and sorry to have you up there so long but --

MR. KAILIPONI: Oh I like it here.

MEMBER CANTO: --you know, I do appreciate your summary and I do look forward to looking at the full report. Do you have any idea when that will be done?

MR. KAILIPONI: It'll be done within the next two weeks.

MEMBER CANTO: Two weeks?

MR. KAILIPONI: Yeah.

MEMBER CANTO: Okay so one of my questions was asked by Member Haynes but another one on item number two of your findings you state the Commission could not determine using the evidence available whether the adoption of a Council-Manager form of government would directly lead to more qualified CAOs --

MR. KAILIPONI: Yes.

MEMBER CANTO: --and a Mayor-Council form of government. So what is it do you think that you were lacking in the form of, you know, what we've gone through for the last four months, what could you have wanted...

MR. KAILIPONI: So there are two strains that explains that finding. The first is an analysis of the different minimum qualifications for Chief Administrative Officers across different cities and municipalities. And the minimum qualifications for those cities and municipalities--Thousand Oaks is one of them--have minimum qualifications that

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are of a similar nature to Maui County's Charter or even more vague. Essentially allowing the body itself to determine what is a qualified individual. Now so that's one strain of that. Essentially moving towards simply changing who appoints that position doesn't necessarily mean that those minimum qualifications change at all or that they need to be changed from what we currently have. The second one is connected to that salary problem. At our current salary I highly doubt a City Manager from a municipality that's making essentially twice the amount of money on the mainland to come here and provide their services to Maui. That would indicate a need to increase significantly the salary of the Chief Administrative Officer. Salaries are a good indicator of professional qualifications.

MEMBER CANTO: I appreciate your comment. Thank you.

MR. KAILIPONI: Yeah.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: Aloha, Dr. Kailiponi.

MR. KAILIPONI: Hi.

MEMBER PALTIN: Thank you very much for your study. I'm very impressed with it. My question is kind of just more out curiosity and I just was wondering you mentioned a lot of people that you interviewed and talked to--my question is how many long-time, low-level County employees were talked to and what job backgrounds were they from?

MR. KAILIPONI: I'd have to refer back to our references for that. I'm not exactly sure. We did get division heads and from different departments. And as you had seen from Keith Regan's report our division heads have significant longevity in their positions; an average of 20 years. I mean that doesn't even fit in my head the level of longevity that is at the division level. Twenty years on average for our division heads. And that's the highest level before appointments. Now I'm not saying that those 20-year people or more were the ones that we interviewed. I'm not saying that 'cause I'd have to go and look. But I would imagine that people with longevity were included in those interviews.

MEMBER PALTIN: See I'm not...I wanted to make the clear distinction between a division head and lower-level because when someone is underneath of a division head and maybe a few steps below a division head things can get stuck before they go up to the division head. And I think that if you speak with the lower-level people like underneath of a...people that don't supervise anybody, it would give a more complete view. Not...I don't mean to imply that your study is not complete.

MR. KAILIPONI: No, no, no, I understand what you're saying and you're absolutely right. You're absolutely right. We're a volunteer organization like you. And we need to make decisions as to who wants to be interviewed by us and who we request for interviews. We're limited by that. And you're absolutely right in that if we were to look at, if we

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were to do a survey of every single employee in the County, we could have some very different results. It's very true. We weren't able to do that. I'm sorry.

MEMBER PALTIN: Thank you.

CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: Thank you, Doctor, for appearing this afternoon. In your discussion today and your testimony you referenced a what you say is a typical --

MR. KAILIPONI: Yeah.

MEMBER PHILLIPS: --Council-Manager situation. Our TIG that we have had meeting over the last few weeks --

MR. KAILIPONI: Yes.

MEMBER PHILLIPS: --has come up with an interesting matrix on something that is probably not as typical as one may encounter.

MR. KAILIPONI: It's not typical but it's not uncommon.

MEMBER PHILLIPS: Okay. Great.

MR. KAILIPONI: Yeah.

MEMBER PHILLIPS: Thank you. I totally agree. Okay. Great. So what we're taking a look at here in which you were kind enough to present us with is something based on a typical situation --

MR. KAILIPONI: Yeah.

MEMBER PHILLIPS: --where probably would had more relevance to what we're discussing today. If it maybe would be more applicable to some of the TIG comments that are being proposed this afternoon. Number one. Yes? No?

MR. KAILIPONI: It would depend on...you're right, that's absolutely true. We...and this is one of the advantage to doing a value-based assessment as opposed to a...because as we had known from the ICMA testimony there are dozens if not hundreds of different ways in which you could create or form a City Manager form of government; many, many different ways. So by looking at the different values that we have here as opposed to any one specific thing, we're able to cut through a lot of those differences and create recommendations that don't force us into these sorts of boxes.

MEMBER PHILLIPS: Great. Thanks. Thank you, Doctor. When you took a look at the Manager type of government and you took a look at its incidence nationwide --

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MR. KAILIPONI: Yeah.

MEMBER PHILLIPS: --can you give me an idea what you found say as in how --

MR. KAILIPONI: Sure.

MEMBER PHILLIPS: --many governments were...

MR. KAILIPONI: Well, you have that information already.

MEMBER PHILLIPS: Okay.

MR. KAILIPONI: There are many, many City Manager forms of government. They tend to exist in smaller municipalities and in a lot of ways their growth is attributed to the growth of City and County Managers towards the West, as they move further west. So you'll see more City Manager forms of government in the western part of the country as opposed to the eastern part of the country which holds truer for those Mayor forms of government which existed in Europe before people even came to the United States. In terms of growth of City Manager, City Managers have also been growing in terms of the proportion between that and Mayor-Council forms of government. The reasoning...

MEMBER PHILLIPS: You see any basis for that? Any rationale?

MR. KAILIPONI: Not that were related to economy and efficiency no.

MEMBER PHILLIPS: Any other reasons? Any other rationale?

MR. KAILIPONI: Not that we could find explicitly.

MEMBER PHILLIPS: Did you look?

MR. KAILIPONI: Well, we looked. And we looked at reasons why people would move over to those Mayor-Council forms of government which is called abandonment. Abandonment and adoption. There's an article that talks about abandonment and adoption of City Manager forms of government and essentially finds that the reasoning for its adopting those City Manager forms of government have less to do with economy and efficiency; lowering expenses within that county. And more to do with political elements of, occurring within those municipalities.

MEMBER PHILLIPS: Okay. When you took a look at...

MR. KAILIPONI: We'd be happy to provide you with that reference.

MEMBER PHILLIPS: Okay, great. And I think there was some reference in the past we've heard that there's approximately 80 percent of the type of governance that's in smaller counties and cities that run in the...

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MR. KAILIPONI: That's a good question. And it's actually one that I thought about a number of times because the information that you got from Dave Mora differs from the information that exists in the ICMA which differs from the information that exists in other scholarly works that we found. A lot of it is semantic; how do you define a City Manager? And as that changes, the numbers change as well. Levels of abandonment and adoption of City Manager forms of government tend to be quite static. And when we look at overall, the percentage, and we have to put into fact that they're commission governments, which also make up a sizeable proportion, not as much as a Mayor-Council or a City Manager but still somewhere in that neighborhood, we're looking at numbers that are actually quite close to one another; 43 percent to 50 percent, so on and so forth. Things like that. The reasoning that we should adopt a City Manager form of government because everybody else adopts a City Manager form of government is perhaps less a good reason to do so.

MEMBER PHILLIPS: That's not what I'm trying to state. What I'm trying to state is that there are, municipalities seem to be in a reasonable amount that have found that there's good credibility for doing that and there's good rationale for doing it.

MR. KAILIPONI: Just as much as there exists for a Mayor-Council form of government, yes.

MEMBER PHILLIPS: Great. Thank you. You were discussing the point that the cost of government may or may not be affected if we bring in management folks that are possibly going to be making an amount of salary that's greater than what we're now paying. So is there a possibility that there are parts of the government that we now have that we're paying for that could be reduced to compensate for that?

MR. KAILIPONI: We have no idea. We did not make that sort of analysis.

MEMBER PHILLIPS: But you're the Cost of Government Commission.

MR. KAILIPONI: That wasn't the question that we were trying to answer; especially at the department level. Now if you look at the studies that look at economy and efficiency and government expenditure, which we did look at, there's no significant statistical difference between a City Council-Manager form of government and a Mayor-Council form of government. And that goes exactly along with the evidence that you've received from your Legislative Analysts as well. If you look at that evidence as indicating whether one is better than the other, it's essentially it doesn't matter.

MEMBER PHILLIPS: If we were to bring in a Council-Manager type of government there probably would be a resulting reduction in the size of the mayoral...

MR. KAILIPONI: We could not make that assumption. Let me put one point along with that. Right now our County Council is going through Budget hearings. If you watch those Budget hearings, you see the degree to which our County Council tries to cut down these kinds of positions. The idea that we need a City Manager to do those kinds of cutting, we try to do it already. We don't come into these kinds of analyses saying that

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there's some pot of gold somewhere that we can find by bringing in a City Manager. The evidence that we looked at right now indicates that when there are changes that pot of gold isn't found. And that's what we're trying to say.

MEMBER PHILLIPS: Thank you.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: I got a couple more follow-up questions here. So in this model you were looking just at the City Manager, whether there was a Mayor or not a Mayor involved correct?

MR. KAILIPONI: In most cases yes.

MEMBER HAYNES: What do you mean...but that was the underlying...

MR. KAILIPONI: There was some information that we have that went down to the department head level. But it wasn't nearly the level of evidence that would allow us to make the kinds of assertions that we're making for this Chief Administrative Officer.

MEMBER HAYNES: But that was only criteria really. There's a professional manager versus not a professional manager.

MR. KAILIPONI: An appointed Manager versus an elected executive.

MEMBER HAYNES: So that's the difference there?

MR. KAILIPONI: Yeah.

MEMBER HAYNES: And then looking at...you made a statement, so we have trends you had mentioned that the Council or the professional manager it seems to be growing nationwide, mostly on the West --

MR. KAILIPONI: Yeah.

MEMBER HAYNES: --you seeing more of that. Is the Mayor-Council form of government growing as well or is it declining?

MR. KAILIPONI: It grows as well depending on the size of the municipality. Much larger cities and counties tend to have higher incidences of Mayor-Council form of government.

MEMBER HAYNES: And what size is that?

MR. KAILIPONI: Oh we're talking over 250,000.

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MEMBER HAYNES: And then you talked about the cost of salaries for a manager and a assistant manager. Did you guys look at Mayor staffing and those costs or what the normal Mayor staffing would be for a government entity like this or size that we are?

MR. KAILIPONI: Explicitly no. We did not. We only compared it to the existing form of government and salaries that existed here in Maui County because this is where that change would occur.

MEMBER HAYNES: But you guys just assume just kind of status quo for the Mayor staffing in this kind of a change?

MR. KAILIPONI: Yeah.

MEMBER HAYNES: Okay.

MR. KAILIPONI: We did. Unless we find some evidence that indicates that our current Mayor has an incredibly bloated staff, which we haven't found, then we could start making that kind of assumption.

MEMBER HAYNES: Did you guys look compared to other counties in Hawaii and the level of staffing of the Mayor?

MR. KAILIPONI: I think other bodies have already done that. You have that information.

MEMBER HAYNES: But you guys didn't look at that?

MR. KAILIPONI: The assumption that we could base that off of what the other counties did was something that was discouraged from our discussions with the Salary Committee. That while it is something that is considered by the Salary Committee, they look into a lot of different things that take into account what those salaries would be. And it's impossible to state with an surety what those kinds of salaries would be.

MEMBER HAYNES: Okay. But no look at overall costs? If you have a lot of little salaries they add up to one big...

MR. KAILIPONI: We did. We did some. There is a table that we included that looked at a subset of counties for that purpose. We only looked at maybe 12 or 14 different municipalities and overall costs and it showed that there are some that are higher than Maui County and some that are lower than Maui County. I didn't explicitly...we didn't explicitly include those inside of our analysis because unless we do something systematic it's completely anecdotal.

MEMBER HAYNES: Okay.

MR. KAILIPONI: The basis of our findings are not based off of anecdotal evidence. So therefore we made no assumption stating that it would one way or the other because we found cases where it was higher and cases where it was lower.

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MEMBER HAYNES: Okay. Thank you.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yeah, thank you. I'm a little bit surprised by what I'm starting to understand is your purview. 'Cause I had assumed that what your Commission does is really a measure the efficiency of government and kind of does an evaluation. I know that in doing the work of the TIG a lot of our discussions centered around how to create a framework that would really facilitate evaluation and annual process to see if government and the departments were operating as efficiently as possible. You know, and what we seem to find is that that is when you talk about professional management that's what you talk about. My own experience has been in the corporate world and there, you know, we deal with professional managers and we don't really have that in the current spoil system where we have an elected politician who may be a manager or may not and then a lot of the department heads, maybe half in a good Administration are professionals in their field and most of them aren't. So what work have you done in terms of looking at the efficiency of our existing government and whether the professionalism is in place and the best that it could be to really ensure functionality and efficiency?

MR. KAILIPONI: Committee Member Starr?

MEMBER STARR: Yes.

MR. KAILIPONI: There is a difference between...so we could have done that. We could have gone into each department, done an audit of each of those departments and found issues of efficiency. That does nothing to answer the question of whether if we change to a City Manager form of government that those efficiencies would be acted upon or whether they would have been found. What we're looking at very specifically is whether if we had an appointed official by the County Council that we would expect to see those kind of efficiencies found. Professional management is not dependent on whether you have a Council-Manager form of government or a Mayor-Council form of government. It can exist in both. And therefore, the question then becomes how do we get the best possible qualified people into those positions in order to do that? That's what we could find. Not an audit of the departments.

MEMBER STARR: But no one, see I thought maybe you were the entity that is doing an audit and an efficiency study but it sounds like not.

MR. KAILIPONI: That's a job for Lance Taguchi there.

MEMBER STARR: Any...

MR. KAILIPONI: That's not a job for our Commission.

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MEMBER STARR: Any professional manager would do that on an annual basis and would do that for the department heads. That would be part of the system. I mean don't you think that that's useful?

MR. KAILIPONI: Could you repeat that last statement? I'm sorry.

MEMBER STARR: Yeah don't you think it would be useful to have an annual evaluation of the efficiency and effectiveness of government and also what a manager, a professional manager, who'd been educated would do?

MR. KAILIPONI: I don't think you'd find anybody arguing that. The question is do you need a Council-Manager form of government to get that? Our answer is no. You don't need a Council-Manager form of government to get qualified professionals.

MEMBER STARR: So what do we...pixie dust? I mean what do we need to get that?

MR. KAILIPONI: One of our recommendations is to make the appointment process more transparent. By making the appointment process more transparent, by making the job descriptions more commensurate with the ones that are found otherwise, by working with the Salary Commission to make sure that the salaries are at points that they should be, we can attract professional qualified management here. That lack of transparency in Council appointments has led to this very discussion; has led to the very interactions that we have right here. I understand your anger in this, Jonathan Starr. I understand that the people of Maui believe that we should have better quality individuals in those appointed positions. What we were trying to test is if we would be sure that that would occur if we were to switch to a City Manager form of government. We could not make that assertion.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: If we could revisit where you were talking about the surveys that you did where you said you compared ten municipalities in terms of efficiency, did you look at the State of Hawaii and the islands?

MR. KAILIPONI: I believe that other municipalities were not included in that table.

VICE-CHAIR SCHAEFER: Okay. So here's what puzzles me, if you didn't compare...you're talking about the salaries would have to be very high in order to draw qualified people to the islands. And yet you don't compare the governments and the structure and the cost of government within the islands. You compare to ten municipalities, if I'm understanding correctly and I may be wrong, ten municipalities on the mainland to Maui?

MR. KAILIPONI: In order to do a complete analysis looking at comparisons between these kinds of municipalities, we would have to have done many more than ten. We would have had to controlled for the services provided by each of those municipalities as well. We did not have the time nor the ability to perform those kinds of analyses.

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Instead we rely on the academic research that looks at thousands of different municipalities and that correctly control for those distribution and levels of service. Those studies found that there was no difference between either form of government.

VICE-CHAIR SCHAEFER: So I'm confused. What were the ten municipalities that you were...

MR. KAILIPONI: You can see them in the report.

VICE-CHAIR SCHAEFER: Well...

MR. KAILIPONI: I could say...see the point about this, the point of this is that if we're gonna do a comparison we need to make sure that it's done right. We do not have the ability nor the time to do that kind of systematic comparison. We instead relied on academic research that does those things. Looking at not just 10, not just 20 but thousands of municipalities and controls for each of those factors. We rely on that evidence.

VICE-CHAIR SCHAEFER: So again I'm...was there a reason or was there any discussion about comparing the governments within the State of Hawaii?

MR. KAILIPONI: Any comparison of that sort we see as being purely anecdotal and not of material importance when compared to the academic research that looks at thousands of municipalities.

VICE-CHAIR SCHAEFER: Well my point is though if you say that it would be very expensive to have a County Manager here and you may...if I heard you correctly, you said you made a no judgment about whether there would be a reduction in staff so...

MR. KAILIPONI: Okay. So the difference there is that when we said that there's going to be an increase in salaries it's because the research that looks at hundreds of different municipalities and the CAO salaries were much higher than the CAO salaries here in Hawaii.

VICE-CHAIR SCHAEFER: I understand. And I'm not making myself clear and I'm sorry. Let me struggle again with this. If you are looking at the governments...for instance if you compared the administrative cost across the islands and you looked at what it would cost for a County Manager. If the administrative costs were disproportionate among one island or another there would be a difference in savings correct? So let me put it in another way. This chart I'm looking at says the administrative costs just for the Mayor's Office and that doesn't include the County, the --

MR. KAILIPONI: Departments.

VICE-CHAIR SCHAEFER: --managers of the Office of Management, doesn't include their expenses, at one point 3 million. But you didn't look at say Honolulu or the Big Island, you did no comparison on that so we don't know whether this is, and you don't know whether is an inflated number or not in terms of...

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MR. KAILIPONI: The only point in doing those comparisons is to show that there are some higher and that there are some lower.

VICE-CHAIR SCHAEFER: Yes.

MR. KAILIPONI: That would indicate to us that we don't know and that's what we're saying.

VICE-CHAIR SCHAEFER: Okay. And I'm maintaining that you should of, I think you should of looked at the other governments within the islands because their costs they deal with the same thing; the cost of living, you know, the cultural thing, you know...

MR. KAILIPONI: That's fair, Madge. I understand that.

VICE-CHAIR SCHAEFER: So and it didn't happen but it seems like it should've happened.

MR. KAILIPONI: We found that an analysis, academic, that looks at thousands that controls for those kinds of things was stronger evidence and we included that in our...

VICE-CHAIR SCHAEFER: I understand that but I keep hearing the argument that we're unique and special because we're out here in the middle of the Pacific and so to compare us to other places is not logical but to not compare us within the State doesn't seem logical either.

MR. KAILIPONI: I think in terms of --

MEMBER DeLEON: None of those other --

MR. KAILIPONI: --looking at those kinds of things...

MEMBER DeLEON: --communities have County Managers. So I mean what's the relevance?

VICE-CHAIR SCHAEFER: I think there is a relevance. And I think that...but it didn't happen and I just wasn't sure that it happened...

MR. KAILIPONI: I stated why. I've stated why.

VICE-CHAIR SCHAEFER: Yeah. Thank you so much.

CHAIR TAKITANI: Paula?

MEMBER FRIEL: Dr. Kailiponi, just curious the draft letter that you gave us today and when your report is finalized within the next two weeks, two to three weeks, and your other hearing and stuff, will that be all accessible to the public?

MR. KAILIPONI: Of course it will.

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MEMBER FRIEL: Online?

MR. KAILIPONI: Of course it will.

MEMBER FRIEL: Okay. Will it be easy to find?

MR. KAILIPONI: It'll be on...

MEMBER FRIEL: 'Cause a lot of people are so unaware...

MR. KAILIPONI: It'll be on the Cost of Government website under our annual reports.

MEMBER FRIEL: Under Cost of Government?

MR. KAILIPONI: Cost of Government Commission.

MEMBER FRIEL: Thank you.

CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: A quickie. Doctor, one of the things we're here to do today is to discuss the findings of the TIG.

MR. KAILIPONI: I understand that. Yes.

MEMBER PHILLIPS: And I'm sure the outcome of that will be known by you...

MR. KAILIPONI: I would assume so. Yes.

MEMBER PHILLIPS: So over the next couple of weeks and I think something that has more relevance than a general statement as to what cost can be or what benefits can be out of it. Is there a possibility of an evaluation on some of the things that we're gonna come out of with our TIG or is that too difficult to ask for?

MR. KAILIPONI: I would have to take that to my Commission.

MEMBER PHILLIPS: Okay. 'Cause I think that's possibly what has more relevance than just discussing an average what can happen and all the different permutations of a possible, you know, Council-Manager type of government as a focus.

MR. KAILIPONI: Now the point in which we're looking at this, we wanted to include the best possible evidence. And we tried to make the assertions that are in this document commensurate with that evidence. Which is why much of it is you can't be sure or we don't know. And that's because that's what the evidence led us to.

MEMBER PHILLIPS: But isn't it also true that of all the other municipalities, nationwide, their assurance level was at the same point that our assurance level is? And those

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that decided to make the transition made that quantum leap or that's less than quantum leap...

MR. KAILIPONI: I don't want know the reasoning for those changes.

MEMBER PHILLIPS: Of course. Everybody has their own specific reasons for doing it.

MR. KAILIPONI: I could not make any assumption as to why they changed.

MEMBER PHILLIPS: That's not what I'm asking for. What I said is changes were made specifically for whatever the reasons were and so they were based on the same inability to relate to what can possibly happen in the future. We're at that same juncture. So we do have to...

MR. KAILIPONI: That's possible.

MEMBER PHILLIPS: Exactly. So we do have to surmise ourselves in our situation and that's what I think the TIG came up with is some possibilities on things that taken all into context of what's going on here, what possibly and should changes in the Charter, et cetera, et cetera.

MR. KAILIPONI: You're very right. The issue that we have with this is that if the reason for change is because people say that we're gonna have a more economic or efficient government, if the reason for the change is because we say that we're gonna insulate politics from this government, our findings stating that it's not necessarily true are of material importance to that argument.

MEMBER PHILLIPS: The adverse is exactly the truth also. You can't say that it won't happen as well as it will happen.

MR. KAILIPONI: That's not necessarily a reason for a change though.

MEMBER PHILLIPS: Absolutely. But it's everybody, it's a situation everybody makes when they make a decision concerning the future.

MR. KAILIPONI: Considering that as well, this is just the economy and efficiency side of the equation here. We state very explicitly on our report that there are other things to look at.

MEMBER PHILLIPS: Great. Your recommendations?

MR. KAILIPONI: We state that explicitly in the recommendations that it's based off an analysis of the economy and efficiency of a change from a Mayor-Council form of government to a Council-Manager form or County Manager form of government. There are other aspects of it, like insulation from politics, representativeness, accountability, but we did not explicitly analyze in the same way that we did these items.

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MS. WILLENBRINK: Excuse me, Chair? If I may? I don't believe there would be time enough for them to do an evaluation because we're at a real crunch time now.

MEMBER PHILLIPS: I know. Thank you. Thank you.

MR. KAILIPONI: You're welcome.

CHAIR TAKITANI: Who has a question? Kimo?

MEMBER HAYNES: One last question. So we all agree we can't determine how successful this would be just because of the appointment of a professional manager, County Manager.

MR. KAILIPONI: I don't know. Do you agree with that?

MEMBER HAYNES: I'm agreeing with your findings. I mean, I'm just restating your findings. Are there, were there any indicators that would or did you guys find or see any indicators that would lead you to believe there's more successful ways or what would ensure successful ways in a County Manager system being more effective? You talked about...

MR. KAILIPONI: The idea that we have professional, qualified management is absolute. We need the most qualified individuals possible running our government. I have no doubt about that. Who's to blame for that? Ultimately I blame me. I blame me because I didn't participate in the process of electing my Mayor to the degree to which I grill him and hold him accountable for the efficiency and economy of this Department. I didn't go in and make sure that he's appointing people in a transparent fashion that leads to those qualified individuals. It's my fault that I didn't make these kinds of findings known to other people, my neighbors, to my community in order to make those kinds of decisions. It's my fault. Just as much it is the fault of every voter in this County. We can have qualified, professional management if we care about it.

MEMBER HAYNES: So if you had the opportunity to make a change that could help ensure that, that would be your responsibility.

MR. KAILIPONI: It would be. Our findings indicate that that's not necessarily through a change to a City Manager form of government especially because it means that I have no say as to who that executive would be.

MEMBER HAYNES: Okay.

CHAIR TAKITANI: Any other questions?

MEMBER DeLEON: But it was fun.

CHAIR TAKITANI: Doctor, what kind of doctor?

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MR. KAILIPONI: I have an operations research degree which is the application of mathematical models to operations. I do a lot of public policy as well; mostly in disaster management. But...

CHAIR TAKITANI: Disaster management?

VICE-CHAIR SCHAEFER: You're at the right place.

CHAIR TAKITANI: Thank you very much and I personally believe this is very relevant. Appreciate it.

UNIDENTIFIED SPEAKER: Thank you.

UNIDENTIFIED SPEAKER: Thank you.

CHAIR TAKITANI: Any other testimony?

MS. WILLENBRINK: Chair, the final person signed up to testify is Thomas Croly.

CHAIR TAKITANI: Thomas?

UNIDENTIFIED SPEAKER: Wow. That's an act to follow.

CHAIR TAKITANI: Are sure you want to testify?

MR. CROLY: Let me just say that I could argue either side of this case. I could easily make all the arguments for and all the arguments against and that's what you guys, you know...

CHAIR TAKITANI: Are you an attorney?

MR. CROLY: No, I'm not an attorney. But I play one at times. Aloha, I'm Tom Croly and I'm a private citizen who has worked closely with both the Administration and the County Council for about the last ten years. In that time I have witnessed scores of things that I could point to as inefficient in our government and things that are in need of improvement. But in working closely with County government, I've also learned there's many reasons for these inefficiencies. Sometimes it's because of public policy that requires decisions to be made, you know, in a certain manner. Sometimes it's because of Sunshine laws that we have that require things to be done. And then sometimes to be very frank it's politics and that's a reality we all understand, pure and simple. I've watched the work of this Committee with great interest. And there's little that I can disagree with that has already been stated. It seems that everyone would like to get the politics out of running good government; we can all agree on that. And I've also followed the work that the Cost of Government has been doing and I have found it equally interesting. I would have liked to be the preface to this report because although I haven't seen the report I can say that I've agreed with everything that I've seen them study in their meetings. They've generally reached the same conclusions

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that I feel like I would have reached given that, the input that they had. I'm here today because it appears that this Committee has a split decision on the matter and the TIG is ready to present three possible alternatives going forward. I suppose that I would submit that any of these three possible alternatives are nothing more than a starting point for a much, much bigger issue; which is, and it's gone here, how we would amend the County Charter. And I don't think that there's any chance that in the next two weeks or however many meetings you guys have you're gonna be able to work out how we would best amend the County Charter and what the various ramifications of those amendments might be. So I don't think that there's really any chance that anyone should support pushing this to be on November's ballot. Should this be on a ballot somewhere down the road? Quite possibly, I think that good, you know, ideas have been brought forward. But they can't be rushed. And there's no way in the next seven months --

MS. WILLENBRINK: Thirty seconds.

MR. CROLY: --we would be able to recognize what the question should be on the County Charter and get the public to engage and understand what the implications of that are. I do think that this Charter could start to...this Committee could start to raise those questions and start to have the public discussion about what if the County Council were to commit these things.

MS. WILLENBRINK: Three minutes.

MR. CROLY: Okay. Chair, could you indulge me for a few more paragraphs here? Thank you. I believe that it would be naïve to believe that engaging a City Manager versus a Mayor would end the politics in our government. In fact, I believe that those politics would just go behind closed doors. Right now we have the citizens electing a Mayor every four years. That is fairly transparent. But if we have our Council making decisions about who that manager is going to be and whether we fire him and then who he hires, that gets as political as it gets, really. I mean I just don't see any better thing there. Finally Maui is not a bedroom community in southern California as some of the ones that have been put forward. It's a very, very diverse place. And I don't think that many of the models has been brought up in other areas do apply themselves to here so we do have to do something unique. Finally let's just think about a football coach. You know how University of Hawaii has hired various football coaches and people sat around and they thought they were hiring the best guy and we have this blue-ribbon committee to do that and the guy may or may not have gotten the job done. And then either that guy maybe does good and he runs on to someplace else or he's the wrong guy and we fire him. Even under the best conditions we're trying to--you're talking about trying to hire the best football coach here and I don't think...

MEMBER STARR: Excuse me, Mr. Chair! We're being lobbied here! Where's our three-minute limitation on testimony?

MEMBER DeLEON: This is testimony, Mr. Starr! This is testimony!

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CHAIR TAKITANI: I gave him...

MR. CROLY: Thank you. Thank you, Chair. That's, that is the conclusion of my comments.

CHAIR TAKITANI: Thank you. Kimo?

MEMBER DeLEON: Thank you.

MEMBER HAYNES: Just a question for you. So we've been tasked to make a recommendation to the Council. We don't really have control over their...where's it's gonna go or if it's gonna be on there. So is your recommendation for us to not make a recommendation to the Council? Is that what you're suggesting?

MR. CROLY: Well, I think the recommendation that you could make to the Council would include these questions that require further study and perhaps a Charter Commission to address. I don't think the recommendation that you should make to the Council is that in November we should have on the ballot a conclusion, you know, of here's what the voter should decide on with respect to a City Manager.

MEMBER HAYNES: So we shouldn't do a recommendation on what we've been tasked for is what you're saying? I mean it's either yes or no is what we've been tasked with, so.

MR. CROLY: If it's either yes or no, you know, and I was sitting in your seat I'd be saying I don't have enough information for a yes so I would give you a no. That's where I would be.

MEMBER HAYNES: Thank you.

MR. CROLY: Yeah.

CHAIR TAKITANI: Any other questions?

MEMBER CANTO: Thank you.

CHAIR TAKITANI: Thank you very much, Thomas.

MS. WILLENBRINK: Chair, there's no one further signed up to testify. Someone's coming. You can fill the paperwork out later.

MS. WOODS: Good afternoon. My name is Nell Woods. I didn't intend to originally to testify today which is why I didn't sign up. But I have a lot of trouble listening to people make points that I'm sitting there and my head is swimming with responses. As to whether or not something needs to go on the ballot this year, we gotta start somewhere. And that's how you get it started. You do step one and you see how it works and you amend it or you tweak it, you get it better. Well we gotta start somewhere and now is when we need to do that. As far as the relevance of studying

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other Hawaii counties. I think that's a fabulous idea. Let's find out exactly what the total costs are per capita, per individual resident of each of the islands for the Mayor's salary, all of the people in his offices' salary, assistants, clerk. I mean Mayor Arakawa has a 16-person upper management staff. He has an additional 10-clerical support staff. You add all those together and I'll bet you come up with a little more than 1.5 million. In any case, County Manager and a Mayor without as many duties doesn't need a staff with 26 people. So I think there's probably enough money there to cover all of the necessary positions. The other issue that I couldn't help but address is turnover. There's a big difference between staggered turnover that happens, you know, in the normal course of events versus a full turnover of all, you know, whatever it is, 20 departments we have, that's 40 people that boom all gone in 1 day. There's a big difference between that and the occasional person who leaves and there's somebody to fill in. I mean it is what it is. I'd also like to know and recommend to the Cost of Government Commission that they tweak their report to include a Council-Manager-Mayor change since that is what the TIG is recommending to this body going forward. I mean they had, once that's defined that's what should be the model that they're looking at and researching to determine if it's appropriate and just because something isn't guaranteed to be better doesn't mean it won't. Thank you.

CHAIR TAKITANI: Any questions? Thank you very much. Any other testimony? If there's no objections, I'd like to now close public testimony.

MEMBERS VOICED NO OBJECTIONS

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

CHAIR TAKITANI: We've been going at this for an hour and a half. Some people might need to move their cars. So and some people might need to go do personal stuff. So why don't we take --

MEMBER PHILLIPS: Five minutes.

CHAIR TAKITANI: --12 minutes. . . *(gavel)* . . .

**RECESS: 2:26 p.m.**

**RECONVENE: 2:38 p.m.**

CHAIR TAKITANI: . . . *(gavel)* . . . Will the meeting please come to order. Did I close testimony?

MS. WILLENBRINK: Yes, you did.

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

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

CHAIR TAKITANI: Okay. So our special Committee established a five-member TIG on March 31<sup>st</sup> to recommend three structures. They have done a great job and it's complete and we received the report in our last Committee meeting. Today I would like to discuss the report and have some...I don't know how much discussion we need. But we can talk, let's...how's about we talk about the report and maybe we can get a vote done today on whether or not we're gonna go forward with this or not. At this time I'd like to ask the Chair of the TIG to say something.

MEMBER HAYNES: Would you like me to go over it? Or has everyone had a chance to read it?

MEMBER PHILLIPS: Yeah let's go over it, Kimo.

MEMBER FILIMOE`ATU: Can we...point of...

CHAIR TAKITANI: Yes?

MEMBER FILIMOE`ATU: Can we just go ahead and make the motion and discuss it?

CHAIR TAKITANI: You know, why don't we discuss it.

MEMBER FILIMOE`ATU: Okay. Okay.

MEMBER HAYNES: Can I have...I need to get a hard copy.

VICE-CHAIR SCHAEFER: Oh.

MEMBER DeLEON: Oh that makes it hard...

MEMBER PHILLIPS: Makes it harder.

MEMBER HAYNES: So...

CHAIR TAKITANI: Hang on one sec.

VICE-CHAIR SCHAEFER: You studying it? It's his cheat sheet over here.

CHAIR TAKITANI: Okay. Let's have the discussion. Go ahead.

MEMBER HAYNES: Okay. So we met three times--TIG got together and we met three times; April 5<sup>th</sup>, 15<sup>th</sup> and 18<sup>th</sup>. We were tasked with to come back with three recommendations and we went through a list of the information. We did speak to Richard Wittenberg who was the Managing Director for Ventura County and Santa Clara County and he...total of about 29 years. So he gave some perspective on it from

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his perspective and what he recommended is information he had to share. We did look at some additional information in addition to what we have been given to at this point. And we came back and there's a spreadsheet here that we looked at basically kind of if you grouped them all together there was kind of three types of Mayor-Managers--Council-Manager forms; one would be just a pure Council-Manager, no Mayor. That's on one side of the spectrum. The other side of the spectrum is kind of a Mayor but really limited power that's on the Council, and then there's a kind of a hybrid that's got still has kind of a Mayor in place but he does not have an operating authority. He's not in charge of the administration of the county's business. And then that's, we kind of broke down on the spreadsheet here the three options and kinda looked at what different issues that we thought were relevant when looking at these three options. I don't know if you guys have had a chance to look at that. I don't think we need to go point by point. I think...

CHAIR TAKITANI: Is there anyone that wasn't on the TIG that has any questions for it? Or ...maybe that would be the easier way to...

MEMBER HAYNES: Okay. I mean it's all here so --

CHAIR TAKITANI: Yeah.

MEMBER HAYNES: --we'd be...

CHAIR TAKITANI: And then, you know, we've had it for a couple weeks now so anybody wants to discuss it or question it or say how wonderful it is or otherwise? Go right ahead. And we'll start with Madge.

VICE-CHAIR SCHAEFER: Well I think it's wonderful.

CHAIR TAKITANI: Really?

VICE-CHAIR SCHAEFER: I think that you all did a superb job. I think the Option 1 is, you know, it's very clear. It's very simple and very clear. I have one tiny little concern and I don't know whether I'll bring it up now --

CHAIR TAKITANI: Go for it.

VICE-CHAIR SCHAEFER: --or should I wait? But my one concern that I had on the recommendation...and by the way it was killing me to not know what was going on.

MS. WILLENBRINK: I can attest to that.

VICE-CHAIR SCHAEFER: And even Kim wouldn't let on to the slightest thing, so.

MEMBER DeLEON: She's got a good poker face.

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VICE-CHAIR SCHAEFER: In terms of the appointment and the removal of the Corp. Counsel it seems to me that the Corporation Counsel should know who their client is. And their client should be the Council and the Mayor, the electeds, not the Administrator. And that's something that I think what it does is it sets them aside so in the worst case scenario that the minority has presented, if there was a problem with the County Administrator's Office the Council would ask Corp. Counsel to investigate. And if Corp. Counsel is hired by the County Manager and fired by the County Manager there might be a conflict. And it just seems like the lines of who the Corporation Counsel works for should be very clear and that's just something that I've experienced. I think it's important that they be independent to protect the public, and the Council and the Administration.

MEMBER HAYNES: So what would be your --

MEMBER PHILLIPS: What's your recommendation?

MEMBER HAYNES: --your change? Your recommendation?

VICE-CHAIR SCHAEFER: I would just say that the Corporation Counsel should be hired in the same process as the County Manager. So there would be recommendations, you know, there would be a search and that there would be three candidates or however that works out so that the Council would have an independent screening and then three candidates or five candidates and they would do the interviews and make the decision and the Mayor would be part of that.

MEMBER FILIMOE`ATU: Corp. Counsel would probably tell us . . . *(inaudible)* . . .

*[NOTE: Member DeLeon moved the mic closer to Member Filimoe`atu.]*

CHAIR TAKITANI: She didn't want everyone to hear it.

MEMBER DeLEON: Oh okay.

VICE-CHAIR SCHAEFER: Oh sorry, you couldn't hear me?

CHAIR TAKITANI: No not you.

MEMBER DeLEON: So are you referencing Option 1?

VICE-CHAIR SCHAEFER: I'm referencing Option 1 and it said appointment and removal of Corp. Counsel, hired and terminated by the Managing Director with the approval of the Council.

MEMBER HAYNES: Page 3.

MEMBER DeLEON: Okay. Okay. So who would represent the Mayor?

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VICE-CHAIR SCHAEFER: Corp. Counsel.

MEMBER DeLEON: But he's hired by the Corporation...he's hired by the Council.

VICE-CHAIR SCHAEFER: Council and the Mayor would hire.

MEMBER DeLEON: Well...

VICE-CHAIR SCHAEFER: So you have an elected. So the electeds are represented. The client is the electeds. It's not unusual.

MEMBER DeLEON: Well but if the Council's doing the hiring then it's the boss is the Council. Not the Mayor. The Mayor's gonna be...that's a very weak Mayor you got there.

MEMBER HAYNES: So the existing structure is, I believe it's a joint process right? Isn't it Mayor appoints, Council confirms? And you're asking for what would, your recommendation was to have a third party vet and the Council. I think Dave's point is it would be the Mayor's not being represented.

MEMBER STARR: Wait no, the way it's set up in Option 1 is that the Managing Director would appoint and then the Council would confirm.

MEMBER HAYNES: That's in the recommendation . . .*(inaudible)* . . .

MEMBER STARR: Yeah. Okay.

VICE-CHAIR SCHAEFER: It's something that I just feel is...I think it's important that Corp. Counsel...and we've seen an example of it already where the Council has asked for special...to hire their own attorney because there is a conflict with Corp. Counsel who works for the Mayor. And so I think that would eliminate that and plus it's not unusual. It's a pretty usual decision. You know, I'll tell you I'm certainly not gonna vote against this if it doesn't change but it's just something that it seems like it's a thoughtful, good way to do it and make it very clear the delineation of who Corp. Counsel works for.

CHAIR TAKITANI: Okay. Any other questions? Paula?

MEMBER FRIEL: For both Option 1 and Option 2, it states that the Mayor represents the County in other capacities, could you give me a few examples of the other capacities please? To clarify?

MEMBER HAYNES: We left that vague because the Charter is very vague right now. I would say a third to a half of their responsibilities are administrative. The Mayor's current responsibilities are administrative and the others are vague. So we left it really no change there.

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MEMBER DeLEON: I would suggest that it's like, you know, right now the discussion at the State Legislature over the TAT, interacting with Federal government, interacting with national governments --

MEMBER FRIEL: 'Cause that was my understanding. We need a Mayor.

MEMBER DeLEON: --and dealing with corporate entities and stuff like that. I mean that would be, the face of the County would be the Mayor.

MEMBER FRIEL: Public representation.

MEMBER DeLEON: Right. Well, at least on, particularly on Option 1, Option 2 not so much. 'Cause he basically is just a two-vote member on the Council but in a different form.

MEMBER HAYNES: But the intent isn't to limit that, because of the way it's structured today he currently has that ability. It wouldn't continue on.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yeah, in the deliberations of the TIG which really were--took many, many hours over three days and there was a lot of discussion about that and there was a lot details put together. And at one point, you know, were writing recommendations that had long descriptions of what the Mayor would do and what the Managing Director would do. We had, you know, a lot more process as far as the selection of the Managing Director and evaluation and all of this stuff. And then we decided that the best mode would be to cut it back to the bone and leave any additional detailing if it was to be done to the Council rather than trying to create a lot of detail in the report coming out of the TIG. And although I was the one adding a lot of words 'cause that's my nature, I realize that the best wisdom was to keep it as understandable and as simple at this point and let it develop. One point that I felt very strongly about--Richard, who had spent 30 years as a manager of 2 very successful County governments and he really helped us with understanding a lot, said that if you want it to be really, really good and to work really well after a number of years; add in some mechanism so that every two years or so it gets refined so that it improves. You know and I'm hoping that that's something that we can move to but I didn't also feel that that was worth kind of muddying the waters. We were trying to keep it as straightforward and simple, we're trying to keep the number of Charter revisions as manageable as possible. Part of the Mayor's description is gonna remain the same because it's in HRS and we didn't want anything that would require change of HRS and so, you know, I really felt good about what the TIG came up with in Option 1. And, you know, I thank you for...

MS. WILLENBRINK: Mr. Chair? I have already begun drafting the resolution and I have got the Mayor's responsibilities from the TIG's discussions. Would you like me to share that?

CHAIR TAKITANI: Not at this point.

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MS. WILLENBRINK: Okay.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: I just wanted to add, you know, and in consideration of what Dr. Kaliiponi [sic] shared with us today. There's no guarantees about anything in life and what Richard did share with us is that you're not gonna get it right the first time. And also part of his recommendation was also to have like a standing committee, not saying that's gonna be us but --

UNIDENTIFIED SPEAKER: God forbid.

MEMBER PALTIN: --a standing committee to be evaluating and make the tweaks as it is necessary and I thought that was an excellent idea. But we didn't necessarily write that in as a recommendation 'cause that was out of the assignment of our TIG. But I think it beared saying out loud.

CHAIR TAKITANI: We probably have to write that one into the Charter. Paula and then Ray.

MEMBER FRIEL: Just one more question for clarification was...

MEMBER STARR: Use the microphone.

MEMBER FRIEL: Oh sorry. Was about your selection committee. The independent professional recruiting firm with experience and expertise. Do you already have a firm or an agency in mind? Is there one?

MEMBER PHILLIPS: There are several.

MEMBER FRIEL: There are several. Okay. Any in Hawaii or familiar or on, at least on the West Coast? I mean, where are these...

UNIDENTIFIED SPEAKER: You got all over.

MEMBER FRIEL: Oh yeah? Okay.

VICE-CHAIR SCHAEFER: They specialize in government.

MEMBER FRIEL: Okay.

MEMBER STARR: ICMA has a list of them. National Civic League has a list of them. They're ones that specialize.

MEMBER FRIEL: Okay. Thank you.

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MEMBER PHILLIPS: Last point. Paula, when you asked about the job descriptions for either City Manager or the Mayor, I think as we've looked through all these different situations, you know, across the country that job descriptions have been posted. So we can certainly look through or the County Council can look through and do a much better job than we can. It's not...

MEMBER FRIEL: I'd just like to be informed before I make decisions to the best of my empowerment and abilities. Especially when there are so many people that we are impacting. Thank you.

MEMBER HAYNES: And a point I think we went with Option 1, recommended Option 1 because it's, it still has a Mayor that's elected, has some power because important that the Mayor had veto power that was still involved in the policy process. And it was similar to what we have today.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: So the statement on Page 2, TIG finds there is a need for continued, continuity of leadership; implies that we do not currently have continuity of leadership. And that just doesn't bear out the math. It's not a true statement. Let me finish.

MEMBER HAYNES: Okay.

MEMBER DeLEON: Okay.

MEMBER HAYNES: I thought that was your question.

MEMBER DeLEON: Sorry. The ICMA, did I get that part right? ICMA--yeah I always get them confused--straight up argues that they have a seven-year continuity level. I mean and that's, you know, across the whole spectrum; not looking at the five that the Cost of Government Commission came up with but seven. You take the seven Administrations we've had and you divide the numbers and the duration is seven. They're equal.

MEMBER HAYNES: Can I talk? Was that your question?

MEMBER DeLEON: I got one more point on this. The appointed party here is a two-year County Council. A two-year County Council going replace, you know, you might say well it doesn't connect to politics but as soon as a new board shows up, that new board might not like that Manager. He's history or she's history. So you got a two-year duration on the oversight and that argues for even a shorter term than what you're proposing and what we got now. So go ahead. I'm sorry.

MEMBER HAYNES: So to your first point, I think that's the question. I think the questions that you got the answer for is different than the question that we were looking at. And the question of what is the average tenure of a department head? It's true, it's seven

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years. The continuity piece that we're talking about is what happens currently is you have this mass exodus all at the same time and that you've lost this last time, we lost 23 people out of 24 positions that were appointed. So we feel like if there's a Manager who's managing the department heads and electing them, or not appointing them, but hiring and terminating them that you would spread that out. You don't have mass exodus, total regime change every time there's a new Mayor.

MEMBER DeLEON: Mr. Chair, can I respond?

CHAIR TAKITANI: Absolutely.

MEMBER DeLEON: So as the Chairman of the Cost of Government Commission told us today and as the Managing Director told us earlier, the average durability of our division heads is 20 years. They're the guys that actually run the operations.. They're the guys that run the operations. The policy heads of the departments are the director and the deputy. And what the voters do every four years, the possibility...that's another thought I'd like to come back to...but at the shortest duration every four years the voters change that policy direction. If they don't like the policy direction they got they can change 'em. Now I've heard this comment made repeatedly by your side of the table that this happens every four years. This is not true. And you guys know it's not true. I really wish you would stop using that language because it's not true. It's not every four years we have a change in government and we have, our current government at its sixth year, it's gonna go for eight years.

MEMBER HAYNES: That's not what I said.

MEMBER DeLEON: Well, that's what I keep hearing. And I've heard it from that side of the table repeatedly so I just wanted to just make that point.

CHAIR TAKITANI: . . .*(inaudible)*. . . Dave.

UNIDENTIFIED SPEAKER: What's the point?

MEMBER FILIMOE`ATU: You're talking about division heads, we're actually talking about the people who get appointed, yeah? That's where you're connected. Division heads often time are a different, they're civil servants, a lot of them.

MEMBER DeLEON: Well that's the point. They have tenure; therefore, the departments continue to operate. They could operate without a department.

MEMBER PHILLIPS: We're talking about...

MEMBER HAYNES: So, Dave, all I said was in the last change of Administration, we lost 23 out of 24 positions. I didn't say four years or...you said it's seven years and I'm not arguing the fact that the average tenure for a appointed director is seven years 'cause that falls in line with what the average, probably the average Mayor's term is. I'm saying we're looking at continuity between changes in Administration so that the

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County can continue to perform its business. And if you're switching out all the leadership I don't see that as being the best scenario for continued operations.

MEMBER DeLEON: I better understand your phrase now. Okay. Thank you.

MEMBER HAYNES: Okay. And then the other point that you asked about? The second question?

MEMBER DeLEON: I think I was making the point about the civil service.

MEMBER HAYNES: About no, two-year terms for the Council?

MEMBER DeLEON: Right. Oh yeah, right.

MEMBER HAYNES: We're aware of that and we saw that and what we're recommending is that these, the Managing Directors are hired on a employment contract; three to five years. And it's pretty common in the industry. So you do spread, you protect them a little bit from, you know, worrying about getting fired every time they meet with the Council or whoever but you can have them under an employment contract with changes in Council.

CHAIR TAKITANI: Sounds like University of Hawaii.

MEMBER DeLEON: Yeah, I was about to say that sounds just like UH. So you get somebody in there you don't like you have to get rid of them, you end up giving them a million dollars to go away.

VICE-CHAIR SCHAEFER: Or not. Or not.

MEMBER HAYNES: I'm sure there's examples that are negative in every case. I mean, I don't know if that's the rule.

MEMBER DeLEON: I don't know, boys and girls. I'm not really ready to go down this road. I don't see any good reason to go down this road. Thank you.

VICE-CHAIR SCHAEFER: So does that mean you're going to quit talking about it? I say that in the nicest way.

CHAIR TAKITANI: Any other questions? Any other comments or statements or...

MEMBER PALTIN: I guess when you were talking about the department heads and the division heads I thought that they had told us that the department heads direct policy and the division heads manage the day-to-day? Okay. I thought you had just said that, the converse?

MEMBER DeLEON: If I had said that I misspoke.

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MEMBER PALTIN: Okay. Just...

MEMBER DeLEON: Obviously the division heads are operational and department heads are policy.

MEMBER PALTIN: And...

MEMBER DeLEON: They're the connection to the Mayor.

MEMBER PALTIN: Just from, I mean, say the last 16 years in the Department of Parks and Rec we haven't, at least my section hasn't had continuity. I mean with Arakawa, Tavares, Arakawa it was totally 180. And part of the issue maybe was if you consider our division head having worked 20 years or whatever, under the Tavares Administration the division head was promoted to an executive assistant position. So we had...I don't know what the lady was called but she filled in, and then when Tavares was not reelected the division head that wasn't executive assistant had return rights. So it was a really odd situation, I guess. Maybe it wasn't the norm but it was 180 degrees between those three Administrations and it felt as though we were not very efficient or productive and I think that's a big part of the reason why we're at the position we are right now with the Fire Department and everything.

MEMBER DeLEON: Thank you.

VICE-CHAIR SCHAEFER: Mr. Chair, are you ready for a motion?

CHAIR TAKITANI: No.

MEMBER STARR: Yeah, Mr. Chair? All of the options, you know, including Option 1 call for an annual evaluation of the Managing Director. And the assumption will be that in the contract for the Managing Director that that evaluation process would lead to a commitment to excellence type of process and would create the groundwork if the Managing Director is not performing to the metrics that are implied by the policy that that would lead to termination. Also there was a lot of discussion about the department heads having an annual evaluation process that the Managing Director would perform and, you know, it's my understanding that that would want to be created as part of the process of implementation so that the evaluation process is what drives it and that the directors and the Managing Director would have incentive to get better to continue education and to provide excellence at their position because if not they'll be evaluated and out. And if they perform well and evaluate well then they are rewarded with longevity.

MEMBER DeLEON: Mr. Chair?

CHAIR TAKITANI: Yes?

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MEMBER DeLEON: So I'm a little confused. A moment ago I was told that they're to have three to five years guaranteed service, and then I'm being told that they get an annual review and they could be gone after a year. So which is it?

CHAIR TAKITANI: It could be any of the above. But 'cause I think what they said is they purposely left it broad --

MEMBER DeLEON: Okay.

CHAIR TAKITANI: --and let the Council work on this; who should've been doing this.

MEMBER DeLEON: Well, I'm trying to get the philosophy behind it.

MEMBER HAYNES: So that the Managing Director would be under employment. I think the deputy or the department heads are at will or they would be hired and fired. But they wouldn't be under contract is what we're recommending. And under the contract it would state what their responsibilities are and cause for terminations.

MEMBER STARR: And Staff has many models of different contracts and different mechanisms. They've done a lot of research.

CHAIR TAKITANI: Any other comments? Questions?

MEMBER DeLEON: One other.

CHAIR TAKITANI: Sure.

MEMBER DeLEON: I notice this line in here about the Mayor being the full-time advocate of the people of Maui County. Then what's the Council's job? They're not the advocates of Maui County? I mean why that differential? I mean I don't understand what that term even means. There's a Mayor and you have a Council, aren't they both doing that? I mean, they're there to represent the people aren't they?

MEMBER HAYNES: I don't say where it's gotta be exclusive what the Council's doing. They're representing the people as well.

MEMBER DeLEON: Okay. I'm just trying to figure why. I mean to me a Mayor, that'd be understood that that be...

VICE-CHAIR SCHAEFER: Well, Council too.

MEMBER DeLEON: Yes, it would, but why --

MEMBER PALTIN: The Council.

MEMBER DeLEON: --that differentiation [sic] in this...

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MEMBER PALTIN: Because the Council is part-time. The Council position is supposed to be a part-time position right? They're not full-time position. Right?

CHAIR TAKITANI: The Council?

MEMBER PALTIN: Council is a part-time position.

CHAIR TAKITANI: I don't think so.

UNIDENTIFIED SPEAKERS: Yes.

CHAIR TAKITANI: They are?

MEMBER PALTIN: And so that's why we said that because...

MEMBER DeLEON: They're allowed to have other employment.

MEMBER FILIMOE'ATU: Yes. Yeah.

MEMBER DeLEON: If anybody follows the Maui County Council realizes that it's an 80-hour job, 80-hour a week job. Every time you're in Costco someone's stopping you to talk about whatever. I mean...

MEMBER PALTIN: That's, well that's the distinction, full-time versus part-time, you know.

CHAIR TAKITANI: But the reality...yeah. Jonathan?

MEMBER DeLEON: You made your point, it's a full-time job.

MEMBER PALTIN: Yeah.

MEMBER DeLEON: Yeah okay. So it's not like you can't have another job or she can't have another job.

MEMBER PALTIN: Full-time.

MEMBER DeLEON: Right.

MEMBER STARR: In my own view, which may or may not be the entire TIG's view, the Council is there to set policy and they are to direct with policy what actions the Managing Director is going to make happen. You know, the Managing Director becomes the operational arm of the policy set by the Council. The Mayor will have the time and the ability to be the communicator for the County. You know, we want someone who is easy to communicate with whether you're a citizen the Mayor may never have heard from, or whether you're in State government or Federal government, whether the discussion is about what the County needs in interacting with FEMA or with funding from the Legislature or when dealing with a foreign head of state or

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delegation from another nation. The Mayor is a communicator, is the voice and the face of government. When there's an emergency the Mayor would be the person to go on TV and the radio and state the message. The Mayor also becomes the emergency responsible person under HRS when the State declares an emergency and those powers revolve to the County. And that's the way it is in the State law and it's best to leave it that way. The Mayor would have the time and ability to do it. The Council would be setting policy, the Manager would be implementing that policy. And the Manager would be utilizing the Mayor to communicate.

CHAIR TAKITANI: I have a couple of comments. And I, you know, I'm not gonna pretend that I support any of this because I absolutely don't, I totally agree with the Cost of Government recommendations. I thought they did a tremendous job and it's kind of stepping away from what we've been doing, a little bit differently. And so I agree with their recommendations. Number one, I know Kay isn't here today. So I just wanted to mention that she, if she had a vote today would've voted for Option 3 which says, you know, if you're gonna do this Managing Director that we don't need a Mayor. And I gotta admit I totally agree with that. In looking at Options 1 and 2 when we talk about what the Mayor's job is gonna be and it says that they're gonna speak for State...for County government - there's no way in hell that'll happen if we have the Council selecting all of the directors and the deputy directors and telling the directors and the Manager, there's no way that a Mayor will speak for County government. They're gonna be the face of County government. I have no idea what that means other than to stand up and take a picture. Helps resolve issues between the County and external agencies...no way. Without authority or without having the directors and deputies that you can tell what to do that ain't gonna happen. And they will assist the Council and the Managing Director as the Managing Director might request - I find that a little bit funny. The Mayor's veto power is kind of a joke to me. Unless it requires like a full unanimous override that ain't gonna happen either; the veto power will not happen. I think on the discussion about longevity or keeping people around longer in the department level, I truly believe the recommendation of possibly allowing the Council to have confirmation powers will significantly affect that. If a new mayor comes in and wants to appoint directors and he knows that the Council has confirmation power on every department head, I think it'll affect that. I think they will keep more and more department heads 'cause I think it works right now for the three that they do a appoint with confirmation powers. And finally the thing about politics, we're taking some politics out of...I just don't see that. I think we injecting a lot more politics into the process and we're taking the people out of the process. By not allowing them to vote on who's running our County and it doesn't work that oh they voted for the Council and the Council is appointing so they're doing it; I don't believe that not for one second. I think we're taking the people out of this process and we're putting in more politics. So for those reasons I don't, you know, and they're nothing new, I think I've stated this throughout after about our fourth or fifth meeting when it became kind of clear to me that there isn't any true, clear evidence that this is a better system. I don't want to change in the hope that we're going to improve. I don't think we should change and pray that we...I don't think we should do that. This is a difficult, difficult change that if we're gonna do something with this, requires I think a lot more time. And but I am ready to vote.

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VICE-CHAIR SCHAEFER: Well, Mr. Chair, I'll be happy to make a motion to --

CHAIR TAKITANI: Please.

VICE-CHAIR SCHAEFER: --get this going. I would move that the Special Committee on County Governance adopt Option 1 as recommended by the TIG. And I'll speak to that motion.

MEMBER STARR: Second.

MEMBER DeLEON: Need a second. You need a second first.

VICE-CHAIR SCHAEFER: I think I'll get one.

MEMBER STARR: I'll second it then, Mr. Chair.

MEMBER DeLEON: I think...

VICE-CHAIR SCHAEFER: So this entire time I've been told by Dave and by the Chair, you got a question?

CHAIR TAKITANI: No, you don't have to. Now you don't have to have a question.

VICE-CHAIR SCHAEFER: I know and I appreciate that. So I would just like to say that again I think that what is being recommended in Option 1 is really good. I think there was a cross section of opinions. I think you all worked really hard to come to a decision and a recommendation that was clear. I hear what the Chair says about the concern that the people are left out of this and it has been my experience and I know, Dave, you don't like to hear it, my 14 years as an elected official, people were not left out of it. And the system that I worked under was with professional County Manager and City Manager. The responsibility, the utmost responsibility of the Council is to the people of the County. The utmost responsibility of the Mayor is to the people. And I think what this does is puts the operation - the day-to-day, the getting the potholes fixed, to operating the sewer system - all of those routine things get handled and it frees up the Council and the Mayor to do the people's work and that is to go out, be amongst them, learn what their problems are, what their concerns are; hopefully change the system a little bit in terms of this ridiculous budget system that exists in this County now where the Council spends three months doing budget. Where there is...where under the system that I'm familiar with the budget was vetted and by the time it got to the Council, the Council had very few questions because things were laid out very clearly. And I noticed that other counties in Hawaii do it differently in their budget process, it doesn't take as long. It doesn't hurt to change. And the concerns that you raised, in particular, Dave, you know, the whole list of how we're gonna go belly up because we're just gonna turn into Bell or Ferguson, that's not realistic because what you're doing is you're ignoring the hundreds, the thousands of cities that operate without those kinds of scandals. And that's very different. Can it

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happen? Maybe it could. Maybe we already have had a little taste, you know. I noticed along the way nobody mentions Billy Kenoi.

MEMBER FILIMOE`ATU: Point of information.

CHAIR TAKITANI: What's your point?

MEMBER FILIMOE`ATU: Okay. As part of the TIG, part of our kuleana was to come up with three models. We came up with three models and I'd like to amend the motion to say we accept all three to send it to the Council.

MEMBER DeLEON: Let the Council pick?

MEMBER FILIMOE`ATU: Yeah. That's what they wanted us to do was come up with models.

VICE-CHAIR SCHAEFER: Who said come up with three models? Did the Council? That wasn't in there.

CHAIR TAKITANI: We have a motion. Is there a second?

MEMBER DeLEON: Second. For discussion.

CHAIR TAKITANI: For discussion.

VICE-CHAIR SCHAEFER: Well I think I was in the middle of a...

CHAIR TAKITANI: No, but there's a point of...I'm sorry?

MEMBER PHILLIPS: There you go.

VICE-CHAIR SCHAEFER: That isn't a point of...

MEMBER PHILLIPS: Make written recommendations to the Council.

VICE-CHAIR SCHAEFER: That's a modification of the...

MEMBER FILIMOE`ATU: Yeah, I amended it so . . . *(inaudible)* . . .

MS. WILLENBRINK: Excuse me, Chair? I think Jonathan did second the first motion.

MEMBER FILIMOE`ATU: Yes.

VICE-CHAIR SCHAEFER: Yes.

MEMBER FILIMOE`ATU: And we were discussing...

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CHAIR TAKITANI: That's not what we were talking about. We're talking about her amendment.

MS. WILLENBRINK: Oh, I missed that.

CHAIR TAKITANI: I think an amendment can come at any time.

VICE-CHAIR SCHAEFER: I don't think so. Sharon?

MS. BROOKS: If you have a main motion pending and someone wishes to present a motion for amendment, they can do it now...

VICE-CHAIR SCHAEFER: But they can interrupt?

CHAIR TAKITANI: Yeah. We can come back. We'll let you talk.

MEMBER HAYNES: Sorry.

CHAIR TAKITANI: Okay, Kimo...

MEMBER HAYNES: Just trying to understand what we're tasked to do. It says make a written recommendation to the Council on whether the Charter should be amended to establish a County Manager form of government and if so, how the form should be structured. So I take it that we're supposed to give them one structure rather than three.

MEMBER FILIMOE'ATU: And I'm trying to amend it just to give them all what we did.

MEMBER PHILLIPS: I think they'll review all of them, Kehau.

MEMBER FILIMOE'ATU: Who says? We're not giving them all three. We're giving them one if you go with the one. We had talked extensively about making sure our people were engaged. We didn't want to make the decision for them, therefore we came up with three different models. That I think is our kuleana that we can send forward to the County Council, picked as a Committee, not as a Commission, to look into it. And let them decide. Then they get the opportunity to look at all three models. You said only one. Their kuleana is just to look at that one.

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Well, I do appreciate the spirit of it which is to create a greater sense of process and openness and discussion about it. I feel that it would be a better reaction to what we were tasked to do to come up with one suggestion. And I have, in the deliberations we've gone through, come out to feel that for Maui County we would be much better served with the Option 1 than we would with the Option 2 or 3. Option 3, and I understand there is support for that, completely eliminates the position of Mayor. But I feel that that's a function though perhaps expensive and perhaps, you

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know, Mayor can be some baggage to carry around, but also is really important to the way our County and our perception of government works. There needs to be someone that really represents the place and that is the Mayor. You know, in some places where it would be Option 2, there are many places where the Mayor is part of the Council. And in some places the Mayor changes, rotates each year like I believe in Las Vegas it's like that. There are places where the Council candidate that gets the most votes becomes the Mayor. You know, there were so many different models but and I know they function in different places. I know the gentleman who served as Deputy Managing Director in Fairfax County --

CHAIR TAKITANI: Jonathan --

MEMBER STARR: --Virginia.

CHAIR TAKITANI: --you know, the discussion right now --

MEMBER STARR: Yeah.

CHAIR TAKITANI: --is three versus, are we submitting three or one.

MEMBER FILIMOE'ATU: Yeah, three or one.

CHAIR TAKITANI: So let's focus in on this thing.

MEMBER STARR: Yeah, let me just finish that thought.

CHAIR TAKITANI: Okay.

MEMBER STARR: You know, they have 10 Councilmembers and that's what Option 2 does. That creates a problem because it's real easy to have split votes and that seems to function best when there is the type of, kind of division that where most things are 8 and 2 which come with a more partisan type so that's why I feel that Option 1 is by far the best single choice and support of that.

CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: Kehau, how would you feel if we selected or if we had a bias as to one of the three and we provided all three?

MEMBER FILIMOE'ATU: We admitted that we were going to say our bias and tendency was to one. But we had come up with three different scenarios and the reason for that was 'cause we didn't want to make the choice for our community. We also...the reason I feel that three goes out is because then they understood that we looked at one spectrum to the other. You take one out now, just like our Chair has iterated, it's getting rid of your Mayor. Even though we have in this one option the Mayor, but it'll be to those who are saying you're coming up with a Managing Director getting rid of the Mayor, that will be the argument; no way is this gonna happen. And so it'll be

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either getting rid of the Mayor or not. But if you come out with three then the people will understand that we came up with three different options; one of which is no Mayor. But the other two has a Mayor in it and we wanted to keep that engagement for our people right?

MEMBER PHILLIPS: So you'd like to see three options on the ballot?

MEMBER FILIMOE'ATU: Yeah. So people then can look at it and your County Council can look at how far we went to get them a model. We tended towards one but we didn't want to make, we did not want to make that choice for our constituency base out there. I'm from what, District 9. I don't want to say that this is what gotta be. I want you guys look at it.

MEMBER PHILLIPS: So you see it as three ballot amendments?

MEMBER FILIMOE'ATU: Yeah. As three valid models --

MEMBER PHILLIPS: Models.

MEMBER FILIMOE'ATU: --that they could look at. And like Kailiponi said all he can say it is not necessarily based on what he's looking at going to be better but we don't know. Just like we don't know how our constituency masses see this coming forward.

MEMBER PHILLIPS: So we allow the Electorate to make a selection of the three.

MEMBER FILIMOE'ATU: Because they can see that we still have a Mayor in there. When you take anything out of what's coming out of here it was to make the change to a governance structure, come up with a model for a Managing Director.

MEMBER PHILLIPS: Okay.

MEMBER FILIMOE'ATU: And we have.

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: So there is a motion I guess on the table. It would...

MEMBER FILIMOE'ATU: To amend her motion.

MEMBER HAYNES: To amend. So...

MEMBER FILIMOE'ATU: So instead of taking one out...

MEMBER HAYNES: So would we include the recommendation of one?

MEMBER FILIMOE'ATU: We could. That's our bias.

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MEMBER HAYNES: And giving the Council this report basically?

MEMBER FILIMOE'ATU: Yes. See right now the Council is pitting a Commission against a little poor Committee. Which is, you know, and if they had listened to their Commission from the get-go they would not have had to put us in this position.

CHAIR TAKITANI: How do you reconcile that, Kimo, with what you read as our charge from the County Council?

MEMBER HAYNES: Maybe we can get some clarification on that. Because...

CHAIR TAKITANI: From who?

MEMBER PHILLIPS: Well it says recommendations.

MEMBER HAYNES: What's that? Someone who would know, those guys. But is it, you know, is our charge to come up with just one and give it to the Council? Or is it to recommend one? We can always give them options with our proposal.

CHAIR TAKITANI: You wanna hear from counsel?

MEMBER HAYNES: Yeah.

MS. BROOKS: If I may, the resolution is specific as to making a recommendation as to a County Manager form of government and how the form should be structured and then the second part of that is to prepare a proposed Charter amendment. So those are all in the singular.

MEMBER HAYNES: So we have to provide a model.

CHAIR TAKITANI: Because if we don't what is the consequences to us?

MEMBER FILIMOE'ATU: I don't know. They can...

CHAIR TAKITANI: They're gonna cut our pay again.

VICE-CHAIR SCHAEFER: I have a question, a clarification. So, Kehau, what you're saying is you want the recommendations to go to the Council, all three of them, but say to the Council this is the option we picked but it's up to you to decide which one is gonna go on the ballot? Not all three going on the ballot? Well, yeah, if they could.

MEMBER FILIMOE'ATU: Of course. Cost-wise they would want them...it's their kuleana to figure out which one, how they're gonna present it.

MEMBER HAYNES: So if we just were to do this because we have the three options that we looked at that are different and we're recommending one is basically what you're saying?

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VICE-CHAIR SCHAEFER: But they get all three. So they can see what our work product was or what your work product was.

MEMBER FILIMOE`ATU: And but they make the decision.

CHAIR TAKITANI: No matter what they make the decision.

MEMBER FILIMOE`ATU: Yeah that's right.

MEMBER PHILLIPS: We can support that, Jonathan.

MEMBER HAYNES: Ultimately the voters make the decision.

VICE-CHAIR SCHAEFER: Yeah.

MEMBER STARR: Yeah I'm happy to present our work product to them. I would be reluctant to task our Staff who are really diligent and work hard with having to create the Charter amendment language and other legal research into all three. Particularly Option 3 where the Mayor, we do without the Mayor because that will require a lot of changes of State law. And although State may have to, the Legislature may actually have to change all their State laws to conform with it in the next session, I don't think that's something we want to put on our Staff to have to research at this point.

CHAIR TAKITANI: Kehau?

MEMBER FILIMOE`ATU: And to counter that I don't think we are putting it on our Staff. It's the County Council who started this whole process. And Dr. Kailiponi said very succinctly, he says, this is crazy if they had to do what they're gonna do in whichever model comes up that it won't be less than 18, maybe 2 years to get it out as a Charter amendment. We know that's weird. We can't be naïve to think that the Charter amendment is gonna be up in November.

MEMBER STARR: I disagree with you and my belief is that our Staff has the ability to write a Charter amendment for Option 1.

MEMBER FILIMOE`ATU: Well, and that's why...

MEMBER STARR: And to do it in the next several weeks and that there are no, a certain amount of legal work has already been done to know that there are no roadblocks to that. In fact I believe it's a fairly simple process. But adding in 2 and 3 is gonna change that to being very, very difficult.

MEMBER FILIMOE`ATU: More difficult because our Charter Commission Chair said that it was going to be difficult as it is when they got whatever was going to come out of the Council to put in line all of those amendments because that's what they're tasked with.

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CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: I think it's only incumbent on us to, we can come up and propose all three, this is what the TIG came up with, and on doing, the asking Council Services to assist us with writing up the dissertation aspect of it, do it for the one we recommend; for the one that we...only.

MEMBER FILIMOE`ATU: Like how we did.

MEMBER PHILLIPS: And make...

MEMBER FILIMOE`ATU: Like how we did.

MEMBER HAYNES: But they've got to write...there's one step further we have to come up with a, prepare a proposed Charter amendment. So maybe we just do that for the option that we recommend? Are you okay with that?

MEMBER FILIMOE`ATU: I don't even know how to amend the Charter. So I'm not saying I'm savvy enough to do that as, 'cause we're not part of the Charter Commission. We're just a citizen committee put together by the same people who listen or supposed to be in sync with their Charter Commission.

MEMBER PALTIN: Point of information? There's more than one way to amend the Charter, not just the Charter Commission. I mean, if the Council puts it on or like how the GMO folks so this would be the Council --

MEMBER FILIMOE`ATU: But this ...yes.

MEMBER PALTIN: --way of amending the Charter.

MEMBER FILIMOE`ATU: But would have to still go through a process that would have Corp. Counsel looking at it and other people looking at it just besides us or the Council.

MEMBER PALTIN: Yeah.

MEMBER FILIMOE`ATU: And it would still take time for deliberation and putting together the semantics of the whole thing.

MEMBER PALTIN: But it sounded like you were going through the Charter Commission way. This way that they're talking about...

MEMBER FILIMOE`ATU: Well, because we were asked to come up with a Charter amendment which would have to go to the Charter Commission right?

MEMBER PALTIN: No, No. There's --

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MEMBER FILIMOE'ATU: I mean but...

MEMBER PALTIN: --three different ways. One way would be the Council could propose a Charter amendment and that doesn't have anything to do with the Charter Commission. One way is the Charter...

MEMBER FILIMOE'ATU: Whoa, well, let them do that.

MEMBER PALTIN: Yeah that's what we're saying.

MEMBER HAYNES: And that's . . . *(inaudible)* . . . you know, we're gonna give them a recommendation and then they're going to go through that process. But I think --

MEMBER PALTIN: Yeah.

MEMBER HAYNES: --Council Services they've been, has started that process of the...

MEMBER PALTIN: There's three ways to amend the Charter. One is through the Charter Commission, one is through like the petition, the citizen's petition, and one is the Council proposes a Charter amendment. And the way that I thought that we were discussing was the Council would propose a Charter amendment, not the Charter Commission method.

MS. WILLENBRINK: Point of clarification, Chair?

CHAIR TAKITANI: Yes ma'am?

MS. WILLENBRINK: Tamara's correct. So you will make your recommendation to the Council. The resolution is also correct in that it specifies one, and yes we are, this group is charged with making the Charter conform to the recommendation and I have begun that process. It is tedious but that will be available at the next meeting when you take your final vote and it will already have gone through rigorous review process, even by Corp. Counsel.

CHAIR TAKITANI: Can we have a vote on the amendment then?

MEMBER FILIMOE'ATU: Yeah.

VICE-CHAIR SCHAEFER: Can you restate the amendment please?

MEMBER FILIMOE'ATU: To amend your motion to include all three, our entire TIG report to be submitted to the County Council.

VICE-CHAIR SCHAEFER: And that includes with the preference for Option 1? That will be...

MEMBER FILIMOE'ATU: Our entire TIG report.

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VICE-CHAIR SCHAEFER: Alright. So the entire TIG report is going but...

MEMBER PALTIN: In addition to the recommendation or...

VICE-CHAIR SCHAEFER: So then there would be a vote on the main motion which is Option 1 be recommended to the Council.

MEMBER FILIMOE'ATU: No first you gotta go my...

VICE-CHAIR SCHAEFER: No I understand. But the amendment, it needs to be clear what you're saying is --

MEMBER FILIMOE'ATU: Three.

VICE-CHAIR SCHAEFER: --an amendment. All three will go to the Council and then the motion that I made was that Option 1 be recommended.

MS. WILLENBRINK: May I make a suggestion? Since you're charged with choosing one you could attach the TIG report with all three as an exhibit to the Committee report and then it would go to Council that way.

VICE-CHAIR SCHAEFER: So what if we...alright how would we clean this up?

CHAIR TAKITANI: Dave?

MEMBER DeLEON: So the TIG report clearly states there's a preferred option. I mean, it's clearly stated. So you give them the TIG report and you give them the Charter amendment. I mean that's what it's saying.

MEMBER PHILLIPS: Exactly.

MEMBER DeLEON: You know, I mean I think we're beating semantics to death. I mean we still should produce a Committee report in any case, not just the Committee report but a general Committee report.

MS. WILLENBRINK: We have to.

MEMBER DeLEON: Hopefully with a minority report attached. But anyway you have your preferred option. You have your preferred option in this report. So, I mean, we're just going around in circles on basically the same thing.

CHAIR TAKITANI: Actually I don't think so. I disagree. I think what Kehau is saying, I don't...is that she...and I don't mean to speak for you. If I'm wrong you tell me but I'm not hearing that she's exactly wedded to any one of these. She doesn't want to be wedded to any one of these proposals. That's what I'm hearing. So it's very...please be

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clear what this amendment is. This amendment is to send three of them. And it would supersede your one.

MEMBER PALTIN: But that wouldn't include what they're asking of us?

CHAIR TAKITANI: Correct. It would not. Have I misspoken?

MEMBER PHILLIPS: But, Tony, how do we write, how does Council Services write their, do their job?

CHAIR TAKITANI: You know, and I guess they just do it. They do it on all three. And, you know, I don't think we were asked to do what is easiest or, you know what, I don't want to speak for them but I believe that's what they would have to do.

VICE-CHAIR SCHAEFER: Could we revisit? Kehau, could we...this is what I understood you to say. That your amendment to the motion was simply to have all three recommendations sent to the Council. My main motion was that Option 1 be recommended, be the recommendation to the Council. So what you're saying is different.

CHAIR TAKITANI: Yes.

MEMBER FILIMOE'ATU: Yes it is.

VICE-CHAIR SCHAEFER: So which version is right for you?

MEMBER FILIMOE'ATU: What I'm saying is that we send three. What you just said is the only thing we are sending is what we want and that was Option 1.

VICE-CHAIR SCHAEFER: No.

MEMBER FILIMOE'ATU: Oh yes. That's all you're saying.

VICE-CHAIR SCHAEFER: In the original motion but now I'm saying if all three go --

MEMBER FILIMOE'ATU: Oh yeah.

VICE-CHAIR SCHAEFER: --and the original motion which was the Option 1 is the recommendation.

MEMBER FILIMOE'ATU: Right.

VICE-CHAIR SCHAEFER: They're joined together. Maybe the best thing to do is withdraw both motions and make one motion that does that. So you see what I'm saying? We'll roll it all into one and set up an amendment.

MEMBER FILIMOE'ATU: See so we can do a friendly amendment.

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VICE-CHAIR SCHAEFER: Yeah but why don't we just withdraw and start all over again. And then they'll be one motion that would say, say let's say the motion would be to send the entire TIG report to the Council with option 1 as the recommendation.

MS. BROOKS: Chair, if I may? What's before the Committee right now is the amendment; and that's the item that's up for discussion and determination. And there has been, from my ears, there's a little confusion about what that amendment is. On the one hand it's been stated to include the TIG report with the three recommendations but to show the Option 1 as the preferred recommendation pursuant to the TIG report and also the Option 1 would have the Charter amendment language along with the resolution formalized at our next meeting to be part of the Committee report going to the Council. The other form of the amendment that's been discussed is to have all three with no choice recommended to the Council which is beyond their charge in reality and it would require the three different variants of the Charter amendment. So that actually is beyond the charge, beyond the literal language of the resolution. But at this point it would be helpful to have the movant clarify what her amendment is.

MEMBER STARR: Mr. Chair?

CHAIR TAKITANI: Hang on. Would you like to clarify what your intent was? It's your motion.

MEMBER FILIMOE'ATU: The intent was to send all three.

CHAIR TAKITANI: That's what I thought.

MEMBER HAYNES: With a recommendation or without?

MEMBER FILIMOE'ATU: Within the report we have our bias.

MEMBER HAYNES: So you want to show them the three options but we still recommend one?

MEMBER FILIMOE'ATU: Right. And that the TIG was leaning towards number 1 as a bias. Otherwise TIG would've only come out with one. That's what we had a lot of talk, you know, over the three times we met. I mean, it went...

MS. BROOKS: So, Chair, if I may? Just to be sure that it's clear, under this last description by Ms. Kehau there would be one Charter amendment drafted showing the preferred one from the TIG report but the recommendation would be here are all the three per the TIG report right?

MEMBER HAYNES: The three options. Not just one recommendation.

CHAIR TAKITANI: Was that your intent?

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MEMBER FILIMOE`ATU: Yeah, if can. 'Cause I know it's the and a, and but, you know, but this is the stuff we going give to them.

MEMBER STARR: Mr. Chair? I'd like to suggest a different form for the amendment for consideration, would be that...

CHAIR TAKITANI: Okay so for clarification purposes, right now we just in discussion. We're not submitting an amendment. We're talking about the second amendment...

MEMBER STARR: We're discussing the amendment?

CHAIR TAKITANI: Correct.

MEMBER STARR: And it's a discussion on the amendment and I'd like to suggest that the amendment simply state that the TIG report shall be attached as part of the report.

VICE-CHAIR SCHAEFER: How else would they get it?

MEMBER PHILLIPS: That's what we're saying.

CHAIR TAKITANI: Well I think I believe the TIG report will be attached no matter what we say or what we do. And again, I don't think we're splitting hairs. I think what Kehau is saying is as a human being individual she wants all three to go. As a TIG member she understands that as a group you made a recommendation to go with Option 1. Am I...again, I don't know where I'm going with this but...

MEMBER FILIMOE`ATU: That's right.

CHAIR TAKITANI: Yeah. So it's clear to me what she wants to do. How we do it...

MEMBER FILIMOE`ATU: Yeah, try figure em out.

MEMBER HAYNES: But is it in line with what we're been charged to do?

CHAIR TAKITANI: No it's not.

MEMBER HAYNES: So...

VICE-CHAIR SCHAEFER: Well, sure it is 'cause we're still recommending.

MEMBER HAYNES: No she still has to have one recommendation.

VICE-CHAIR SCHAEFER: Right. We are recommending. When you say recommending Option 1. And the language is drafted. Or the necessary language is drafted but Council may decide they want Option 2 or 3.

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MEMBER FILIMOE`ATU: No they will take our recommendation and our recommendation would be...

VICE-CHAIR SCHAEFER: You don't know that. There's a serious diverse on their opinions about this as we are.

MEMBER FILIMOE`ATU: And they could filibuster this to death and Kailiponi going be correct.

MEMBER CANTO: Can the Council kill this at their level?

MEMBER FILIMOE`ATU: Yeah.

MEMBER PHILLIPS: They can never hear it.

MEMBER CANTO: Okay.

MEMBER HAYNES: Unless we did what we were supposed to do.

MEMBER FILIMOE`ATU: Yeah.

MEMBER HAYNES: I mean at least we accomplished --

UNIDENTIFIED SPEAKER: Right.

MEMBER HAYNES: --what we...let's just we can come to a decision.

MEMBER PALTIN: Yeah.

MEMBER HAYNES: We may not all agree.

MEMBER PALTIN: Take a vote.

MEMBER HAYNES: But, you know, I can't control what the Council's gonna do or whatever. But I do think we need to be clear on what Kehau's intention is.

VICE-CHAIR SCHAEFER: I think it is.

MEMBER PHILLIPS: I think we understand.

MEMBER FILIMOE`ATU: So you can amend, the original motion can be that we submit to the County Council our TIG report or our report, well it's our report, yeah, going be from the general...

UNIDENTIFIED SPEAKER: TIG.

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MEMBER FILIMOE`ATU: No not the TIG, it's gonna be from this whole Committee. We are submitting our TIG...

CHAIR TAKITANI: I think what we can say is that this Committee came up with three recommendations through the TIG report attached. We understand that the selection will be done by the County Council but we recommend by a vote of six to five that you do this one. That you do number one.

MEMBER HAYNES: Could we change three recommendations to three options?

MEMBER FILIMOE`ATU: Yeah, three options.

CHAIR TAKITANI: Yes. Absolutely. And this is off the...so yeah, so we go with...the TIG will be attached and we can also state that right upfront in the report so it's one of these, if the report is too long at least we put em in the first paragraph.

MEMBER FILIMOE`ATU: Yeah, the three options. You're correct.

MEMBER STARR: Could we get a motion to that effect read out by Staff so that we have clarity? I believe that the idea is to package it as a new motion.

VICE-CHAIR SCHAEFER: That's what I was suggesting or we could, I could withdraw, you could withdraw, we'd have a whole new one.

MEMBER FILIMOE`ATU: Yeah.

CHAIR TAKITANI: Well let's see what the new one would sound like first.

MS. BROOKS: Chair, I believe you have to dispose of the pending amendment or withdraw it.

CHAIR TAKITANI: We're not asking...we're still in discussion. We're asking what a potential one would look like. When we're satisfied with what one would look like, we will have the others withdrawn.

MEMBER FILIMOE`ATU: Yeah.

VICE-CHAIR SCHAEFER: Or we could take a break and...

CHAIR TAKITANI: No.

MEMBER FILIMOE`ATU: Check and then we can...

CHAIR TAKITANI: Let's see what we got.

MEMBER FILIMOE`ATU: Withdraw would be what she's looking for.

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MS. WILLENBRINK: If you want us to write a motion we would need a small recess.

MEMBER FILIMOE'ATU: Okay.

MS. WILLENBRINK: Brief.

CHAIR TAKITANI: Small recess. Five-minute recess.

MEMBER DeLEON: Can we leave the amendment on the floor? The amendment's on the floor still.

CHAIR TAKITANI: Oh yeah, yeah. Five-minute recess. . . .*(gavel)*. . .

**RECESS: 3:44 p.m.**

**RECONVENE: 3:51 p.m.**

CHAIR TAKITANI: . . .*(gavel)*. . . Can we --

VICE-CHAIR SCHAEFER: Okay.

CHAIR TAKITANI: --come back to order please.

VICE-CHAIR SCHAEFER: Mr. Chair?

CHAIR TAKITANI: It's my understanding that we have some language that we can live with.

VICE-CHAIR SCHAEFER: I'm. . .

CHAIR TAKITANI: Before we start changing everything around, can we hear the language? Who's going to do the motion?

VICE-CHAIR SCHAEFER: No, we got it.

CHAIR TAKITANI: Yeah.

VICE-CHAIR SCHAEFER: So what we need to do is. . .

MEMBER FILIMOE'ATU: Withdraw.

VICE-CHAIR SCHAEFER: I am going to with...you have to do the amendment first.

CHAIR TAKITANI: The second, you gotta...

MEMBER DeLEON: I'm withdrawing my motion.

CHAIR TAKITANI: Okay.

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MEMBER STARR: Yeah, your amendment.

MEMBER FILIMOE`ATU: I'll withdraw the amendment.

CHAIR TAKITANI: Who did the second?

VICE-CHAIR SCHAEFER: And I'll withdraw...

CHAIR TAKITANI: No, no. Jonathan and then...

VICE-CHAIR SCHAEFER: I. . .

CHAIR TAKITANI: All withdrawn.

MEMBER DeLEON: So we're going back to scratch.

VICE-CHAIR SCHAEFER: Okay.

CHAIR TAKITANI: New motion?

VICE-CHAIR SCHAEFER: Okay. Move to submit the TIG Report to the Council with Option 1 as the structure of County Manager form of government.

CHAIR TAKITANI: Any...oh, is there a second?

MEMBER STARR: I'll second.

MEMBER FILIMOE`ATU: Second.

MEMBER DeLEON: Second.

MEMBER PHILLIPS: Second.

CHAIR TAKITANI: Any discussion?

MEMBER DeLEON: Could we repeat the motion? I missed it.

MEMBER HAYNES: You're going to change your mind, Dave?

MEMBER DeLEON: No, I just want to hear it.

VICE-CHAIR SCHAEFER: Okay. In Ferguson. . .

UNIDENTIFIED SPEAKER: Ferguson, Missouri, yes.

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VICE-CHAIR SCHAEFER: Move to submit the TIG Report to the Council with Option 1 as the structure of County Manager form of government.

CHAIR TAKITANI: And it sort of tracks the language a little bit.

MS. WILLENBRINK: Chair?

MEMBER DeLEON: Oh, I see. I see.

MS. WILLENBRINK: For clarification, who is the second?

CHAIR TAKITANI: Wait, wait, wait. We talking story.

MEMBER HAYNES: Kehau.

SEVERAL MEMBERS: Kehau.

MEMBER FILIMOE`ATU: Second.

MS. WILLENBRINK: Kehau.

CHAIR TAKITANI: Wait Jonathan wanted to second.

SEVERAL MEMBERS: Kehau.

CHAIR TAKITANI: Any further discussion?

MEMBER DeLEON: Who's on first?

MEMBER FILIMOE`ATU: Call for the question.

CHAIR TAKITANI: Yes. All in favor, raise your hand. Opposed? Motion carries.

MS. WILLENBRINK: Roll call.

CHAIR TAKITANI: I'm sorry?

MS. WILLENBRINK: Roll call, please.

CHAIR TAKITANI: Why?

SEVERAL MEMBERS: Roll call.

VICE-CHAIR SCHAEFER: Because it's a split vote.

MEMBER FILIMOE`ATU: What was it?

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MS. WILLENBRINK: So we get...

CHAIR TAKITANI: It was six-four.

MS. WILLENBRINK: We get the exact vote for the minutes.

CHAIR TAKITANI: Can't I just tell you that the "noes" were Paula, Tony, Dave, and Pua. All the rest were "ayes."

**VOTE:       AYES:   Vice-Chair Schaefer, and Members Filimoe`atu, Haynes, Paltin, Phillips, and Starr.**

**NOES:       Chair Takitani and Members Canto, DeLeon, and Friel.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Member Okamoto.**

**MOTION CARRIED.**

**ACTION:    Recommending Option 1 as the structure of County Manager form of government.**

MS. WILLENBRINK: You got that, Pauline?

MS. MARTINS: Yes.

MS. WILLENBRINK: Thank you, Chair.

CHAIR TAKITANI: Okay.

MS. MARTINS: But we don't know the seconder.

MEMBER HAYNES: Kehau.

VICE-CHAIR SCHAEFER: Okay. So what's the next thing that happens?

MEMBER FILIMOE`ATU: We pau right?

CHAIR TAKITANI: That's . . .

MEMBER STARR: Our next meeting.

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CHAIR TAKITANI: Go ahead?

MR. KUSHI: It's after the fact, but just to be clear so that there's no confusion. I recommend that you guys adopt the TIG report as a Committee.

MEMBER FILIMOE`ATU: Oh.

VICE-CHAIR SCHAEFER: Oh yeah.

MEMBER FILIMOE`ATU: Oh yes.

CHAIR TAKITANI: Okay.

MEMBER FILIMOE`ATU: I thought you guys did that last time?

MEMBER DeLEON: No we received...

CHAIR TAKITANI: We received it.

VICE-CHAIR SCHAEFER: We received it, yeah.

CHAIR TAKITANI: We're...what are we doing?

MEMBERS: Adopting.

CHAIR TAKITANI: As what?

MR. KUSHI: As the report.

MEMBER FILIMOE`ATU: The TIG report.

MR. KUSHI: Of the ...

CHAIR TAKITANI: It will not be the report of the Committee.

VICE-CHAIR SCHAEFER: No, it's the report of the TIG.

MEMBER FILIMOE`ATU: Yeah report of the TIG.

CHAIR TAKITANI: Is that what you said?

MR. KUSHI: No. I think this whole body needs to adopt the report first.

VICE-CHAIR SCHAEFER: Oh.

MEMBER FILIMOE`ATU: Yeah. I thought they...

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CHAIR TAKITANI: As what?

MR. KUSHI: As a report of this body.

CHAIR TAKITANI: But not as the Committee report that's gonna go to the Council?

MEMBER FILIMOE'ATU: It is.

MR. KUSHI: It will be attached as a exhibit.

CHAIR TAKITANI: It will be attached as an exhibit.

MR. KUSHI: No but you first have to adopt the TIG report.

CHAIR TAKITANI: Okay.

MR. KUSHI: By the entire Commission, entire Committee.

CHAIR TAKITANI: Okay.

VICE-CHAIR SCHAEFER: Move that we adopt the TIG report.

MEMBER PHILLIPS: Second.

MEMBER STARR: Second.

MEMBER DeLEON: Question.

CHAIR TAKITANI: Discussion? Go ahead.

MEMBER DeLEON: What do you mean by the entire Committee? You mean all Members have to vote in support of it?

VICE-CHAIR SCHAEFER: Uh-huh.

MR. KUSHI: Right. Because it's just a sub-Committee.

MEMBER HAYNES: Not the finding, just the report.

MR. KUSHI: Just the report.

MEMBER DeLEON: So you can't vote down? You can't vote in the negative?

MEMBER FILIMOE'ATU: You can.

CHAIR TAKITANI: You can.

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MEMBERS: . . . *(inaudible)* . . .

CHAIR TAKITANI: I'm assuming it's going to be the same vote.

MEMBER HAYNES: You, you're...we're not adopting the recommendation, just accepting the report as a Committee.

MS. WILLENBRINK: Chair?

CHAIR TAKITANI: Yes?

MS. WILLENBRINK: Who's the second for this motion?

MR. STARR: Ray.

CHAIR TAKITANI: Ray seconded it.

MS. WILLENBRINK: Ray Phillips.

CHAIR TAKITANI: Sorry. When we get going, we crank.

MEMBER FILIMOE`ATU: Yeah.

CHAIR TAKITANI: Any further discussion? All those in favor of adopting this—not agreeing with it—but adopting it. . .

MS. BROOKS: Chair? I'm sorry to interrupt, but I just want to be sure that what you adopt, you're clear about. And it's my understanding that if you adopt the report you are adopting their recommendations.

CHAIR TAKITANI: Okay.

MEMBER FILIMOE`ATU: And your TIG has the votes.

CHAIR TAKITANI: Has what?

MEMBER FILIMOE`ATU: Your TIG has your votes.

CHAIR TAKITANI: Yeah, I would assume it's going to be a vote. What do you mean you have our vote?

MEMBER FILIMOE`ATU: 'Cause we're gonna have to vote. She wants us to vote.

CHAIR TAKITANI: Oh, yeah. Yeah, yeah, yeah, yeah. Okay.

MEMBER DeLEON: And adoption means that we support the recommendation.

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CHAIR TAKITANI: Yeah. Okay. So all in favor, raise your hand. All opposed, raise your hand. Same. Thank you.

**VOTE:       AYES:   Vice-Chair Schaefer, and Members Filimoe`atu, Haynes, Paltin, Phillips, and Starr.**

**NOES:   Chair Takitani and Members Canto, DeLeon, and Friel.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:   Member Okamoto.**

**MOTION CARRIED.**

**ACTION:    ADOPTION of the TIG Report.**

CHAIR TAKITANI: So the TIG is now part of the Committee, it's been adopted by the Committee. The TIG report has been adopted by the Committee.

VICE-CHAIR SCHAEFER: We could have done this the first week and saved a lot of trouble.

CHAIR TAKITANI: You mean you came into this the first week knowing what you. . .

VICE-CHAIR SCHAEFER: I think everybody knew.

CHAIR TAKITANI: I thought everybody had open minds.

VICE-CHAIR SCHAEFER: Yeah right.

MEMBER DeLEON: You know, you were worried about . . .*(inaudible)*. . .Administration.

CHAIR TAKITANI: Okay. I think we're gonna need one more meeting, maybe two. And at the next meeting what will we be able to expect from Staff?

MS. WILLENBRINK: At the next meeting, you will have a prepared ballot question. You will have a Charter, fully amended and reviewed, and you will have the ability to make your final vote on the resolution.

CHAIR TAKITANI: Can we actually...we don't have to receive it like we received the TIG? It's a different animal?

MS. WILLENBRINK: Different process.

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CHAIR TAKITANI: Okay. When do we do our Committee report?

MS. WILLENBRINK: As soon as you vote I race back to my desk.

CHAIR TAKITANI: Now is the Committee report saying that it has to be adopted by the body as well?

MS. WILLENBRINK: No. The recommendation, you will make your recommendations and those will go into the Committee report. But you as the Chair will read the Committee report after all of the review process and make sure it says exactly what you would like it to say.

CHAIR TAKITANI: So I get to say...

VICE-CHAIR SCHAEFER: No, no, no, no, no.

CHAIR TAKITANI: I sense distrust.

MS. WILLENBRINK: That's generally how it works in standing committees.

CHAIR TAKITANI: Okay. Can I have the entire Committee sign off on the Committee report?

MS. WILLENBRINK: I defer to Counsel.

MS. BROOKS: I would have to look at that, Chair. But it's the Chair's prerogative under the rules now and that requirement to sign the Committee report.

CHAIR TAKITANI: Sign it but I...

MEMBER FILIMOE'ATU: Make everybody else sign it.

CHAIR TAKITANI: I want everybody else to be able to look at it and sign it.

MS. BROOKS: Well I don't know of any restriction not allowing the Chair to request that.

CHAIR TAKITANI: I'm just trying to decide whether or not we're gonna need another meeting.

MS. WILLENBRINK: You need at least one more.

CHAIR TAKITANI: Two more meetings. I don't...so for sure we need one more. And if, what I would like to do is for those, is for all the Committee Members to be able to read it separately and then sign off separately. And have full understanding that there will be a dissenting portion to it as well. Okay? Yes, Dave?

MEMBER DeLEON: Just for your information I'm going to be out-of-state . . .(inaudible). . .

CHAIR TAKITANI: Of May?

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MEMBER DeLEON: Yeah.

CHAIR TAKITANI: Okay.

MEMBER HAYNES: The dissenting portion's gonna be in the report?

CHAIR TAKITANI: I'm sorry?

MEMBER HAYNES: The dissenting...

CHAIR TAKITANI: Absolutely.

VICE-CHAIR SCHAEFER: But not in the TIG.

CHAIR TAKITANI: It'll be part of it.

MEMBER FILIMOE'ATU: Do you have a narrative on the dissention? Or it's just the votes?

CHAIR TAKITANI: There'll be a narrative as to what...why.

MEMBER STARR: I think it should be a separate minority report.

CHAIR TAKITANI: Okay. I'm okay with that.

MEMBER FILIMOE'ATU: Oh yeah, yeah.

UNIDENTIFIED SPEAKER: I agree.

VICE-CHAIR SCHAEFER: Yeah, then that way...

MEMBER FILIMOE'ATU: 'Cause the votes are just gonna be the votes. Yeah okay.

VICE-CHAIR SCHAEFER: So let's do that.

MEMBER PHILLIPS: Well then any Member of the Committee can put in an addendum on there and have their own report.

CHAIR TAKITANI: Up to them. I wouldn't preclude that.

MEMBER PHILLIPS: Could have justifications from everybody.

CHAIR TAKITANI: Okay.

MS. WILLENBRINK: Would you like to discuss --

CHAIR TAKITANI: May 12?

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MS. WILLENBRINK: --timeline?

CHAIR TAKITANI: Is May 12...Dave's not available.

MEMBER FILIMOE'ATU: I'm not available either.

CHAIR TAKITANI: Kehau's not available.

MS. WILLENBRINK: There's only a few possible dates.

CHAIR TAKITANI: What is our deadline again? June?

MEMBER FILIMOE'ATU: One.

MEMBER DeLEON: June 1 yeah.

VICE-CHAIR SCHAEFER: Yeah.

MS. WILLENBRINK: Posting for that is the 27<sup>th</sup>.

MEMBER DeLEON: Of May?

MS. WILLENBRINK: Of May.

MEMBER FRIEL: Oh I have graduation.

MEMBER STARR: Earlier is better.

MEMBER HAYNES: The next one is the 12<sup>th</sup>? Is that what we're trying to...I'm okay.

CHAIR TAKITANI: What are we doing on the next one again? Clarify for me.

MEMBER DeLEON: Receiving the language for the Charter. And then finalizing the...

CHAIR TAKITANI: So do you mind if we meet anyway?

MEMBER DeLEON: You have quorum.

MS. WILLENBRINK: Just need a quorum.

MEMBER DeLEON: A decision's already been done.

CHAIR TAKITANI: Yeah.

VICE-CHAIR SCHAEFER: Well here's the problem though. Kehau, can you be here on the 12<sup>th</sup>?

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MEMBER FILIMOE`ATU: I'm not on island.

VICE-CHAIR SCHAEFER: Do the math guys.

MS. WILLENBRINK: We could try for Monday the 9<sup>th</sup>.

MEMBER FILIMOE`ATU: Oh yeah.

MEMBER PALTIN: Yes.

VICE-CHAIR SCHAEFER: Okay.

MEMBER PALTIN: I like that.

MEMBER FILIMOE`ATU: How about the 10<sup>th</sup>?

MEMBER FRIEL: I cannot on the 10<sup>th</sup>.

MEMBER FILIMOE`ATU: The 9<sup>th</sup> what time? Early?

CHAIR TAKITANI: Is that a Monday?

MEMBER FILIMOE`ATU: Yeah.

MEMBER DeLEON: Yeah, 9<sup>th</sup>.

VICE-CHAIR SCHAEFER: Is everybody...

MEMBER PALTIN: I like 9.

MS. WILLENBRINK: If we did, if you chose Monday the 9<sup>th</sup> there would be time maybe to squeeze in that extra meeting. If we wait until the 12<sup>th</sup>, that's getting so close to have...

CHAIR TAKITANI: How early on the 9<sup>th</sup> can we have the meeting?

MS. WILLENBRINK: Well we'll have to check. But I believe that the Council Chamber is available.

CHAIR TAKITANI: Okay. Why...can we, why don't we tentatively select the 9<sup>th</sup>, Council Chambers at 9:00 a.m.?

MEMBER FILIMOE`ATU: Yeah.

CHAIR TAKITANI: Can we make 9:00 a.m.?

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MS. WILLENBRINK: Paula?

MEMBER PALTIN: Excellent.

MS. WILLENBRINK: Can you make 9:00 a.m.?

MEMBER FRIEL: Yeah, I think so.

CHAIR TAKITANI: Oh, come Sunday night and go shopping.

MEMBER FRIEL: It's Mother's Day. Otherwise I would.

CHAIR TAKITANI: Oh it is Mother's Day.

MEMBER FRIEL: Yeah.

MEMBER HAYNES: No, it's Sunday.

MEMBER DeLEON: Sunday yeah the 8<sup>th</sup>.

MEMBER HAYNES: Mother's Day is every day.

CHAIR TAKITANI: Would 10:00 a.m. make it easier?

MEMBER FRIEL: No, no. We can shoot for...

CHAIR TAKITANI: Shoot for 9:00?

MEMBER HAYNES: That's on the record right?

MEMBER PHILLIPS: I wouldn't go home if I was you.

CHAIR TAKITANI: Okay. Why don't we say May 9<sup>th</sup> at 10:00 a.m.

VICE-CHAIR SCHAEFER: At 10:00 a.m.?

CHAIR TAKITANI: Okay. Can I give you a piece of paper to write?

MEMBER PALTIN: Sure.

CHAIR TAKITANI: Give this to her. Ten a.m.

MEMBER PHILLIPS: Ten a.m. on the 9<sup>th</sup>.

CHAIR TAKITANI: Ten a.m.

VICE-CHAIR SCHAEFER: Okay. In the Council Chambers, great.

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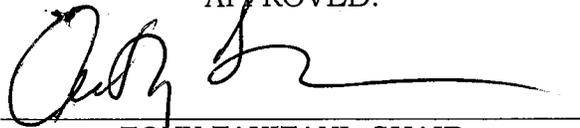
**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: KO)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

CHAIR TAKITANI: Okay. Any questions? Any further discussion? Not! Meeting adjourned.  
...*(gavel)*...

**ADJOURN: 4:03 p.m.**

APPROVED:



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TONY TAKITANI, CHAIR  
Special Committee on County  
Governance

cg:min:160429:kt

Transcribed by: Kimberly Tabon

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CERTIFICATE

I, Kimberly Tabon, 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 31<sup>st</sup> day of May, 2016, in Kahului, Hawaii



Kimberly Tabon