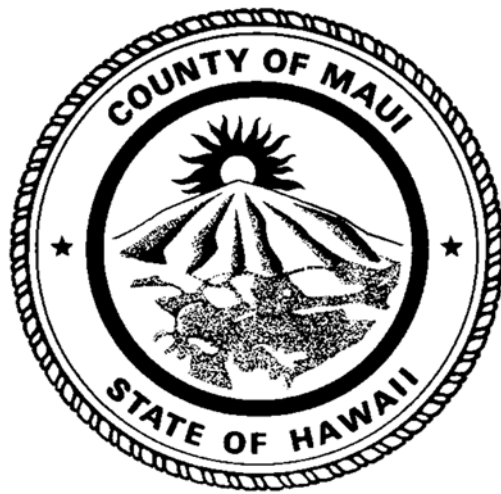


COUNTY OF MAUI



COST OF GOVERNMENT COMMISSION

ANNUAL REPORT

2021 – 2022

COST OF GOVERNMENT COMMISSION COUNTY OF MAUI

ANNUAL REPORT 2021 – 2022

*The Commission shall have the power and duty to:
Study and investigate the organizations and methods of operations of all departments,
commissions, boards, offices, and other instrumentality of all branches of the county government
and determine what changes, if any, may be desirable to accomplish the policy set forth herein.¹*

COMMISSIONERS²

Michael Williams, Chair
Daniel O'Brien, Vice Chair
Evan Dust, Member
Paula Heiskell, Member
Lu Ann Lankford-Faborito, Member
Spencer Lau, Member
Daniel O'Brien, Member
Sarah Simmons, Member

¹ Charter, County of Maui, Section 3-9.3 (2021 ed.).

² The Commission is comprised of nine members. There are currently seven members serving on the Commission and two vacancies due to the resignations of Commissioners Noemi Barbadillo and Susan Pu in April 2022. Both commissioners served for the complete 2021 – 2022 term, but resigned before the Annual Report was approved.

COST OF GOVERNMENT COMMISSION 2021 – 2022 ANNUAL REPORT

I. INTRODUCTION

The Cost of Government Commission (“COGC” or “Commission”) was created in 1976, when voters approved the recommendation of the Charter Commission. In its final report dated February 19, 1976, the Charter Commission stated, “The Cost of Government Commission would provide a cyclical review of cost and efficiency of both the legislative and executive branches of County government. The [Charter] Commission believes that this Commission [COGC], if adopted, will be one of the first of its kind in local government.”¹

According to the County Charter, the purpose of the Commission is to “[s]tudy and investigate the organizations and methods of operations of all departments, commissions, boards, offices, and other instrumentality of all branches of the county government and determine what changes, if any, may be desirable to accomplish the policy set forth herein.”² These responsibilities correspond to the County’s policy “to promote economy, efficiency and improved service in the transaction of the public business in the legislative and executive branches of the county.”³

The Charter also requires that the Commission present an annual report of its findings and recommendations to the Mayor, County Council, and County Auditor. For the prior Commission term (April 1, 2020 – March 31, 2021), the Commission issued its annual report on June 29, 2021. This Annual Report covers the activities from its Commission term (April 1, 2021 – March 31, 2022), as well as the months of April and May 2022.

II. COMMISSION COMPOSITION

The Commission is comprised of nine (9) volunteers with various educational and employment backgrounds. The cumulative wisdom and experience of its members are notable and, collectively, the commissioners have dedicated their time and knowledge to improving Maui County. The Commission believes its investigations and recommendations should be a catalyst for more in-depth discussions and a foundation for the development of legislation and improved processes and/or policies on the subject investigated.

There are currently seven appointed commissioners and two vacancies. The Commission has not had a full slate of nine commissioners since March 2021. Between April 2021 and April 2022, four commissioners resigned due to extenuating circumstances including moving to the Mainland, and family and work commitments. Three new commissioners have been appointed, but the Commission continues to have two vacancies. The lack of continuity

¹ Report of the Maui County Charter Commission, p. 5 (1976), located at http://mauicharterarchive.org/pdf/COM_76_760219_REP_Final_Report.pdf (accessed on May 29, 2022).

² Revised Charter of the County of Maui (2021 ed.) Section 3-9.3(1), p. 11, located at <https://www.mauicounty.gov/DocumentCenter/View/126103/Charter-2021-Edition> (accessed on May 29, 2022).

³ *Id.*, Section 3-9.

over the last year has posed challenges for the Commission and its ongoing investigations, but the volunteer commissioners remain dedicated to ensuring that their work continues.

The following individuals served the Commission during some or all of the period from April 1, 2021 to May 31, 2022:

| NAME | APPOINTMENT | TERM EXPIRATION | RESIGNATION |
|------------------------------------|-------------------------------|-----------------|-------------|
| Paula Heiskell | April 2017 (reappointed 2019) | March 2024 | |
| Noemi Barbadillo | June 2018 | | April 2022 |
| Hannah Werth | December 2018 | | April 2021 |
| Sarah Simmons | March 2019 | March 2024 | |
| Michael Williams | May 2019 | March 2023 | |
| Patrick O’Neil | September 2019 | | August 2021 |
| Lu Ann Lankford-Faborito | February 2020 | March 2023 | |
| Susan Pu | July 2020 | | April 2022 |
| Spencer Lau (replaced Del Rosario) | October 2021 | March 2024 | |
| Daniel O’Brien (replaced O’Neil) | November 2021 | March 2024 | |
| Evan Dust (replaced Werth)* | March 2022 | March 2023 | |

*eligible for reappointment

III. COMPLETED INVESTIGATIONS AND REPORTS

The Commission has continued its active role in investigating a broad range of issues affecting the economy and efficiency of Maui County. The Commission issued two reports during its 2021 – 2022 term.

A. Report on Wildfire Prevention and Cost Recovery on Maui

Following Maui’s unprecedented wildfire season in 2019, where more than 20,000 acres were burned and resources stretched thin, the Commission formed a Temporary Investigative Group (TIG), led by Commissioners Patrick O’Neil and Paula Heiskell, to examine the County’s wildfire prevention and response practices and costs. After a two-year investigation, the Commission approved the TIG’s findings and recommendations and issued its “Report on Wildfire Prevention and Cost Recovery on Maui” in July 2021.

The TIG examined wildfire fighting operations budgets, firefighter risk and liability, and future County wildfire fighting costs. In addition, the TIG evaluated statutes and regulations that affect firefighting prevention and cost recovery for private and commercial property owners, and estimated the impact of any costs to landowners associated with new regulations. An integral part of the investigation involved the analysis of current and recommended changes to Maui land management practices that impact frequency and magnitude of wildfires.

The Wildfire Report included the following list of issues and recommended actions the Maui County Fire Chief should pursue to reduce the frequency, magnitude, and threat of wild/brush/forest fires on Maui Island.

1. Most wild/brush/forest fires are caused by human action and should be preventable.

Action: *Expand fire prevention education programs, especially for visitors. Have videos available at airports, hotels, and through public service segments on radio and television. Expand farm and property safety presentations for landowners.*

2. Reduction of alien plant life that serves as fuel. Grasses serve as tinder and rapidly invade roadside shoulders.

Action: *Implement an aggressive plan to replace these hazardous fuel sources with native plants to reduce combustible fuel while increasing water retention.*

3. Abandoned sugarcane field growth needs to be addressed. Sugarcane plants are remarkably resilient and the lack of maintenance, combined with intrusive grasses, provide combustible, rapidly burning fuels. Periods of drought increase combustibility of grasses and sugarcane. The threat of fire breaking out in these fields will likely increase due to increasing temperatures and prolonged draught periods associated with climate change.

Action: *Work with County agriculture personnel and property owners to eliminate fire potential of these properties. Identify the hazardous locations and then collaborate with landowners to redevelop properties with native and more fire-resistant plants.*

4. Poor camping site management of fires and accidental fires caused by machinery and vehicles.

Action: *Expand safety education and inspection programs.*

5. Poorly maintained and overgrown properties are potential fire hazards. Properties without fire breaks or poorly maintained fire breaks provide little resistance to the rapid spread of fires, particularly when fanned by prevailing Maui winds.

Action: *Conduct an aggressive and comprehensive property assessment program to identify poorly maintained and fire-prone properties and then direct necessary corrective measures.*

6. Grasses and other combustible materials along roads are a fire hazard. Motorists throwing out cigarettes and or cars parked on shoulders with hot car tail pipes provide ignition sources for roadside combustibles that can quickly spread to adjoining fields and housing areas.

Action: *Conduct routine inspections and identify road shoulders that need maintenance and task the appropriate County department with reducing the hazard. Explore partnership with the State to develop maintenance plan for State-managed roads.*

7. Aboveground power lines that fail, short, or are low hanging can cause fire ignition (sparks) that could start a wildfire, particularly in windy or stormy

conditions. This condition is exacerbated by overgrown areas in the rights of way beneath the lines.

Action: Routinely inspect power transmission lines and rights of way. Task County and the electric utility companies with corrective actions.

8. Current firebreaks are required to be 25 feet on property edges. This distance is not adequate to prevent fire spread during nominal island winds. Firebreaks of only 25 feet are easily jumped by flying flaming debris.

Action: Work with appropriate County department to review firebreak width.

9. Arson is another threat. Intentionally set fires are particularly insidious. These fires can be initiated almost anywhere without warning. Some can be set simultaneously at multiple sites complicating response and containment.

Action: While preventing arson is exceedingly difficult, a plan to reduce the impact of such events is achievable. County departments should work together to implement a land management design that incorporates fire breaks and section barriers designed to contain and slow down the spread of wild/brush/forest fires.

10. Many properties are unfamiliar to MFD personnel. While MFD has a regular program of surveying lands to assess fire hazards, much acreage is still unmapped. Lack of knowledge impacts the ability of the MFD to rapidly respond and contain the outbreak.

Action: Consider training MFD personnel to use the Real Property Assessment Division's pictometry of every TMK parcel in the County or other comparable database of property maps and photos from the County's IT system. When a fire breaks out, immediately download the pictograms (aerial photos) of every property involved and use the information to identify buildings, resident locations, access roads, and water sources to enhance response and containment should fire break out. Conduct regular inspections to ensure that maintenance and preventative measures are being taken.

During its 2022–2023 term, the Commission plans to revisit the issues and recommendations highlighted in the report to determine whether any progress has been made toward reducing the frequency, magnitude, and threat of wildfires on Maui. The recent spate of brushfires on Maui only underscores the need to address the issue head on.

The Commission's report can be found at <https://www.mauicounty.gov/179/Cost-of-Government-Commission>.

B. Report on Homelessness in Maui County

In June 2020, the Commission formed a TIG to evaluate whether there is an attainable set of policies that would reduce or eliminate homelessness in Maui County. The TIG was led by Chair Williams and Commissioner Lankford-Faborito. Former commissioner Hannah Werth initiated and led the investigation until her resignation in April 2021.

The Commission interviewed Administration officials who oversee homelessness issues, as well as individuals from the nonprofit sector who work with the homeless. The Commission also reviewed and compiled discussions, presentations, and actions taken over the past two years by the Affordable Housing Committee, Budget Committee, County Council, and newly-created Commission on Healing Solutions for Homelessness.

The TIG presented its initial findings and recommendations to the full Commission on December 9, 2021. The Commission approved the TIG recommendations at its March 17, 2022 meeting, and the final report was issued in April 2022.

In its “Report on Homelessness in Maui County,” the Commission found that despite the years of hard work by the County’s Homeless Division and dedicated nonprofit organizations, whose common goal it is to end homelessness in Maui County, there is persistent disagreement as to how to move toward that goal and no comprehensive plan in place. In addition, the Division does not have the necessary staff, expertise, and resources to develop the type of comprehensive plan that is so desperately needed. County Council members have repeatedly asked for such a plan, but none has been produced, and none is underway. The Commission therefore offered the following recommendations.

1. That the Administration or the County Council issue a request for proposals to create a comprehensive plan to end homelessness in Maui County; and
2. That the County use unencumbered money from the Fiscal Year 2022 Affordable Housing Fund to pay for the contract.

The Report also identified topics that the comprehensive plan should address, including the following:

1. Assess the scope and demographics of those who are houseless.
2. Determine the need for additional emergency shelters.
3. Determine the need for additional wrap-around service workers.
4. Determine how many additional permanent housing units are needed.
5. Evaluate the Kauhale model from Oahu’s Kama’oku development.
6. Determine what changes are needed to the County’s public transportation system.
7. Determine what is needed to ensure discharged prisoners have a safe landing.

8. Catalog all County grants to organizations working on homelessness.
9. Identify State and Federal funds available for reducing homelessness in Maui County.
10. Evaluate whether the County should require that all newly arriving visitors have a verifiable place to stay to prevent imported homelessness.
11. Determine whether and how the County should revise its laws and policies about people camping in parks, on beaches, in hidden areas behind trees and buildings.

The Commission's report has been well received by the County Council. Under the leadership of Councilmember Gabe Johnson, Chair of the Council Committee on Affordable Housing, the Council voted unanimously to earmark \$250,000 from the Affordable Housing Fund in the Fiscal Year 2023 Budget to complete a Maui County Comprehensive Plan to End Homelessness.

The Commission's Report on Homelessness in Maui County can be found online at <https://www.mauicounty.gov/DocumentCenter/View/133555/COGC-Report-on-Homelessness-in-Maui-County-April-2022>.

IV. CONTINUING INVESTIGATIONS

The Commission continued five investigations and initiated one additional investigation during the 2021 – 2022 term.

A. Visitor Accommodations — Policy Options for Management

This TIG investigation, led by Chair Williams,⁴ began in August 2019 with a look at the enforcement of the rules about operating *permitted* short-term rentals (STRs) in the County. In February 2021, the Temporary Investigative Group expanded its scope to include policy options for managing visitor accommodations. In December 2021, the Council approved a bill to pause all new construction of visitor accommodations (except second homes). Mayor Victorino vetoed it, but the Council overrode his veto on January 7, 2022; Ordinance 5316, imposing a two-year moratorium, went into effect that day.

Commission Vice-Chair Daniel O'Brien was added to the TIG at the May 2022 meeting. The County Council continues to consider policy changes to better manage visitor numbers and behavior, and the TIG will follow those deliberations.

B. Capital Improvement Project Budgets of Department of Water Supply and Department of Environmental Management

This TIG investigation, led by Chair Williams,⁵ was formed in August 2019 to investigate how the Department of Water Supply (DWS) manages its capital expenditures. Initial TIG objectives included identifying projects specified and funded

⁴ Commissioner Noemi Barbadillo was also a member of the TIG until her resignation in April 2022.

⁵ The two previous commissioners who were on the TIG, Michelle Del Rosario and Patrick O'Neil, resigned from the Commission in May and August 2021 respectively.

by the County Council, but not implemented by the DWS; and evaluating the DWS Countywide five-year capital improvement plan.

In February 2021, the TIG expanded its scope to include the following:

1. review of capital budget plans for recycled wastewater as well as for potable water;
2. evaluation of capital necessary to acquire the Wailuku Water Company diversions and aqueduct system, as proposed by Mayor Victorino;
3. evaluation of capital required to implement the recent recommendation of the Board of Water Supply that the county consider acquiring the East Maui Irrigation Company watersheds, diversions and aqueducts currently being acquired by Mahi Pono;
4. evaluation of capital required if the Upcountry water meter list project is to be completed; and
5. evaluation of whether current DWS and Department of Environmental Management CIP plans include expanded capacity of potable water and wastewater treatment for future housing developments.

The Council approved funding in the FY 2023 Budget for the construction of two additional wastewater treatment facilities, one for central Maui and the other for Maalaea, though they might be combined into one project. The COGC will continue to monitor these developments.

C. Access to Public Documents Filed in County Litigation

In June 2020, the Commission decided to investigate whether the County can provide public access to civil litigation documents where the County is a party. The Department of the Corporation Counsel Corporation has hesitated to provide access to these documents, citing the administrative and financial challenges to setting up a publicly-accessible database of all civil litigation documents. The Department did, however, notify the Commission in March 2021 that it had started to post a list of its open litigation matters on its webpage to assist the public with finding documents and committed updating the list twice per year. To date, the only list of open cases provided was uploaded in September 2020. Some pleadings for three select cases have also been uploaded, with the most recent document dated October 2021.

The Commission has continued searching for ways to make all civil litigation documents accessible to the public and received \$10,000 in Fiscal Year 2022 to hire a paralegal or clerical worker to upload the documents. After being advised by County attorneys that there would be barriers to downloading the documents from the State Judiciary's database, the Commission was able to secure assurances from the Judiciary that it can upload to the County database any document in which the County is a party if the document is not a certified copy. Managing Director Sandy Baz agreed to assist the Commission with setting up folders on the County's website to provide public access to the civil litigation documents. The Commission intends to begin the

pilot project in June 2022 and has received additional funding through Fiscal Year 2023.

D. County Real Property Tax Policies Regarding Agricultural Lands

In June 2020, the Commission authorized an investigation into real property tax policies regarding agricultural lands. Chair Williams leads the investigation. Over the course of the Commission's investigation, it became apparent that any significant reform to one property class of the County's RPT system could affect and have repercussions on other classes. Accordingly, in May 2021, the Commission authorized the expansion of the investigation's scope to include potential improvements to the entire set of RPT policies, not just those applying directly to land zoned or used for agriculture.

The County Council is considering proposals now to expand exemptions for home owners and long-term landlords. A draft report for the Commission's consideration is expected within the next two months.

E. County Road Safety

In December 2020, the Commission authorized a TIG investigation into road safety issues in Maui County, especially as it relates to roads in and around Hāna. TIG members included Susan Pu, the Commission's East Maui representative, and Paula Heiskell.

In June 2021, Councilmember Shane Sinenci made a presentation to the Commission about the condition of the Hana Highway and the rapid increase in traffic and visitors following the relative quiet during the COVID pandemic closure. The Commission also received oral and written testimony from Hana residents John Blumer-Buell, Napua Hueu, and Charlotte Hain regarding visitor impacts and traffic hazards on Hana Highway. Commissioner Pu, who travels the Hana Highway on a regular basis, also expressed her ongoing frustration with road conditions and potential liability concerns.

COGC Ex-Officio member Ipo Mossman has worked as a liaison between the Commission and the Department of Public Works, and relayed information about planned roadway improvements along the County portion of the Highway.

Commissioner Pu resigned in April 2022. She had planned to resign in October 2021 due to work commitments, but graciously agreed to continue serving the Commission until she could be assured a replacement (ideally from East Maui) would be found. At the Commission's May 2022 meeting, newly-appointed Commissioner Evan Dust offered to join the TIG. The TIG will be reevaluating its parameters, scope, and timeline in the coming months and move forward with its investigation.

F. State-County Partnership to Provide Solar Energy Power to Wailuku-Kahului Wastewater Reclamation Facility

In March 2022, the Commission authorized an investigation into whether a State-County partnership could be formed to provide solar energy power to the Wailuku-

Kahului Wastewater Reclamation Facility. As background, The State Department of Transportation (DOT), which owns and controls the Kahului Airport, is in the process of issuing an RFP for a solar panel and battery installation just to the Hāna side of the airport; a private company would construct the solar installation that would power the airport. The County's wastewater treatment plant is immediately adjacent to the airport and sits on land that the County leases from the State. The State DOT is planning to provide power to other lessees near the airport, including car rental companies. The Commission is investigating whether it might be feasible for the County to enter into a partnership with the State to obtain renewable solar energy to operate the WWRF, and whether such a partnership could result in a significant reduction in energy costs to the County.

Chair Michael Williams and Vice-Chair O'Brien are leading the investigation and plan to present their findings and recommendations to the Commission by December 2022.

V. UPDATE ON PREVIOUS INVESTIGATIONS AND REPORTS

A. Report on Financing of the Wailuku Parking Structure

In November 2020, the Commission issued a report following a nine-month investigation into the financing of the County-owned Wailuku Parking Structure. The Commission reviewed the Federal Opportunity Zones program, which encourages private investors to start new businesses in economically depressed areas of the country. Wailuku is one of the federally-designated Opportunity Zones. The Commission opined that the County could save \$5-6 million if it were to lease the land to an investor or qualified investment fund, transfer the construction contract to that investor, and have that investor own and operate the garage for at least ten years.

In its report, the Commission recommended that the County solicit bids for private financing, ownership, and management of the Wailuku Parking Structure. Specifically, the Commission recommended that the County issue a Request for Proposals to determine whether there is any investor or investor group interested in constructing and operating the Wailuku Parking Structure for ten or more years as an Opportunity Zone investment.

In August 2021, Chair Williams was informed by Erin Wade, County of Maui Redevelopment Program Planner, that the County had decided to accept the COGC's recommendation to solicit investors who might want to purchase the garage and build it with private money. In May 2022, Ms. Wade told Chair Williams that the County still plans to seek an Opportunity Zone investor, but not until three cost factors are settled: (1) a modification of the construction contract that extends it by about nine months due to discovery of iwi kūpuna; (2) a contract for the garage access equipment and technology; and (3) a management contract. Ms. Wade expects these issues to be resolved by the fall of 2022.

B. Letter to the Charter Commission Proposing Amendments Concerning the Cost of Government Commission and Other Boards and Commissions

The Cost of Government Commission has gone through various iterations under the County Charter over the last 45 years. Notably, in 2012, the Commission terms increased from two-year terms to staggered five-year terms. Following the 2012 Charter amendment, commissioner terms were adjusted to meet the five-year requirement, but they remained “unstaggered.” Over the next eight years, no one noticed the administrative error, in part because there were 12 resignations. In 2020, the number of resignations declined significantly (in large part due to meetings being held remotely via BlueJeans), and the Commission took notice when there was no scheduled turnover of commissioners following the 2020 – 2021 term, and the next scheduled appointments of new commissioners were not until 2023 and 2024. The Commission was concerned with the potential loss of “institutional memory” that would accompany losing all commissioners in the course of a year.⁶

A second issue of direct concern to the Commission involved its preferred practice of issuing stand-alone reports. In 2017, the Commission decided to start issuing separate reports for the following reasons: (1) to permit investigations to run until completion instead of being bound by the budgetary calendar or annual Commission term; and (2) to allow commissioners additional time to work within their voluntary status and improve the quality and breadth of current investigations. After issuing a number of these reports over the years, the Commission was advised in late 2020 that because there is no explicit authority in the Charter to issue stand-alone reports (there is only reference to an Annual Report), these reports might be challenged.

The Commission addressed these and two additional issues involving board and commission terms and party affiliation requirements and transmitted a letter to the Charter Commission with its recommendations set forth below.

1. Modify COGC commissioner terms so that they are staggered as required by Charter Section 13-2. To accomplish this, the Commission recommends that the initial staggered terms be based on chronological order of appointment.
2. Review all board and commission terms and reconcile them with their respective enabling legislation and Charter Section 13.2.
3. Repeal Charter Section 13-2.2 related to party affiliation.
4. Amend Charter Section 3-9.3 to grant the COGC the authority to issue stand-alone reports to the Mayor, County Council, and Auditor, in addition to the COGC’s duty to produce an annual report.

The Charter Commission reviewed each of the recommendations identified above. The only recommendation that will be considered on the November 2022 ballot is #3

⁶ The COGC has faced another year of increased turnover. Although the most recent appointee and the next two appointees will be eligible for reappointment because of they will have served less than two years before the expiration of a five-year term (see County Charter Sec. 13-2(6)), the problem remains. That is, COGC terms should be staggered pursuant to Charter Section 13-2(1).

— repealing Charter Section 13-2.2 related to party affiliation. The issue related to #1 above (staggered Commission terms) continues to be of concern, but in discussions with the Department of Corporation Counsel, the Commission believes that there may be a way to modify commissioner terms via ordinance.

Notably, the Department of the Corporation Counsel also made recommendations regarding the scope and duties of the COGC. There was a lengthy discussion between the COGC and Corporation Counsel Moana Lutey and Deputy Corporation Counsel Richelle Thompson at the COGC’s August 2021 meeting. Chair Williams raised concerns that the proposed amendments would limit the role of the Commission and expressed his concern that the previous and current investigations and reports issued by the COGC might now be out of bounds based on the proposed Charter language. In the end, the Charter Commission rejected the amendments proposed by the Department.

VI. COMMISSION MEETING SUMMARIES

When COVID-19 closed government buildings, the Commission transitioned quickly, becoming the first Maui County board or commission to use the BlueJeans remote meeting application. Since its first BlueJeans meeting in April 2020, the Commission has continued to meet virtually on the second Thursday of each month from 10:00 a.m. to noon. Beginning in April 2022, in compliance with Senate Bill 1064 amending the Sunshine Law, the Commission also began offering a physical location for those commissioners or members of the public who wish to participate or testify in person. Individuals are now able to attend meetings remotely via BlueJeans or in person in the Mayor’s conference room on the ninth floor of the Kalana O Maui Building.

The Commission receives support during its meetings from the County Auditor, the Office of the Corporation Counsel, the Office of the Mayor who designates an Ex-Officio Member, and the Commission’s Technical Writer.

A general summary of each meeting, including attendance, is provided below.⁷

April 8, 2021 Meeting

Seven members were present, with Commissioner Barbadillo excused, and one vacancy following the resignation of Commissioner Werth. There was no public testimony.

Chair Williams stated that he provided testimony before the Budget, Finance, and Economic Development (BFED) Committee on Monday, April 5 regarding the Commission’s proposed budget.

The Commission ended its investigation into the County’s COVID vaccination plan, noting that everyone who is eligible now has access to a vaccine.

The Commission briefly discussed its active investigations. No new topics for investigation were proposed or discussed.

⁷ Meeting minutes can be found at <https://www.mauicounty.gov/Archive.aspx?AMID=60>.

May 13, 2021 Meeting

Six members were present, with Commissioner Barbadillo excused, and two vacancies following the resignations of Commissioners Werth and Del Rosario. There was no public testimony.

The Commission unanimously (6-0) elected Noemi Barbadillo as Vice Chair for the remainder of the Commission term.

The Commission unanimously (6-0) approved its “Report on Strengthening the County of Maui’s Technology Infrastructure.” The report would be transmitted to the Mayor, County Council, County Auditor, and Charter Commission.

The Commission unanimously approved a letter to the Charter Commission requesting that the Charter Commission review issues related both to the Cost of Government Commission (i.e., staggered terms) and boards and commissions.

The Commission voted (6-0) to expand the scope of the investigation of County real property tax policies to include all RPT issues, rather than just agricultural lands.

June 10, 2021 Meeting

Seven members were present, with two vacancies.

The Commission received public testimony from John Blumer-Buell, who lives in East Maui, regarding overtourism in Hana. The Commission also heard a presentation from Councilmember Shane Sinenci regarding the condition of the Hana Highway and the rapid increase in the number of visitors using Hana Highway since its reopening following the COVID pandemic closure. Councilmember Sinenci explained that there are approximately 400 to 600 cars per day traveling to Hana and Haleakala National Park in Kipahulu. Some of the issues he raised included: (1) deteriorating bridges and unsafe one-lane road sections; (2) increased number of confrontations between visitors and residents; (3) inadequate road improvement schedule, which provides for resurfacing only two miles of pavement every two years; (4) delays with current repaving projects; and (5) the need for a comprehensive long-range plan for the Hana Highway.

The Commission reviewed and unanimously approved (7-0) its 2020 – 2021 Annual Report for transmittal to the Mayor, County Council, and County Auditor.

The Commission also reviewed the first draft of the “Report on Wildfire Prevention and Cost Recovery on Maui,” prepared by the TIG on Wildfire Costs and Responsibility of Private Landowners.

Finally, the Commission briefly discussed its TIG and non-TIG active investigations. No new topics for investigation were proposed or discussed.

July 8, 2021 Meeting

Six members were present, with Commissioner Lankford-Faborito excused, and two vacancies. There was no public testimony.

The Commission received written correspondence from Napua Huevo and Charlotte Hain regarding visitor impacts and traffic hazards on Hana Highway.

The Commission unanimously approved (6-0) its “Report on Wildfire Prevention and Cost Recovery on Maui.” The report would be transmitted to the Mayor, County Council, and County Auditor.

The Commission also briefly discussed its TIG and non-TIG active investigations. Following the recent resignations of two commissioners, Chair Williams requested additional assistance with the two active TIG investigations: (1) CIP budgets of the Department of Water Supply and Department of Environmental Management; and (2) Homelessness Issues in Maui County. No new topics for investigation were proposed or discussed.

August 12, 2021 Meeting

Five members were present, with Vice-Chair Barbadillo and Commissioner Pu excused, and two vacancies. There was no public testimony.

Proposed Charter Amendments Concerning the COGC

Corporation Counsel Moana Lutey and Deputy Corporation Counsel Richelle Thompson appeared before the Commission to discuss proposed recommendations that their Department had made that would change the scope and duties of the COGC.

The proposed amendments at issue included the following:

- “There shall be a Cost of Government Commission composed of nine members not employed in government service.”
- “The commission shall be advisory to the county auditor and shall advise on ways to reduce the cost of county government while maintaining a reasonable level of public services.”
- “The commission shall have the power and duty to: 1. [Study and investigate the organizations] Review all costs and methods of operations of all departments, commissions, boards, offices, and other instrumentality of all branches of the count government with the aim of eliminating programs and services available or more efficiently supplied by other governments or organizations; eliminate or consolidate overlapping or duplication programs and services; and scrutinize for reduction any county operation [and determine what changes, if any, may be desirable to accomplish the policy set forth herein.]”

Chair Williams raised concerns that the proposed amendments would limit the role of the Commission, and that the previous and current investigations and reports issued by the COGC might now be out of bounds based on the proposed Charter language. Attorneys Lutey and Thompson responded that the proposals were meant to clarify the role of the Commission.

Chair Williams also pointed out that he had only become aware of the proposals the week prior at a Charter Commission meeting. He asked whether the proposals had

been reviewed by the Mayor, County Council, or the County Auditor, to which Ms. Lutey responded that they had not.

Commissioner O’Neil commented that he has an issue with “cost of government” not including “effectiveness of government.” He stated that as he read the proposed changes, his overriding impression was that the Department was more interested in reduced costs than in increased efficiency in the provision of public service. He opined that if reducing cost was the basic underpinning of the COGC, he would have never joined it in the first place.

Deputy Corporation Counsel Keola Whittaker, who advises the COGC and the Charter Commission, stated that his advice regarding the scope of the COGC’s work would not change if the amendment were passed. He also noted that the Charter Commission had considered the proposed amendment at its last meeting and voted against it.

Homelessness in Maui County

The Temporary Investigative Group investigating homelessness issues in Maui County invited Blossom Feiteira and Rhonda Alexander-Monkres from Hawaiian Community Assets, and Juanita Kawamoto-Brown and Ken Farm from the Association of Hawaiian Civic Clubs to speak about the Comprehensive Affordable Housing Plan (CAHP) and homelessness issues in Maui County. Ms. Feiteira explained that the CAHP does not address homelessness directly, but focuses its efforts on prioritizing families that are on the lower spectrum (30% – 50%) of the Area Median Income, which includes a large proportion of the homeless population. Although most of the discussion during the meeting centered around the CAHP and affordable housing, the speakers also identified some of the challenges associated with homelessness, including the severe need for wraparound services, more “eats and sheets” shelters, and tiny homes close to public transportation and services.

Finally, the Commission briefly discussed its TIG and non-TIG active investigations. No new topics for investigation were proposed or discussed.

September 30, 2021 Meeting

Four members were present, with Commissioner Heiskell excused, Commissioner Pu absent, and three vacancies, following the August resignation of Commissioner O’Neil. There was no public testimony.

Without a quorum, Chair Williams cancelled the meeting.

October 14, 2021 Meeting

Five members were present, with Vice-Chair Barbadillo excused, and three vacancies. There was no public testimony.

The Commission decided to request the same budget figure for Fiscal Year 2023 as it had for the year prior.

Chair Williams also reported that he and Technical Writer Shelley Pellegrino had met with Managing Director Sandy Baz, who agreed to assist the Commission with setting up a database to provide public access to civil litigation documents filed in County litigation.

The Commission briefly discussed its TIG and non-TIG active investigations. No new topics for investigation were proposed or discussed.

November 18, 2021 Meeting

Seven members were present, with the addition of new commissioner Spencer Lau. Two vacancies remained. There was no public testimony.

The Commission briefly discussed its TIG and non-TIG active investigations. No new topics for investigation were proposed or discussed.

The Commission also discussed the recent passage of Senate Bill 1034, which provides that all boards and commissions either conduct in-person meetings or “hybrid remote” meetings, where the meetings are held online, but a physical location with computer access must also be provided for the public. Because the Commission’s membership includes representatives from Molokai, Lanai, and Hana, the Commission agreed it would likely continue to meet virtually and use the “hybrid remote” option.

December 9, 2021 Meeting

Five members were present, with the addition of new commissioner Daniel O’Brien. Vice-Chair Barbadillo, Commissioner Lankford-Faborito, and Commissioner Pu were excused. One vacancy remained. There was no public testimony.

The Commission again discussed the new Sunshine Law meeting requirements under Senate Bill 1034, including the hybrid-remote option, which would take effect on January 1, 2022. The Commission voted unanimously (5-0) in favor of the hybrid-remote meeting model.

The Commission reviewed the “Draft Report on Homelessness Issues,” presented by the TIG investigating homelessness issues in Maui County. Chair Williams stated that the report recommended the County issue a Request for Proposals (RFP) for a coalition of experts to investigate and issue a comprehensive plan to address homelessness in Maui County. He added that the TIG is still working on building a record to support the TIG’s recommendation.

The Commission also briefly discussed its TIG and non-TIG active investigations. Commissioner O’Brien stated that he was interested in doing an analysis of the Made in Maui County Festival, specifically the County’s expenditures and how it benefits local businesses and vendors. [Note: there has been no further discussion of a potential investigation since the topic was raised.]

January 13, 2022 Meeting

Eight members were present, with one vacancy. The Commission continued to meet remotely and did not begin the “hybrid-remote” option because Governor Ige had extended

his emergency proclamation and suspended the new requirement through March 25, 2022. There was no public testimony.

Homelessness in Maui County

The TIG investigating homelessness issues submitted the second draft of its “Report on Homelessness Issues” to the Commission for its review. The Commission heard public testimony regarding the report from the following individuals: Faith Chase, Lisa Darcy, Stan Franco, George Kaimiola, Carol Lee Kamekona, and Keisa Liu. Mr. Kaimiola was the only person who disagreed with the TIG’s recommendation that an outside consultant be hired to develop a comprehensive plan to address homelessness. Some of the comments regarding the report included the following:

- A comprehensive plan creates accountability and a tracking mechanism, and homelessness needs to be addressed better than it is today. (Mr. Franco)
- The TIG report is the most comprehensive report to assess the status of progress or the lack thereof on creating realistic and attainable support to assist those who are living unsheltered. (Ms. Darcy)
- The homelessness plan recommended by the Commission should be similar to the plan that was done for affordable housing. (Ms. Kamekona)
- The TIG report will help other commissions, committees, and the County Council to move forward. (Ms. Chase)
- There needs to be a plan and the TIG report was honest in highlighting what is happening. (Ms. Liu)
- An outside consultant is not needed because current service providers are doing the work that needs to be done. (Mr. Kaimiola)

The Commission also received written testimony in support of the TIG report from John A.H. Tomoso.

Chair Williams stated that the TIG’s work on the draft would continue and welcomed input from commissioners and the public.

The Commission also briefly discussed its TIG and non-TIG active investigations. With respect to the County road safety investigation, Commissioners Pu and Heiskell expressed their continued frustration with the state of disrepair of the Hana Highway and potential liability issues raised by its poor condition. Deputy Corporation Counsel Daniel Kunkel suggested the TIG notify the Department of Public Works about its concerns, while Ex-Officio Member Ipo Mossman offered to follow up on the issues raised by Commissioner Pu.

Chair Williams introduced a new issue for the Commission’s consideration. He explained that the State Department of Transportation (DOT), which owns and controls the Kahului Airport, was in the process of issuing an RFP for a solar panel and battery installation just to the Hana side of the airport. Chair Williams was interested in investigating whether it would be feasible for the County to enter into a partnership with the State to obtain renewable solar energy to operate the County’s wastewater facility immediately adjacent to the airport. He offered to present more information on the scope and parameters of the investigation at the next meeting.

No further topics for investigation were proposed or discussed.

February 10, 2022 Meeting

Five members were present, with Vice-Chair Barbadillo and Commissioner Simmons excused, Commissioner Pu absent, and one vacancy. There was no public testimony.

Chair Williams reported that the Charter Commission decided it would not include an amendment authorizing the COGC to issue interim reports (in addition to its Charter-mandated annual report) because no one had raised a concern to date about the COGC's current practice of doing so.

Ex-Officio Member Mossman also reported that he had met with Director of Public Works Jordan Molina about the condition of the Hana Highway and that some repairs had been scheduled.

The meeting adjourned early because Commissioner Lankford-Faborito lost internet connection from Molokai.

March 17, 2022 Meeting

Seven members were present, with Vice-Chair Barbadillo excused, and one vacancy. There was no public testimony.

The Commission unanimously approved (7-0) the TIG's "Report on Homelessness in Maui County."

The Commission also unanimously approved (6-0)⁸ the proposed scope and parameters of the proposal to investigate a State-County Partnership to Provide Solar Energy Power to Wailuku-Kahului Wastewater Reclamation Facility. Chair Williams and Commissioner O'Brien would be conducting the investigation.

With respect to the Commission's plan to provide the public with access to civil litigation documents in which the County is a party, Chair Williams explained that the State recently agreed that the Commission can include in its database any document in which the County of Maui is a party as long as the document is not a certified copy. He added that the downloading/uploading of Federal court documents had not yet been resolved.

The Commission briefly discussed its other TIG and non-TIG active investigations.

April 14, 2022 Meeting

Seven members were present, including new Commissioner Evan Dust. Commissioner Lau was excused. Vice-Chair Barbadillo resigned on April 4, 2022, which created a new vacancy. The Commission also began its "hybrid-remote" meeting schedule, holding its meeting remotely via BlueJeans and in-person at the Mayor's Conference Room on the 9th floor of the County Building. There was no public testimony.

⁸ Commissioner Lankford-Faborito was excused from the meeting early and did not participate in the vote.

The Commission elected Michael Williams as Chair, and Daniel O'Brien as Vice Chair for the 2022 – 2023 term.

The Commission briefly discussed the continued issue of commissioners not being appointed for staggered terms as required by the Charter. Term expiration dates for all nine commissioners are either 2023 or 2024. Ms. Pellegrino stated that she is working with the Department of Corporation Counsel to create a staggered term schedule that possibly could be approved by ordinance.

Chair Williams reported that soon after the Commission issued its "Report on Homelessness in Maui County," Councilmember Gabe Johnson proposed funding to issue an RFP to review the homelessness issue in Maui County.

May 12, 2022 Meeting

Six members were present, with Commissioner Lankford-Faborito absent. Commissioner Pu resigned on April 15, 2022, which created a second vacancy. There was no public testimony.

Deputy Corporation Daniel Kunkel provided an overview of the Sunshine Law, the Commission's Rules of Practice and Procedure, the County Charter, and the Code of Ethics, as they related to the Commission.

Chair Williams reported that the Fiscal Year 2023 proposed budget now includes \$250,000 to hire a consultant to produce a Comprehensive Report to End Homelessness in Maui County, as recommended by the COGC. Chair Williams also noted that Civil Beat published an article on the COGC Report.

The Commission approved the selection of Vice-Chair O'Brien to serve on the Visitor Accommodations TIG and Commissioner Dust to serve on the County Road Safety TIG.

The Commission briefly discussed its other TIG and non-TIG active investigations.

VII. FINAL COMMENTS

The Commission continues to welcome suggestions from the Mayor, County Council, and general public on issues of County economy and efficiency that the Commission might consider reviewing. The Commission encourages the Mayor and the Maui County Council to implement policies that will continue to give taxpayers the best value for their money. Best management practices are strongly recommended to increase systemic efficiencies while reducing uneconomical or wasteful expenditures. The Mayor and the Maui County Council should collaborate to improve government processes, increase efficient implementation of these processes and policies, and balance spending against the efficiency of the provided service.

VIII. ACKNOWLEDGMENTS

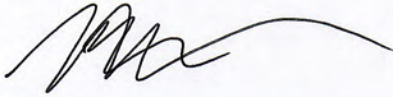
The Commission would like to thank Mayor Michael Victorino, as well as the members of the Maui County Council, who have continued to support and consider the Commission's work.

The Commission also thanks Department of the Corporation Counsel attorneys Keola Whittaker and Daniel Kunkel for their guidance, advice, and assistance in ensuring that the Commission is adhering to all legal matters correctly and efficiently.

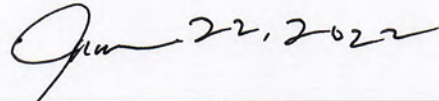
The Commission would like to thank Ipo Mossman, Community Liaison for the Office of the Mayor and the Ex-Officio Member of the Commission. His time, attention, and assistance in communicating our concerns and questions to the Mayor are greatly appreciated.

Finally, the Commission would like to thank the Office of the County Auditor and Shelley Pellegrino, Technical Writer to the Commission, for their professionalism and support.

Respectfully Submitted:



MICHAEL WILLIAMS, CHAIR



DATE