

COUNCIL OF THE COUNTY OF MAUI
GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE

April 23, 2019

Committee
Report No. _____

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

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on April 4, 2019, makes reference to County Communication 19-1, from Council Chair Mike White, relating to the appointment and removal of administrative heads of departments.

By correspondence dated and received on March 19, 2019, the Mayor transmitted a proposed resolution entitled "APPROVING THE MAYOR'S APPOINTMENT OF LORI ANN TSUHAKO FOR DIRECTOR OF HOUSING AND HUMAN CONCERNS." The purpose of the proposed resolution is to approve the Mayor's appointment of Lori Ann Tshako as the Director of Housing and Human Concerns, pursuant to Sections 6-2(5) and 8-10.2 of the Revised Charter of the County of Maui (1983), as amended ("Charter").

Your Committee notes by Resolution 16-96, the Council proposed an amendment to the Charter to be placed on the General Election ballot to require Council approval of the Mayor's appointment of administrative heads of departments and allow additional qualifications for administrative heads appointed by the Mayor to be established by ordinance. The proposed Charter amendment was approved at the 2016 General Election.

Your Committee notes Ordinance 4841 (2018) established additional qualifications for the Director of Housing and Human Concerns in Chapter 2.14, Maui County Code. The effective date of the ordinance was January 2, 2019.

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Your Committee notes Charter Section 8-10.2 provides that the Director of Housing and Human Concerns shall be appointed by the Mayor with the approval of the Council. In addition, Charter Section 6-2(5) provides that the Council shall confirm or deny the confirmation within 60 days after receiving notice of the appointment by the Mayor, or the appointment shall be deemed confirmed. Accordingly, the deadline for the Council to confirm or deny the appointment of Ms. Tsuhako as the Director of Housing and Human Concerns is May 18, 2019.

Your Committee notes it previously reported on this matter through Committee Report 19-13, which recommended adoption of the proposed resolution disapproving the Mayor's appointment of William Robert Spence for Director of Housing and Human Concerns and filing of the proposed resolution approving the appointment. At its meeting of February 15, 2019, reconvened on February 22, 2019, the Council adopted the recommendations in Committee Report 19-13 (Resolution 19-35).

Your Committee notes pursuant to Charter Section 6-2(5), if the appointment is denied by the Council, the Mayor shall make a new appointment within 60 days of the Council's denial, and the Council shall confirm or deny within 60 days after receiving notice of the new appointment by the Mayor.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a proposed resolution entitled "DISAPPROVING THE MAYOR'S APPOINTMENT OF LORI ANN TSUHAKO FOR DIRECTOR OF HOUSING AND HUMAN CONCERNS." The purpose of the proposed resolution is to disapprove the appointment.

By correspondence dated March 19, 2019, your Committee received the following: 1) County of Maui Job Description for the Director of Housing and Human Concerns; 2) Ordinance 4841 (2018), relating to the minimum qualifications of the Director of Housing and Human Concerns; and 3) Lori Tsuhako's resume.

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As noted in her resume and in correspondence dated March 28, 2019, to the Chair of your Committee, Ms. Tshako served as the County's Deputy Director of Housing and Human Concerns from February 2007 through September 2008, and Director from September 2008 through January 2011 under a prior administration. Thereafter, she worked for the State Department of Human Services as a Homeless Programs Administrator from November 2011 through May 2016. Ms. Tshako returned to the County as a Wellness Coordinator in the Department of Housing and Human Concerns' Office on Aging from May 2016 through January 2019. More recently, she held the position of Deputy Director of Housing and Human Concerns since January 2019, before being named Acting Director on March 19, 2019 under the current Administration. Ms. Tshako obtained a Bachelor of Science degree and a Master's degree in Social Work from the University of Hawaii at Manoa.

Your Committee met with Ms. Tshako. In her opening remarks, Ms. Tshako said she was honored for the opportunity to serve in the Director capacity. She said her prior experience as Deputy Director and Director will help her in her new role.

Ms. Tshako told your Committee that, if confirmed as Director of Housing and Human Concerns, she would prioritize the completion of a strategic housing plan on or before June 30, 2019, to address the Department's goal of increasing housing. She plans to use existing data from different sources such as the County's Affordable Housing Policy Plan Final Report and the County's Affordable Housing Implementation Plan Final Report, completed by SMS in August 2018. She plans to incorporate the data into her plan, by area median income, to target the County's immediate housing needs.

Your Committee notes Ms. Tshako has 32 years of experience as a professional social worker, which will help her address the community's human concerns. She said she plans to increase her housing knowledge by working closely with those in the Department and in the community with housing experience.

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Your Committee received numerous written and oral testimonies in support of Ms. Tsuhako's appointment.

After reviewing Ms. Tsuhako's experience and capabilities and giving due consideration to public testimony, your Committee was satisfied Ms. Tsuhako met the minimum qualifications for the Director of Housing and Human Concerns position and recommended her appointment be approved. Your Committee was particularly impressed with Ms. Tsuhako's record of managing people and programs. Your Committee believes she will provide much-needed leadership for the Department.

Your Committee voted 9-0 to recommend adoption of the proposed resolution to approve the appointment of Lori Ann Tsuhako as the Director of Housing and Human Concerns and filing of the proposed resolution to disapprove the appointment. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

Your Governance, Ethics, and Transparency Committee **RECOMMENDS** the following:

1. That Resolution _____, attached hereto, entitled "APPROVING THE MAYOR'S APPOINTMENT OF LORI ANN TSUHAKO FOR DIRECTOR OF HOUSING AND HUMAN CONCERNS," be ADOPTED; and
2. That the proposed resolution, attached hereto, entitled "DISAPPROVING THE MAYOR'S APPOINTMENT OF LORI ANN TSUHAKO FOR DIRECTOR OF HOUSING AND HUMAN CONCERNS," be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL J. MOLINA, Chair

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Resolution

No. _____

APPROVING THE MAYOR'S APPOINTMENT OF LORI ANN TSUHAKO FOR DIRECTOR OF HOUSING AND HUMAN CONCERNS

WHEREAS, by letter dated and received on January 19, 2019, Mayor Michael P. Victorino notified the Council he appointed Lori Ann Tshako as the Director of Housing and Human Concerns, pursuant to Sections 6-2(5) and 8-10.2 of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, Charter Section 6-4 authorized the Council to establish specific qualifications for administrative heads appointed by the Mayor in addition to any set forth in the Charter; and

WHEREAS, Section 2.14.060, Maui County Code, attached hereto as Exhibit "A," establishes additional qualifications for the Director of Housing and Human Concerns effective January 2, 2019; and

WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty days after receiving notice of the appointment by the Mayor; and

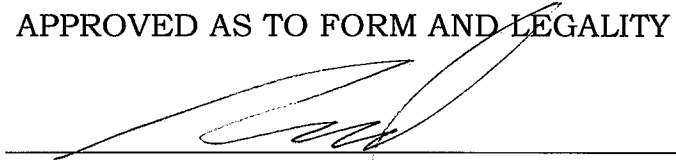
WHEREAS, Charter Section 8-10.2 states: "The director of housing and human concerns shall be appointed by the mayor with the approval of the council"; now, therefore,

Resolution No. _____

BE IT RESOLVED by the Council of the County of Maui:

1. That it deems Lori Ann Tsuhako to have satisfied the minimum qualifications for the position of Director of Housing and Human Concerns;
2. That it hereby approves the appointment of Lori Ann Tsuhako as the Director of Housing and Human Concerns; and
3. That a certified copy of this resolution be transmitted to the Mayor.

APPROVED AS TO FORM AND LEGALITY

A handwritten signature in black ink, appearing to be 'L. Tsuhako', is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

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2.14.060 - Director of housing and human concerns.

The director of housing and human concerns shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience in an administrative capacity, either in public service or private business, or both.
2. As a part of or in addition to the five years of administrative experience, three years of responsible managerial and budgetary experience.
3. As a part of or in addition to the five years of administrative experience, three years of experience in developing, supervising and coordinating programs and projects designed to meet housing and/or human needs.
4. A bachelor's degree from an accredited college or university in business administration, public administration, sociology, or other relevant discipline, or a combination of education and work experience substantially equivalent to such a bachelor's degree.

Resolution

No. _____

DISAPPROVING THE MAYOR'S APPOINTMENT OF LORI ANN TSUHAKO FOR DIRECTOR OF HOUSING AND HUMAN CONCERNS

WHEREAS, by letter dated and received by the Council on March 19, 2019, Mayor Michael P. Victorino notified the Council he appointed Lori Ann Tsuhako as the Director of Housing and Human Concerns, pursuant to Sections 6-2(5) and 8-10.2 of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty days after receiving notice of the appointment by the Mayor; and

WHEREAS, Charter Section 8-10.2 states: "The director of housing and human concerns shall be appointed by the mayor with the approval of the council"; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby disapproves the appointment of Lori Ann Tsuhako as the Director of Housing and Human Concerns; and
2. That a certified copy of this resolution be transmitted to the Mayor.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel
County of Maui