

GET-1(7)

MICHAEL P. VICTORINO
Mayor

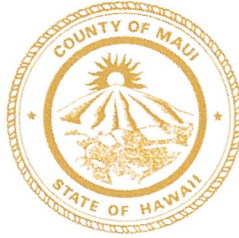
ERIC A. NAKAGAWA, P.E.
Acting Director

SHAYNE R. AGAWA, P.E.
Deputy Director

MICHAEL P. RATTE
Solid Waste Division

SCOTT R. ROLLINS, P.E.
Wastewater Reclamation Division

TAMARA FARNSWORTH
Environmental Protection &
Sustainability Division



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**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

2050 MAIN STREET, SUITE 2B
WAILUKU, MAUI, HAWAII 96793

April 22, 2019

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, HI 96793

For Transmittal to:

Honorable Michael J. Molina, Chair
Government, Ethics, and Transparency Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL


Acting Mayor 4/23/19
Date

Dear Chair Molina:

**SUBJECT: NOMINATION AS DIRECTOR OF ENVIRONMENTAL MANAGEMENT
(GET-1)**

This is in response to Council Chair Kelly King's letter dated April 12, 2019, requesting the following information be submitted to the Council's Government, Ethics, and Transparency Committee. Chair King's request and the corresponding answer is provided below.

1. Why did you apply to serve as the Director of Environmental Management?

I applied to serve as the Director of Environmental Management because I want to help this department and our new Mayor to better serve this community by providing an efficient, reliable service. I feel I was blessed to take over a division that was already successful and wanted to pass on this knowledge and experience. In doing so, I feel it will bring leadership, continuity, and resiliency to the Department and this new administration.

2. What do you perceive as the roles and responsibilities of the Director of Environmental Management?

The roles and responsibilities of the Director of the Environmental Management are stated in the Charter of County of Maui, Chapter 15, Section 8-15.3. Simply put, to me Director means "Leader" and as the leader of this Department my role is to oversee

reliable service to the community that protects public health, the environment, and my staff from all types of waste.

- 3. Given your understanding of the role and responsibilities of the Director of Environmental Management, why do you believe you are qualified for the position? Please include a brief statement of your skills, expertise, experiences, or knowledge that would aid in your decision-making ability as the Director of Environmental Management. Highlight three qualities you feel make you a highly qualified candidate.**

I believe I am qualified for this position because I am a licensed civil engineer, have 8 years of experience as division chief for the wastewater reclamation division, 8 years of administrative and budgetary experience, and graduated with a Bachelor's of Science in Civil engineering.

Honestly, I feel no other path better prepared me for the Director of Environmental Management than the path I took from engineer to division chief. I worked in the private sector for 7 years, designing blue prints and writing specifications where I earned my Professional Engineering license. I moved onto project management with the County of Maui as a wastewater engineer where I managed multi-million dollar contracts with consultants and contractors and gained a better understanding of wastewater infrastructure and how it works. As the design/construction section head, I learned what it meant to be a supervisor, how to interact with the community, and what is involved in operation and maintenance and who they are. Finally, as division chief, I gained experience in personnel matters (union rights, grievances, workman's comp); policies and procedures; preparing and implementing the annual budget; represented the Department as chief technical advisor on matters in Council, public meetings, union negotiations; and met with regulators and other governmental agencies.

As I look back over the past 25 years, I believe this experience has helped me to develop "big picture" thinking and long-term decision-making. I have an overall understanding of how things work together from an operational stand point to how certain decisions affect our rates, as well as, how these decisions could potentially be a liability and/or have serious financial/operational repercussions.

I believe the three qualities that make me a highly qualified candidate are:

1. My technical skills. Being a professional engineer, I understand how to problem solve, the science and engineering aspects behind decisions, and what the advantages and disadvantages are. I feel this will make me a valuable resource as a strong technical advisor when making decisions.
2. Leadership skills. Being the division chief for the past 8 years, I have learned what it means to be a good leader. It starts with yourself and leading by example. It is also important to develop trust and respect of your staff by being fair and consistent, open and honest. Finally, you open communication. This is key because it is a team effort and everyone is able to collaborate. I feel this will help me to explain the vision of the department to our staff and understand how important their role is so that even if I'm gone everything will run smoothly.

3. Hard work and dedication. Although these are two qualities, I think they go hand in hand. My parents have always instilled in me to work hard and finish strong. From doing chores to playing sports, they have always pushed me to go the extra mile and be the best. This has stuck with me into my career. I work hard to understand everything that goes on in my department. If I don't understand something I will find the answer. Before meetings, I do my best to come prepared. I feel this will help me overall as the Director.

4. Please identify one short- and one long-term goal you would have as the Director of Environmental Management and how you would accomplish these during your term of service.

After meeting with my division heads over the past few weeks, it has become clear that manpower shortage is the number one priority and one short-term goal I plan to address. In wastewater, we utilized UHMC to help recruit new wastewater trainees as well as re-describe positions to fill our vacant positions. As I get a better understanding of what the difficulties are in filling our positions, I will see if we can utilize the same recruiting methods.

Over the past few days, I looked into some of the projects our department was working on and one has sparked my interest, waste to energy. One of the highest operational expenses in wastewater is electricity. Roughly \$5.2 million is spent on energy throughout our facilities countywide. Therefore, one long-term goal is to take our County's trash and turn it into energy to run our wastewater facilities. This will significantly reduce the cost of electricity and the amount of trash into our landfills. I will continue to research more about the concept of waste to energy and determine the best alternative in making this a reality.

5. What are your goals for reclaimed water use projects and cesspool conversions?

When I first started with the Wastewater Division 18 years ago, reclaimed water was more of a disposal issue than a resource. Not many people wanted the water because of the "yuck" factor. But as time went on and potable water became more scarce nationwide, a new movement gained momentum called One Water.

One Water is a concept of looking at our water needs and matching it to the water source in an attempt to layout a roadmap for sustainable management of our most essential resource. This concept has redefined reclaimed water as a resource rather than something you dispose of.

Therefore, my goal is to look at the landscape of Maui, determine where the most beneficial use for reclaimed water is and make it a reality. Over the past year, I have already talked to major agricultural landowners surrounding our facilities, the Department of Health, and the state Commission of Water Management (CWRM) in planning out a potential long term plan for providing irrigation users, farmers, and other users with reclaimed water to help conserve our precious potable water. If all goes well, we will be able to expand our reclaimed water infrastructure, increase the amount

of reclaimed water distributed to existing and future users, and reduce our reliance on injection wells.

Cesspools have become a hot topic lately especially with Maui being pointed out as a high priority on the Department of Health's list. I was actually selected to be on the Cesspool Working Group and am currently serving as one of the technical advisors of the group. I feel this is important for the County of Maui because we now have input to what the final recommendations are from this report that may become law in the next couple of years. Therefore, my goals are to help determine who is responsible for the program (the State, Counties, or both?), plan the priority list of replacement (helps our community plan), and most importantly determine who is financially responsible for the alternatives selected (State, Counties, Private Owners?). The State Department of Health has jurisdiction over cesspools meaning they review, approve and regulate all cesspools. In the best interest of the County, I will advocate that this shouldn't change because it would require additional manpower and resources for the Counties to regulate this program unless the State is willing to subsidize the program. If cesspool conversions are mandated than I will advocate for reasonable deadlines for our communities to avoid penalties and fines as well as special incentives or grants to pay in full or partial payments in replacing all cesspools.

6. Can you foresee any possible conflicts of interests that could arise during your service in the Department of Environmental Management? How would you overcome any possible conflicts of interest?

The foregoing response is provided with the assistance of corporation counsel as the question appears to involve the Code of Ethics, Article 10 of the Charter, Code of Ethics, Section 2.56 of the Maui County Code, and to Chapter 101 of the Administrative Rules for the Maui County Board of Ethics. Based on Section 04-101-3, Definitions, "conflict of interests" means:

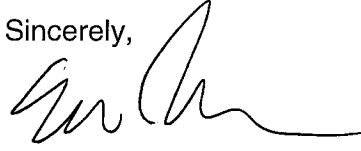
a real or seeming incompatibility between one's private interests and one's public or fiduciary duties; it also has meanings as explained in past board opinions, that involve a two-part test and require interpretation of section 10-4.1.c. of the Charter, that no officer or employee of the County shall engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the officer's or which may tend to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties.

As your question specifically asks about the foreseeability of any possible "conflicts of interests" that could arise, and if one does arise how it may be overcome, we must look to the body of the Code of Ethics referenced above, inclusive of past board opinions. In doing so, however, we humbly respond that we are unable to speculate absent specific facts. Rest assured that any possible consideration of "conflicts of interests" will be immediately submitted to the Board of Ethics for its review and guidance.

Honorable Michael J. Molina, Chair
April 22, 2019
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Thank you for the opportunity to provide you with information on this matter. Should you have any questions or concerns, please feel free to transmit them to the Department of Environmental Management via transmittal through the Office of the Mayor.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. Nakagawa". The signature is fluid and cursive, with a long horizontal stroke at the end.

ERIC A. NAKAGAWA, Acting Director
Department of Environmental Management