

HOLD FOR MEETING

April 11, 2019

MEMO TO: EDB-1 File

F R O M:

Councilmember Shane Sinenci

SUBJECT: **PROPOSED FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI** (EDB-1) () (Q-)

I am submitting the following questions on the Fiscal Year 2020 Budget:

For David Underwood, Director of the Department of Personnel Services:

Please find attached a copy of Councilmember Sinenci's proposal to add two county archeologist positions to the FY 2020 budget. The proposal was submitted as public testimony and discussed at the April 9, 2019 economic development and budget committee meeting. At that meeting, the Councilmembers concurred that one senior position (EP) be funded and placed in the Department of Management. We recognize that one the EP position is funded, the Department of Management will with your department to classify the position. As such we have the following questions:

- (1.) In reviewing the attached proposed position description and minimum qualifications, can you provide information on how this new senior position might be classified for personnel purposes? What SR level might it be and what would be the pay range for this position?
- (2.) During deliberations, Councilmembers recommended that the position be broaded to a professional position with duties to include those outside the regular scope of archeology. Under State of Hawaii Human Resource Development the position could be classified in the State of Hawaii General professional series as General Professional as opposed to the classification of Principal Archeologist. Would classifying the position as a general management position provide a higher salary range for the position?
- (3.) Given that an additional position may be added in the future and thus the higher level position could become supervisory, would there be any difference in future job classifications and pay scales between the two

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job classifications (general professional vs. principal archeologist) of the senior position?

- (4.) If salary does not meet the range proposed by the Council (\$90,000 or above) would it be possible to offer the position as a three-quarter (30 hours a week) position to attract additional qualified candidates?
- (5.) Is there any additional information that would be useful in classifying this position?

Budget Request from Councilmember Shane Sinenci

County Archeologists Positions

April 9, 2019

Request:

- 1 Senior position (with pay scale \$75,000 - \$90,000)
- 1 Junior position with pay scale \$35,000 - \$50,000

Justification of request:

Maui County has a responsibility to protect cultural assets. Our current preservation process is not working. Cultural assets have been destroyed during grading and grubbing for construction projects and Hawaiian burials are repeatedly disturbed. Maui County government has a responsibility to provide local expertise and oversight. This position or positions are intended to supplement the current State Historic Preservation Division (SHPD) of the Department of Land and Natural resources, not replace it. SHPD is chronically understaffed and their process does not provide a robust pre-construction review of sites, does not do mapping or provide for an efficient electronic collection of data, and lacks a proactive oversight process for active construction activities. Even with full staffing, the current oversight process needs to be supplemented by the county if we are to fulfill our commitment to preserve and protect what makes Maui unique and ensure we pass on to future generations a Maui whose history has not been erased by progress.

Specific needs not being met:

- Cultural assets are not properly identified during the development and permitting process.
- There is no Maui County collection of community information and resources identifying assets and burials.
- Monitoring of development activities in relation to cultural preservation is not done. No one is checking construction activities for compliance.
- There is no county or state advocate for cultural asset preservation and burial protections.
- Countywide Policy Plan and Maui island Plan policies direct the county to develop archeological and cultural preservation programs, policies, ordinances and overlay districts. Currently there is no one in the County with this expertise or job description.
- County Departments pay private consultants high fees to write Archeological inventory surveys (AISs), monitoring plans, and burial protection plans. Major costs savings could be achieved by bringing these functions in house. In house plans would be written with the public interest in mind and proper identification and preservation as the only goal and not be written with permit and development streamlining as one goal of the application.
- There is no county oversight or review of AISs to ensure accuracy for properties located on Maui plans prior to submission to SHPD even though the County is required to initiate SHPD review of all AISs.

Location in the county:

The positions should be housed in the Department of Management to ensure that all Departments are served and its broad mission of cultural advocacy and protection is not limited by the organizational and specific missions of the different departments. The Department of Management houses other countywide functions, including the county-wide capital improvement program, special projects assistance, information technology and energy. The position located in the Mayor's office will provide the position with the authority it needs to effect broad change and fulfil Maui's mandated responsibility to respect and protect our cultural resources.

Concerns about the position properly addressing current inadequacies:

- Need to serve multiple county departments, including Planning, Public Works, Water, and Parks.
- Need autonomy to perform functions with-out pressure from developers and government employees running municipal construction projects.
- There have been problems with recruitment of archeologists for state positions due to inefficient state structure, high demand and higher pay by the private sector and federal government so position needs to be a management level SR 24-28.
- Problems require an interdisciplinary approach and requires multiple positions to perform all of the needed functions. A team could be comprised of employees with archeological and anthropology education, training and experience in Hawaiian culture and include Hawaiian cultural advisors.
- Position needs ability to provide legislative and management solutions and fulfil county mandates to create cultural preservation programs, ensure implementation of existing regulations, create a comprehensive archeological protection ordinance, overlay district and advocate for cultural preservation.

Job Description

Act as the technical resource for Maui County in matters relating to cultural resource protection, permit review, and consultation with the State Historic Preservation Division (SHPD) and Office of Hawaiian Affairs (OHA). Act as advocate for cultural preservation policies on Maui. Develop archeological district ordinance as specified in Maui Island Plan. Develop regional AIS plans, and individual AIS, monitoring plans and burial treatment plans as needed for county projects. Investigate requests for service related for cultural resources. Collect and compile existing information on historic cultural resources into private county database.

Job Duties

- Act as the principal technical resource for cultural and historical aspects of cultural and historical preservation in Maui County, and coordinates with SHPD and OHA for permit review.
- Work with landowners and the public to answer questions and explain county and state permit requirements and process as related to archeological and cultural preservation.
- Develop regional AISs to assist landowners and the community with project review and development.

- Develop archeological district ordinance and other cultural resource protection regulations as directed by the Maui Island Plan.
- Review permit applications to prioritize SHPD review needs.
- Performs technical, archaeological, on-site fieldwork including collection and analysis of possible cultural and historical artifacts; conduct surveys and excavation; performs laboratory analysis as appropriate and prepare reports on findings, conclusions, and recommendations.
- Prepare archeological inventory reports, monitoring plans for county projects as needed
- Conduct archeological monitoring for county projects, as needed.
- Oversee compliance with monitoring plans for county and private projects.
- Creates and maintains site-specific database(s) on research and field excavations, detailed records and prepare accurate written materials such as technical reports, letters and recommendations.
- Attends meetings.
- Write Archeological Inventory Studies (AIS) for county projects as needed.
- Review AISs prepared for construction projects in Maui County.
- Act as archeological monitor for county construction projects when possible and as required.
- Conduct site inspections when inadvertent burials found and in response to RFSs.
- Oversee college interns who may conduct research, mapping of historic cultural sites and other duties as needed
- Assist with written reports and presentations outlining recommendations for policies and procedures, as needed.
- Promotes communication and collaboration between Maui County, SHPD, Burial Council and community. This includes regular communication with visiting officials, state and local government staff, and community members.
- Serves as support for the Certified Local Government program, overseen by SHPD, as well as Section 106 and 6E review.
- Establishes effective working relationships with County staff and officials, employees, contractors, developers, intergovernmental agencies and the general public.

Minimum qualifications

Archeologist Specialist I-IV: Undergraduate degree in Archeology/Anthropology or closely related field.

Archeologist General Management Supervisory Position V: Master's degree in Archaeology/Anthropology, or closely related field; AND a minimum of two (2) years of professional work experience as an archaeologist performing office and field work, including historic preservation compliance and aspects of field archaeology on the Hawaiian Islands or in the western Pacific region.

Archeologist General Management Supervisory Position VI: Ph.D. degree in Archaeology/Anthropology, or closely related field; AND a minimum of ten (10) years of professional work experience as an archaeologist performing office and field work, including historic preservation compliance and aspects of field archaeology on the Hawaiian Islands or in the western Pacific region.

Previous experience in:

- Cultural and historical resources common to Hawai'i

- Review and Compliance under Hawaii Revised Statutes (HRS) 6E and National Historic Preservation Act (NHPA) Section 106, Burial statutes and regulations, Hawaii and National Register criteria, and the Certified Local Government (CLG) program

Recommended, ability to:

- establish and maintain effective working relationships with all levels of county management and staff; representatives and other agencies including those of Tribes community organizations; private sector businesses, the general public and the media
- plan, organize, and lead the work of others as needed
- utilize a personal computer and a broad variety of associated software, and other standard office equipment, as well as ability to learn and readily apply new specialized data systems
- work independently with minimal supervision to meet work expectations
- mediate and resolve cultural resource issues involving opposing interest groups
- communicate effectively with people of all ages and from a variety of cultural, economic and ethnic backgrounds
- use computer hardware, specialized archaeological software for GIS and GPS usage, and related applications to process and summarize field data and generate reports
- use a variety of hand tools and other equipment used for archaeological fieldwork, surveying and research
- Technical research, archeological fieldwork, cultural and historic findings, mitigation alternatives and the protection of archaeological resources
- strong written and oral communication skills and the ability make public presentations before a variety groups and organizations

Budgetary Implications:

Salary Range

Archaeologist I-III: \$35,000 to \$50,000

Archaeologist IV - VI: \$75,000 to \$95,000

Estimated costs of positions for FY2020 (position funded at ¾ year):

- Combined Salaries: \$108,750
- Materials and supplies 6,000 (computers, ect)
- Equipment 10,000 (work stations, technical equipment)

Total \$124,750*

- Actual realized costs would be less given costs savings in specific departments, such as Water and Parks, given a reduction in consultant fees for AISs, Monitoring plans, burial plans, ect...
- Fringe costs are not included in this estimate.

Maui County General Plan Policies Supporting the Positions

1. Countywide Policy Plan

Section IV: Goals, Objectives, Policies and Actions

B. Preserve Local Cultures and Traditions

Goal: Maui County will foster a spirit of pono and protect, perpetuate, and reinvigorate its residents' multi-cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage.

Objective 1: Perpetuate the Hawaiian culture as a vital force in the lives of residents.

Policies:

- a. Protect and preserve access to mountain, ocean, and island resources for traditional Hawaiian cultural practices.
- b. Prohibit inappropriate development of cultural lands and sites that are important for traditional Hawaiian cultural practices, and establish mandates for the special protection of these lands in perpetuity.
- c. Recognize and preserve the unique natural and cultural characteristics of each ahupua`a or district.

Implementing Actions:

- a. Establish alternative land use and overlay zoning designations that recognize and preserve the unique natural and cultural characteristics of each ahupua`a or district.
- b. Develop requirements for all County applicants to perpetuate and use proper traditional place names in all applications submitted.

Objective 2: Emphasize respect for our island lifestyle and our unique local cultures, family, and natural Environment.

Policies:

- a. Acknowledge the Hawaiian culture as the host culture, and foster respect and humility among residents and visitors toward the Hawaiian people and their practices.

Objective 3: Preserve for present and future generations the opportunity to know and experience the arts, culture, and history of Maui County.

Policies:

- a. Foster teaching opportunities for cultural practitioners to share their knowledge and skills.
- b. Support the perpetuation of Hawaiian arts and culture.
- c. Support programs and activities that record the oral and pictorial history of residents.

- d. Support the development of repositories for culture, history, genealogy, oral history, film, and interactive learning.

Goal 4: Preserve and restore significant historic architecture, structures, cultural sites, cultural districts, and cultural landscapes.

Policies:

- a. Support the development of island-wide historic, archaeological, and cultural resources inventories.
- b. Identify a sustainable rate of use and set forth specific policies to protect cultural resources.
- c. Protect and preserve lands that are culturally or historically significant.
- d. Support programs that protect, record, restore, maintain, provide education about, and interpret cultural districts, landscapes, sites, and artifacts in both natural and museum settings.
- e. Support the development of an Archaeological District Ordinance.
- f. Provide opportunities for public involvement with restoration and enhancement of all types of cultural resources.
- g. Foster partnerships to identify and preserve or revitalize historic and cultural sites.

Implementing Actions:

- a. Identify, develop, map, and maintain an inventory of locally significant natural, cultural, and historical resources for protection.
- b. Prepare, continually update, and implement a cultural-management plan for cultural sites, districts, and landscapes, where appropriate.
- c. Enact an Archaeological District Ordinance.

K. Strive for Good Governance

Goal: Government services will be transparent, effective, efficient, and responsive to the needs of residents.

Objective 1: Strengthen governmental planning, coordination, consensus building, and decision making.

Policies:

- a. Encourage collaboration among government agencies to reduce duplication of efforts and promote information availability and exchange.
- b. Expand opportunities for the County to be involved in and affect State and Federal decision making.
- c. Improve coordination among Federal, State, and County agencies.

2. Maui Island Plan

Summary of Cultural, Historical, and Archaeological Resources Issues

While some State and County programs exist to perpetuate island culture and protect historic and archaeological resources, **additional support is needed to enable these programs to be effective.**

The following are a few of the many requirements to meet cultural-resource challenges:

- Preserve and restore Hawaiian cultural practices, places, and language
- Strengthen management programs to better protect historic and archaeological resources
- Develop island-wide inventories of historic and archaeological resources.

Goal 2.1: Our community respects and protects archaeological and cultural resources while perpetuating diverse cultural identities and traditions.

Objective 2.1.1: An island culture and lifestyle that is healthy and vibrant as measured by the ability of residents to live on Maui, access and enjoy the natural environment, and practice Hawaiian customs and traditions in accordance with Article XII, Section 7, Hawai'i State Constitution, and Section 7-1, Hawai'i Revised Statutes (HRS).

Implementing Actions:

2.1.1-Action 1 Provide staffing and funding to support cultural resource planning, strengthen enforcement, support cultural programs and educational activities, and utilize the generational knowledge of Native Hawaiian advisory bodies, when appropriate.

Objective 2.2: A more effective and efficient planning and review process that incorporates the best available cultural resources inventory, protection techniques, and preservation strategies.

Policies:

2.1.2.a Ensure that the island has a comprehensive and up-to-date inventory of historic and archaeological resources, and their cultural significance.

2.1.2.b Require the update of existing planning and regulatory mechanisms to protect the natural, cultural, scenic, and historic resources within designated Heritage Areas (see Cultural Resources Overlay/Scenic Corridor Protection Technical Reference Map).

2.1.2.c Ensure that cultural, historic, and archaeological resources are protected for the benefit of present and future generations.

Implementing Actions:

2.1.2-Action 1 Commission cultural landscape studies of the entire island to assess areas as potential Heritage Areas.

Objective 2.3: Enhance the island's historic, archaeological, and cultural resources.

Policies:

2.1.3.c Support regulations to require developers, when appropriate, to prepare an Archaeological Inventory Survey, Cultural Impact Assessment, and Ethnographic Inventories that are reviewed and commented upon by the Office of Hawaiian Affairs, Native Hawaiian advisory bodies, the State Historic Preservation Division (SHPD), and the Office of Environmental Quality Control, and systematically comply with the steps listed in SHPD's administrative rules, including consultation and monitoring during construction phases of projects.

2.1.3.f Support opportunities for public involvement with the intent to facilitate the protection and restoration of historic and archeological sites, including consultation with stakeholders.

Implementing Actions:

2.1.3-Action 1 Develop a comprehensive program for protection of cultural, historic and archaeological sites through the acquisition of easements, use of Transfer of Development Rights/Purchase of Development Rights, and other protective mechanisms.

2.1.3-Action 2 Amend regulations to provide additional protection of lands that are important for traditional native Hawaiian uses including subsistence food gathering, traditional access, agriculture, and religious uses.

2.1.3-Action 3 Establish additional Historic and Archaeological Districts and ensure that land use regulations are implemented to ensure their protection.