

**COST OF GOVERNMENT COMMISSION  
MINUTES  
Via BlueJeans Videoconference  
Thursday, December 10, 2020**

- PRESENT:** Michael Williams, Chair  
Michelle Del Rosario, Vice Chair  
Noemi Barbadillo, Member  
Paula Heiskell, Member  
Lu Ann Lankford-Faborito, Member  
Patrick O'Neil, Member  
Susan Pu, Member  
Sarah Simmons  
Hannah Werth, Member (arr. at 10:15 a.m.)
- STAFF:** Gary Murai, Deputy Corporation Counsel  
Shelley Pellegrino, Technical Writer for the Commission  
Lance Taguchi, County Auditor
- ADMIN.** Ipo Mossman, Ex-Officio Member, Office of the Mayor  
Darlene Endrina, Community Liaison, Office of the Mayor

**DOCUMENTS RECEIVED:**

Minutes

- Draft November 12, 2020 Meeting Minutes

Informational Documents Related to COVID-19 and Open Meetings

- Governor's COVID-19 Sixteenth Supplemental Proclamation (November 23, 2020)

County Road Safety

- Proposed Parameters and Scope of Investigation into County Road Safety

COGC Authority to Issue Investigative Reports

- Charter, County of Maui, Sec. 3.9 (2019)
- Charter, County of Maui, Sec. 8-14 (1983)

**I. CALL MEETING TO ORDER**

Chair Williams called the meeting to order at 10:00 a.m.

**II. ROLL CALL**

Chair Williams took roll. Commissioners Barbadillo, Heiskell, Lankford-Faborito, O'Neil, Pu, Simmons, Vice-Chair Del Rosario, and Chair Williams were present. [Commissioner Werth arrived at approximately 10:15 a.m.]

**III. PUBLIC TESTIMONY**

There was no public testimony.

**IV. REVIEW AND APPROVE NOVEMBER 12, 2020 MEETING MINUTES**

*Vice-Chair Del Rosario moved to approve the November 8, 2020 meeting minutes, and Commissioner O'Neil seconded the motion. There was no discussion. The motion was approved 8-0 [Commissioner Werth excused].*

**V. COUNTY AUDITOR'S UPDATE**

County Auditor Lance Taguchi provided an update on the laptop purchase for the technical writer. He explained that his office has been having difficulty with the vendor (Gov Connection) and offered the Commission the opportunity to use one of the unused laptops (same make and model) from his office. The technical writer indicated she had no preference. Chair Williams indicated he had no preference as well.

**VI. DISCUSSION OF WHETHER THE COMMISSION IS PERMITTED TO ISSUE INVESTIGATIVE REPORTS DURING ITS COMMISSION TERM IN ADDITION TO THE CHARTER-REQUIRED ANNUAL REPORT**

Deputy Corporation Counsel transmitted copies of relevant sections of the 1983 County Charter and the current Charter as they related to the Cost of Government Commission (COGC). Mr. Murai stated that the Charter Commission recommended significant changes during its 2010 – 2012 term, and the Charter was amended in 2012. The "Declaration of Policy" section was removed, and Section 18.4.2 was modified and renumbered to Section 3-9.3.

Mr. Murai provided some information regarding the changes that were made. He explained that previously, the COGC was charged with making recommendations to the Mayor and Council regarding ways in which the County could become more efficient, eliminate duplication of services, and reduce costs. The findings and recommendations were issued 11 months after appointment.

In 2012, the Charter Commission recommended creation of an Office of the County Auditor. At the time, there was discussion about what to do with the COGC. Some members of the County Council proposed that the COGC be eliminated. The Charter Commission disagreed. Mr. Murai noted that at one point, the Charter Commission even considered granting the COGC the authority to hire and appoint the County Auditor. This concept did not move forward, and eventually the Charter Commission recommended that the COGC be advisory to the County Auditor.

Mr. Murai stated that while the Commission is required to produce an annual report, there is no language in the Charter directing them to produce periodic reports. Mr. Murai speculated that someone might be able to challenge the issuance of periodic reports, but he stated that he did not think the reports would be void.

Mr. Murai recommended that the Commission assemble the periodic reports and transmit them again with the annual report.

Chair Williams stated that he spoke with a former COGC member, who was on the Commission about four years ago when it decided to start issuing period reports. He added that he thought it

would be prudent to continue issuing these stand-alone reports because when they are timely, they can be beneficial to County decision-making.

Mr. Murai reiterated that he thought it would be beneficial to include all of the periodic reports with the annual report.

## **VII. TEMPORARY INVESTIGATIVE GROUP (TIG) UPDATES**

### **A. Enforcement of Short-Term Rental Laws (Chair Williams and Commissioner Barbadillo)**

Chair Williams stated that he started an outline of his report, but is waiting for the Council to complete its decision-making process before he moved forward with writing.

### **B. Capital Improvement Project Budgets of Department of Water Supply and Department of Environmental Management (Chair Williams, Vice-Chair Del Rosario, Commissioner O'Neill)**

Chair Williams stated that the TIG members met the week prior and outlined their top priorities and divided the workload. He added that their goal is to have a report completed prior to budget deliberations next year.

### **C. Wildfire Costs and Responsibility of Private Landowners (Commissioner Heiskell, Commissioner O'Neill)**

Commissioner O'Neil stated that he is continuing to research wildfire cost information and hopes to start outlining his report soon.

### **D. Homelessness Issues in Maui County (Commissioner Werth, Commissioner Lankford-Faborito, Chair Williams)**

Commissioner Werth stated that the TIG members have interviewed a number of from social service agency and County representatives. The TIG has also started narrowing down the issues to be included in its report.

## **VIII. INVESTIGATION (NON-TIG) UPDATES**

### **A. Private Financing of the Wailuku Parking Garage Via Opportunity Zones (Chair Williams)**

Chair Williams stated that the Wailuku Parking Garage report was assigned to the Budget Committee.

### **B. Information Technology Issues (Commissioner Simmons)**

Commissioner Simmons stated that she is continuing to work on her draft report.

### **C. Access to Public Documents Filed in County Litigation (Chair Williams)**

Chair Williams stated that IT Administrator Jacob Verkerke retired from the County, and he hopes to get in touch with the new administrator soon.

D. County Real Property Tax Policies Regarding Agricultural Lands (Chair Williams)

Chair Williams reported that he was invited to attend an Ag Working Group meeting that evening. He stated that he had made an outline of some issues the Commission could work on and he planned to share it with the AWG.

**E. DISCUSS OTHER POTENTIAL TOPICS TO REVIEW AND ESTABLISHMENT OF TEMPORARY INVESTIGATIVE GROUPS (TIGS)**

*Discussion and possible action regarding the establishment of Temporary Investigative Groups (TIGs) to review and investigate the below listed subjects, appointment of members, and setting of the parameters and scope of the investigation and review.*

A. County Road Safety (Commissioner Pu)

1. Review "Proposed Parameters and Scope of Investigation into County Road Safety"

Commissioner Pu stated that her original focus was on Hana, but that the proposed parameters and scope of investigation extends out to the entire County. She asserted that roads in Maui County appear to be worse than those of any other County in the State and she is not sure why this is so. She stated that she had reached out to Councilmember Sinenci, but had not yet heard back from him.

Commissioner Heiskell moved to approve the proposed scope and parameters of the investigation, and Vice-Chair Del Rosario seconded the motion.

Commissioner Heiskell offered to assist Commissioner Pu with the investigation.

*Commissioner Lankford-Faborito moved to approve the formation of a Temporary Investigative Group to evaluate County Road Safety comprised of Commissioners Pu and Heiskell. Commissioner Simmons seconded the motion. The motion was approved unanimously.*

**F. DETERMINE NEXT MEETING DATE AND AGENDA**

The next meeting is scheduled for Thursday, January 14, 2021, at 10:00 a.m. via BlueJeans teleconference.

**G. ADJOURNMENT**

The meeting adjourned at 10:35 a.m.