

## GET Committee

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**From:** Marge Bonar <margebonar@gmail.com>  
**Sent:** Monday, February 24, 2020 8:53 AM  
**To:** GET Committee  
**Subject:** Item 10-5

Aloha GET Committee Members :

As a long time proponent of professional managerial positions in departments and especially for a County Manager , who is a qualified and competitively selected individual, not political appointees who are subject removal at the end of political terms. We have lost many excellent public servants who realized that they were good at their jobs but would never become the top of the department because they were not part of the political mechanism. There is also the problem of departments having a lack of direction for months or years, as new appointments " learn" their jobs.

This has been a expensive approach to management. Please allow the voting public the option to make an informed decision about changing our system.

Mahalo for your consideration,  
Marjorie Bonar  
Pukalani

## GET Committee

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**From:** Mark Hyde <HYDEM001@hawaii.rr.com>  
**Sent:** Sunday, February 23, 2020 9:20 AM  
**To:** GET Committee; Shane M. Sinenci; Alice L. Lee; Kelly King; Keani Rawlins; Tamara A. Paltin; Riki Hokama; Yuki Lei Sugimura; Mike J. Molina; Tasha Kama  
**Subject:** 2/25/20 Agenda Item 10(5)  
**Attachments:** Document1.docx

I submit the following further written testimony in support of the above Agenda Item.

Mark Hyde  
4320 E. Waiola Loop  
Kihei, HI 96753  
808 874-3839

From: Mark Hyde

To: GET Committee

Re: 2/25/20 Agenda Item #10(5)

Date: February 23, 2020

I submit the following additional written testimony in support of the above agenda item.

**I. Flo Wiger, 2011-2012 Charter Commission Member**

On June 27, 2016, former 2011-2012 Charter Commission member Flo Wiger gave the following testimony to the Maui County Council Policy and Intergovernmental Governmental Affairs Committee in favor of putting the Special Committee on Governance's recommendation for a professional county manager on the November 2016 ballot (Emphasis added in red):

“MS. WIGER: Good morning, Councilmember Victorino --

“CHAIR VICTORINO: Good morning, Flo.

“MS. WIGER: --Members of the Council, and a special hello to Ed Kushi. We spent hours together on the Charter Commission going through all of this. I'm here to speak in favor of 10(16), and I want to speak particularly about the process issue. I know there's been some concerns raised about the fact that well, this isn't really what we thought we were going to get coming out of the Charter Commission, and I can only speak for myself. But in saying that, I will tell you this is exactly what I hoped was going to come out of the vote that the Charter Commission took to send this information to the Council. My intent was that the Council would in fact establish a special committee. The special committee would take this issue on. They would have deliberation. They would do investigation. They would do research. They would reach out to members of the community. They would then talk among themselves, and they would come up with a recommendation. That recommendation then would go back to the Council. And from my perspective, I had always felt that whatever the recommendation would be, it would go on the ballot, and the reason I believe that it should go on the ballot is because this is an issue of real significance. There are some issues in my mind that need to go to the community. The community's vote and voice need to be heard. This is one of those particular issues. There are people who say the vote was so close on the committee. That being the case, it's even more important that it should go to the community, that people can actually vote. This allows members of the Special Committee to make their voices heard. They can say this is why we're in favor of it. Other people can say this is why

we're opposed to it. It puts everything out there in front of the voters, but the voters then have the right to make that decision. **One of the other things that happens when you send something to a committee and I thought a long time about whether I should even raise this issue or not. You send something to a committee because either you want the work to be done, or you send it to a committee in hopes that it will go to committee never-never land. And we all know what committee never-never land is, it just goes on and on and on and nothing ever happens. This is too important to be in committee never-never land. That's why I think it really needs to go on the ballot. The voters can make their voices heard.** Thank you."

## II. Kimo Haynes, Special Committee on Governance Member

On March 31, 2016, the following remarks in favor of a charter change providing for a professional manager were delivered by Kimo Haynes to the Committee: Mr. Haynes was one of 5 TIG members and one of 6 Special Committee members supporting such a change.

MR. HAYNES: I'll go. I like being on this Committee. It's very interesting, Pua. **I am in favor of a council-manager form of government.** And I look at it from the perspective of what's best for the residents of Maui. And I think what's best for the residents of Maui is not the politics, not, you know, having an efficient system that delivers the services and what's needed to Maui County efficiently and effectively. Some of the reasons behind it I think is, you know, I look at this as best practices. You know if 80 percent or 4 out of 5 counties, cities our size are doing this, there has to be something behind it. It's...you know I know there's a lot of inconclusive research on which is better, which is not but, you know, there's an overwhelming amount of counties and cities that are under this form of government. Probably the biggest issue to me and it has to do with operational continuity before, during and after mayoral elections. I think the Mayor mentioned it that when he took over, he can...he's responsible for 24 deputies and directors. And of those, 23 were replaced not because of whether they're good or bad.

You know, you get a Mayor and sometimes you lose good people, sometimes you lose bad people but it was purely because of what the election brought and not how these people were performing. And first hand, I've seen it is, there's a huge disruption in delivery of services. I mean I've dealt with it from a permitting standpoint. It's very typical. And I don't think you can discount that...I mean there's good people that'll work but you do need leaders and you do need someone who's gonna drive the train. And I think going through that process is very difficult. And I think, you know, there's statistics that we were given that the average turnover is 7 years whether it's a mayor, a strong

mayor or a council-manager structure but what's not...what wasn't discussed was that 23 out of 24 happen all at one time. You may have the same longevity but you don't have this mass exodus every time. I mean attrition's gonna happen but it doesn't have to happen at once. And people should be in their positions because of how they perform not who elected them or who was elected. I think it would also allow for some long-term succession planning because you can't plan if you don't know who's gonna be there or why. And you would...it would be great to be able to plan and bring deputies up to department heads, bring people from within the organization up through the ranks but that just can't happen under today's structure. And I think what happens too is you have a lot of lost institutional knowledge. You have people in charge and every time there's a change, it just goes and so you lose it. I think also management's focus will be on the County, on Maui County and its residents rather than an individual because we've seen that the people that are appointed, they are, you know, they are...how should I say this? Their longevity is dependent on the Mayor. I think there'd also be less pressure on department heads for financial contributions. I believe it'd be a more collaborative structure and I think that would be...collaborative structures are usually better for getting things done. You know, we talk about a check and balance. What we've seen is this...you got a Mayor with a vision and you got a Council with a vision and sometimes they're in line and sometimes they're not. I think, personally, Council should be strategic, should be long term, should be focused on what's the big picture. Managers should be tactical, should be looking at execution and achieving those strategic plans. And I think that's not necessarily set up as well as it could be under the current form of government. I think there would be increased accountability. I think the...right now I think...and I, first hand I've gone to this where you can talk to the Council and say, hey, here's the problem and they go well, I can't do anything about it 'cause I don't run the County. Or you go to the County and they can't do anything because the Council controls the budget. I think if you have more collaboration and more alignment, they're all responsible for the process. And I think the Council is more accountable to the public because they're elected every two years. So I guess I see a structure where we have a manager, a council-manager with an elected mayor. I don't necessarily think the Mayor needs to sit on the Council or have a vote but I'm open to listening to options. I think we could modify their...his duties under Section 7 in 7.5 or 7-5, eliminate some of the administrative duties and maybe expand some of his other roles, more interaction with State, Federal, you know, we could put a bunch of stuff in there. They could be...he could be the point person for the County in terms of advocacy for the County and its residents. But again I wanna remind everybody that we're not making a decision here. **All we're doing is putting a proposal together and offering it up for the County and its residents to vote on.** That's it. So that's my two cents.”

### III. Conclusion

Whether to amend the charter to provide for a professional manager has been discussed, studied, argued and debated for the past 8 years, including thousands of hours of citizen time, effort and testimony devoted to the concept coupled with the formation and recommendation of a citizen-populated Special Committee on Governance. The charter amendment proposal now before this committee is the refined and improved product of that tremendous, citizen-driven effort.

I urge you not to send this to “committee never-never land” by deferral to another charter commission.

Now is the time for the council to improve the proposal should it believe enhancements are warranted and to pass the matter out of committee and through the council so the people can finally have their say at the ballot box this November.



*Chair, council members, thank you for taking this up early in the cycle.*

The proposal before you is 4 years in the making, preceded by a 2015 council-created, citizen-populated, Special Committee on Governance that issued a recommendation in May 2016 *calling for a hired manager reporting to the council*, which at the time was intensely debated by the council and the public, was the subject of multiple Maui News editorials in favor of letting the public decide the question, but died in committee, followed by two council election cycles in November 2016 and 2018 where the topic was the subject of additional public debate and made part of multiple candidate platforms and forums, resulting in the election or re-election of several council members serving today, one of whom was a member of that 2015-2016 Special Committee.

The proposal before you is directly responsive to the concerns expressed in 2016:

- it preserves the balance of power between the executive and legislative branches,
- retains a meaningful chief executive role for the mayor,
- creates a truly responsible managing director of operations, reporting to the mayor not the council,
- eliminates mandatory resignation of all of directors with each mayoral election cycle, and
- bases continued director employment on job performance.

A key decision point needing your attention is deciding who should set the future managing director's salary.

In the past the Salary Commission has defined salaries for all appointed department heads, and that continues in this draft<sup>1</sup> including for the managing director and deputy. This approach provides clarity but it will not lend itself to fluid negotiation.

If you want the council to have the flexibility to negotiate the next managing director's salary and benefits as part of a collaborative recruitment and hiring process as described, then eliminate managing directors salary determination from Salary Commission purview<sup>2</sup> and explicitly give that power to the council,<sup>3</sup> which I recommend.

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*Mark Hyde*

<sup>1</sup> PP. 34-35

<sup>2</sup> Page 35

<sup>3</sup> Page 2, paragraph 8, and page 7, paragraph 3



I look forward to a rigorous vetting by the council, toward making this proposal a solid governing platform for the people to decide, up or down, in November 2020.

Thank you.



## GET Committee

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**From:** Mike Moran <mmmmahalo2000@aol.com>  
**Sent:** Monday, February 24, 2020 1:15 PM  
**To:** GET Committee  
**Subject:** KCA Testimony for Tuesday 2/25/20 1:30 PM committee on all items

Aloha Chair Molina and GET members.

Mike Moran submitting testimony for the Kihei Community Assoc (KCA) in support of GET-10 (6); 10(5); 10(1) and 10(11)

10(6) Term of elected officials commencing closer to election date. We see this as a efficient action.

10(5) Appointment of Managerial Director. Once again efficiency in County government

10(1) We had supported the expansion having our elected councilors approve major county department directors previously but then saw a need to tweak it so that proposed directors who did not receive this approval were then appointed as "temporary directors" for an indefinite length of service. This undermined the intent of the new system so the very individuals who were not approved for a position were then placed in that exact position. This action, if supported by the voters, would rectify this situation.

10(11) Charter Commission We support this proposal to create a more balanced commission with a more varied prospective

Mahalo for your consideration of our positions on these four proposed charter amendments

Mike Moran President Kihei Community Association [www.gokihei.org](http://www.gokihei.org)

## GET Committee

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**From:** Miranda Camp <mauimiranda@hotmail.com>  
**Sent:** Sunday, February 23, 2020 3:33 PM  
**To:** GET Committee  
**Subject:** Comments on GET Agenda item 10-5 on Feb. 25, 2020

Aloha All,

I want to express my support for the measure to have a County Manager position for the county of Maui.

Mahalo,

**MIRANDA CAMP**

REALTOR (S) RS-77129

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**cell: 808.868.6848**

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THE MAUI  
MIRACLE

2019 DEC 17 AM 10:10

OFFICE OF THE  
COUNTY COUNCIL

Testimony for G.E.T. Committee December 17, 2019

Submitted by Nick Drance

Comments regarding items:

1. GET-11(30) LITIGATION MATTERS (SPECIAL COUNSEL AUTHORIZATION: CLIMATE CHANGE LITIGATION) (GET-11(30))
2. PROPOSED CHARTER AMENDMENT (ESTABLISH AN OFFICE OF THE MANAGING DIRECTOR AND PROVIDE FOR THE APPOINTMENT OF THE MANAGING DIRECTOR AS THE COUNTY'S CHIEF OPERATING OFFICER) (GET-10(5))

**Item 1.**

We all agree that the Mayor's initiative is right and appropriate. Generally, government and business interests are blinded by their preoccupations with short terms gains at the expense of long-term sustainability, indeed, our very survival. The fact of the matter in my view, is that it's going to take something so catastrophic, beyond what we've already seen, to make business and government respond appropriately. So, to take the initiative definitely at this time, is the way to go. For us, as individuals, our concerns are local and urgent. We find ourselves in a position where we must protect our own first.

Our strategic and fiscal priorities must focus on all the things that the Mayor has cited. He's completely right.

I'd like to see that a budget amount be established for his initiative with the following parameters. There's no sense in re-inventing the wheel. We are among hundreds of other cities, states and towns, indeed all island nations. They have already done the heavy lifting along with organizations like Earth Justice and others, to recognize the cost of the consequences we face by inaction.

Our own Corporation Counsel is equipped to work with those other entities and in fact, I consider it their responsibility. Our task is merely to join with others who, as I say, have already done the heavy lifting for us. We must conserve our financial and managerial resources to deal with the new realities we face here locally. I know from experience that we must always be prepared to re-invent our strategies every few years. Our world changes that fast. That does not apply however, in the case of the objectives set forth in Countywide and Island Plans. These are broad, visionary statements based on the values expressed by residents and they should be followed, as was intended.

Let us focus on taking care of ourselves and exercise fiscal responsibility as we do so. For example, Council Member Sugimura called for an analysis for Upcountry Cesspool Replacement based on State Act 125 in 2017. This is an example of stewardship as well as long term fiscal

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responsibility in every respect. This issue is in her district and while there could possibly be an incremental, potentially unpopular financial contribution required by her constituents, the fact remains, as she accurately stated, that the health of our water supply must be assured in the long term. That's a better use of financial resources in addressing environmental needs than hiring outside counsel. It's a tough problem that needs our full attention.

The Environmental Resources Department deserves support in order to tackle this issue, which it considers itself unable to handle due to a lack of guidance by the State. Perhaps outside resources in this area would be a more effective use of funds. As I say, others before us have done the heavy lifting. Let us recognize them and focus on our own welfare, locally.

I agree with the Mayor's initiative wholeheartedly as long as we utilize existing resources in the most cost-effective way.

**Item 2.**

I would find minor revisions to this resolution acceptable in the spirit of teamwork, but I see it correct, as written. In my view, Chair King has composed this resolution in an objective, unbiased way. It follows the best of widely accepted convention. I applaud her professionalism in crafting this resolution which fairly allocates powers between the executive and legislative branches. It efficiently addresses the administrative and managerial requirements of the County, much like the current objectives-based Council Committee structure. It respects the talents and skills of an effective organization. Just as this particular Committee, being comprised of all 9 Council Members, provides an efficient and fair structure, a County Manager function does that for the County as a whole.

The proposed structure duplicates the best corporate arrangement we've come up with so far. In this Resolution, The Mayor is the CEO, the new position serves as COO. The County Council is the Board of Directors. I've reviewed the Charter changes. I second guessed the powers and limitations it bestows upon all entities and it appears balanced and appropriate. If you have an issue with one or another aspect of it, I ask you to talk it over among yourselves and come to agreement so that the County can take advantage of all the benefits this structure provides right away. We need to join the majority of our fellow municipalities in establishing this form of government for ourselves.

Mahalo for all the effort you have expended and all that you have accomplished this year. I wish you a very Merry Christmas season and the best wishes for a healthy and happy New Year.

## **What Does a County Administrator Do?**

A county administrator's job is to oversee the daily operations of a county government. You are the go-between for the county board of directors and the various departments, such as sanitation, water reclamation, and health administration. As a county manager, your duties include creating and reviewing budgets for the different departments; discussing local issues with department heads, clients, and the public; attending public hearings and city council meetings and being present during emergency situations. You are often at board and department meetings, and you do outreach to secure more investment, such as new construction or job creation, from private industry and the state government.

## GET Committee

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**From:** Randy Wagner <randy.wagner@gmail.com>  
**Sent:** Friday, February 21, 2020 9:30 AM  
**To:** GET Committee  
**Cc:** Mark Hyde  
**Subject:** GET Agenda Item 10-5

Please vote yes to have our county move to the Managing Director system.

This will greatly help in increasing efficiency, proficiency and quality of management, vision and growth in our precious island community. We have worked towards this goal for a long time. Please help us achieve it. Mahalo for all you do.

Thank you very much.

Sincerely,

Randy Wagner, AIA

## GET Committee

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**From:** Steve Goldsmith <stevegoldsmit77@gmail.com>  
**Sent:** Thursday, February 20, 2020 7:07 PM  
**To:** GET Committee  
**Subject:** Please approve

Dear GET Committee,

Please approve GET Agenda item 10-5, Charter Amendment establishing a Managing Director.

Briefly, I have testified before, sent written testimony, and have been a proponent of this since I brought it up to the Charter Commission MANY years ago after being on the Cost of Government Commission.

Please let our Maui County Ohana vote on this VERY important issue.

Thank you.

Aloha,  
Steve

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