

**COUNCIL OF THE COUNTY OF MAUI**  
**COMMITTEE OF THE WHOLE**

June 23, 2006

**Committee**  
**Report No.**

\_\_\_\_\_ 06-68

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Committee of the Whole, having met on March 14, 2006 and June 6, 2006, makes reference to County Communication No. 06-16, from Councilmember Charmaine Tavares, transmitting a proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, CHANGING THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT TO THE DEPARTMENT OF PUBLIC WORKS AND ESTABLISHING A DEPARTMENT OF WASTE MANAGEMENT".

The purpose of the proposed resolution is to amend the Revised Charter of the County of Maui (1983), as amended (Charter), to rename the Department of Public Works and Environmental Management to the Department of Public Works; establish a Department of Waste Management; allocate the powers, duties, and functions of the Department of Public Works and Environmental Management between the two departments; and make corresponding changes throughout the Charter.

By correspondence dated March 7, 2006, Councilmember Charmaine Tavares transmitted background information on the staffing and budget of the Department of Public Works and Environmental Management (Department).

At its meeting of March 14, 2006, your Committee met with the Director of Public Works and Environmental Management, the Senior Executive Assistant to the Mayor, and a Deputy Corporation Counsel.

There was no public testimony.

Your Committee discussed the March 7, 2006 correspondence submitted by Councilmember Tavares.

Your Committee noted that the Department currently has a \$111.6 million operating budget comprising nearly 25 percent of the County's overall budget and consisting of approximately 439 employees, the largest of any County department.

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The Senior Executive Assistant expressed the Mayor's general support for the proposed resolution. However, instead of establishing a Department of Public Works and a Department of Waste Management, the Mayor suggested establishing a Department of Public Works that would address highways, engineering, and building permits; and establishing a Department of Environmental Management that would address environmental concerns, wastewater, and solid waste issues in the County.

The Director compared the responsibilities of similar departments in the Counties of Kauai and Hawaii, and the City and County of Honolulu. He noted that the County of Hawaii has a Department of Public Works and a Department of Waste Management, a departmental organization most similar to Maui County's.

Your Committee discussed the advantages of increased efficiency, effectiveness, and overall accountability that would result by splitting the Department into two smaller departments.

The Director stated that due to the Department's size and broad responsibilities, division heads are currently being given a greater amount of duties than would otherwise occur in a smaller department.

Your Committee discussed the proposed \$400,000 in administrative costs that would fund the salaries of the Director, Deputy Director, and additional administrative staff for the new department. Your Committee questioned whether the proposed split of the Department into two Departments, each with its own Director, Deputy Director and administrative staff, could result in an overlap of personnel functions.

Your Committee questioned whether the addition of one or two more deputy directors would help to address the diverse responsibilities of the Department. The Senior Executive Assistant stated that State law may prohibit having more than one deputy director assigned to a department.

The Deputy Corporation Counsel referenced Section 76-77, Hawaii Revised Statutes, which allows the County to have one deputy director per department exempt from civil service law. As an alternative, she stated that the County could conceivably create additional positions with different titles; however, civil service law would still apply for these positions.

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Your Committee discussed how environmental concerns should be a responsibility of every County department rather than a responsibility of a single department.

Your Committee discussed the possibility of including a confirmation provision in the proposed resolution.

Your Committee further discussed the July 1, 2007 effective date for the proposed resolution. The July 1, 2007 date will enable any adjustments to be made in the new department prior to the start of the fiscal year.

Your Committee deferred the matter pending further discussion.

By correspondence dated April 4, 2006, your Committee's Chair requested that the Department of the Corporation Counsel incorporate the appropriate ballot question into the body of the proposed resolution.

By correspondence dated May 23 2006, your Committee's Chair transmitted an article from the May 23, 2006 issue of *The Maui News* entitled "County department split examined".

By correspondence dated May 25, 2006, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, CHANGING THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT TO THE DEPARTMENT OF PUBLIC WORKS AND ESTABLISHING A DEPARTMENT OF WASTE MANAGEMENT". The revised proposed resolution incorporates the wording of the proposed ballot question.

At its meeting of June 6, 2006, your Committee met with the Deputy Director of Public Works and Environmental Management and the Corporation Counsel.

Your Committee received oral and written testimony from an Executive Assistant to the Mayor in support of the revised proposed resolution. He requested that the Department of Waste Management be changed to the Department of Environmental Management.

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Your Committee also received written testimony from three individuals supporting a Department of Environmental Management.

Your Committee recessed its meeting to June 8, 2006.

At its reconvened meeting of June 8, 2006, your Committee met with the Senior Executive Assistant to the Mayor and the Corporation Counsel.

Your Committee discussed the need to divide the current Department of Public Works and Environmental Management into two departments due to the sheer size of the existing department and to allow for more emphasis on planning for the future.

Your Committee recommended that the proposed resolution be further revised to rename the Department of Public Works and Environmental Management to the Department of Public Works, and to establish a Department of Environmental Management.

Your Committee voted to pass the revised proposed resolution on first reading and to file the communication.

Your Committee is in receipt of a further revised proposed resolution incorporating your Committee's suggested revisions.

Your Committee notes that Section 14-1.1 of the Charter requires that amendments to the Charter shall be initiated by resolution of the Council adopted after two readings on separate days and passed by a vote of six or more members of the Council.

Your Committee of the Whole **RECOMMENDS** the following:

1. That Resolution No. \_\_\_\_\_, as revised herein and attached hereto, entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, CHANGING THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT TO THE DEPARTMENT OF PUBLIC WORKS AND ESTABLISHING A DEPARTMENT OF ENVIRONMENTAL MANAGEMENT" be PASSED ON FIRST READING and be ORDERED TO PRINT; and

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2.      That County Communication No. 06-16 be FILED.

Adoption of this report is respectfully requested.

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**MICHAEL J. MOLINA** **Chair**

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**JO ANNE JOHNSON** **Member**

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**DAIN P. KANE** **Vice-Chair**

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**DANNY A. MATEO** **Member**

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**MICHELLE ANDERSON** **Member**

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**JOSEPH PONTANILLA** **Member**

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**ROBERT CARROLL** **Member**

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**CHARMAINE TAVARES** **Member**

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**G. RIKI HOKAMA** **Member**