

COUNCIL OF THE COUNTY OF MAUI

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

October 25, 2024

**Committee
Report No.** _____

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

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on August 6, 2024, makes reference to Resolution 24-129, entitled “APPROVING THE APPOINTMENT OF GINA M. YOUNG AS THE DIRECTOR OF THE EAST MAUI REGIONAL WATER AUTHORITY.”

Resolution 24-129’s purpose is to approve the appointment of Gina M. Young as Director of the East Maui Regional Water Authority, in accordance with Section 8-19.4 of the Revised Charter of the County of Maui (1983), as amended (“Charter”).

Your Committee notes Charter Section 8-19.4 provides that the East Maui Regional Water Authority Director be appointed by the East Maui Regional Community Board, with the approval of the Council.

By correspondence dated June 28, 2024, and received on July 1, 2024, the Chair of the East Maui Regional Community Board notified the Council of its appointment of Gina M. Young as East Maui Regional Water Authority Director by a unanimous vote.

As part of or in addition to a combination of education and experience substantially equivalent to graduation from an accredited college or university with a bachelor’s degree in business administration, urban planning, civil or environmental engineering, environmental science, or related field; and four years of technical work experience in water resource planning and management, which includes at least four years of experience in a supervisory capacity, the East Maui Regional Water Authority Director should have the following additional qualifications, skills, and knowledge:

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1. Knowledge of watershed management and watershed management plans, including Native Hawaiian water resource management concepts and practices;
2. Knowledge of East Maui watershed areas;
3. Knowledge of State of Hawai'i water license process;
4. Familiarity with the State of Hawai'i, Department of Land and Natural Resources;
5. Knowledge of intergovernmental agreements, executive orders, real estate and easement agreements, and eminent domain process;
6. Experience with contracts and management of consultants;
7. Knowledge of government, business and management principles involved in strategic planning, leadership and coordination of people and resources;
8. Knowledge of laws, legal codes, regulations, and agency rules as applied to watershed management and state water licenses in the State of Hawai'i, County of Maui, and East Maui region;
9. Knowledge of and ability to prepare budgets, and provide fiscal analysis, and responsibility;
10. Knowledge of capital improvement planning and Capital Improvement Program budgeting;
11. Knowledge of Federal grant writing and grant management;
12. Strong leadership and managerial skills to include team building, mediation, and motivational skills;
13. Strong written and oral communication skills, to include public speaking and ability to develop effective proposals;
14. Ability to establish and maintain effective working relationships with local, State, and Federal governments, other government agencies, and other partners in the planning process;
15. Ability to effectively communicate and conduct community engagement and outreach to public and private stakeholders; and

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16. Knowledge of water utility systems and management of such systems.

Your Committee received comments from the Chair of the East Maui Regional Community Board and Ms. Young regarding the appointment before interviewing Ms. Young.

The East Maui Regional Community Board Chair highlighted Ms. Young's professionalism, extensive experience, and knowledge on relevant matters, including Article 11, Section 7 of the Constitution of the State of Hawai'i; the Public Trust Doctrine; and Hawaiian land management systems such as Aha Kiole, Aha Moku, and Ahupua'a.

By correspondence dated October 14, 2024, Ms. Young transmitted a copy of her resume and her responses to interview questions posed by the East Maui Regional Community Board.

According to her resume, Ms. Young has a Bachelors degree in Political Science from the University of California at Santa Barbara, a Masters degree in Public Administration from The George Washington University, and a Certified Financial Planning degree from College of Financial Planning in conjunction with The George Washington University. Her list of professional experience includes employment as Senior Planner in the County Department of Planning; President of Kula Community Association; Vice-Chair of Hawai'i Health Systems Corporation, Maui Region Board of Directors; co-owner of Sunshine Properties; Research Associate at Financial Planning Corporation of McLean; and Legislative Analyst at Institute for Health Policy Solutions.

Through this work, Ms. Young said she has gained skills that can be transferred to the role of East Maui Regional Water Authority Director, including project and contract management, managing lease agreements, research and reporting, strategic planning, managing employees and resources, collaborating with community partners and stakeholders, and reviewing annual budgets.

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Most recently, Ms. Young has been employed as an Executive Assistant to Councilmember Shane Sinenci, where she has assisted with drafting legislation and press releases; working with the State Commission on Water Resource Management, the County Department of Water Supply, Aha Moku Councils, and other community members to receive input on the Maui Island Water Use and Development Plan review and update; drafting and educating the public on legislation to ban pesticides on County-owned property, banning single-use plastic foodware, and establishing cultural resource mapping for cultural resource protection; and drafting Charter amendments to establish the County Department of Agriculture and Community Water Authorities.

Ms. Young said her work in Councilmember Sinenci's office during his terms as Chair of the Environmental, Agricultural, and Cultural Preservation Committee; Agriculture and Public Trust Committee; and Water Authority, Social Services, and Parks Committee has provided her with knowledge of watershed management, water licenses, water utility systems, and environmental best practices, including through Native Hawaiian traditional practices.

Among her goals for the East Maui Regional Water Authority, Ms. Young said she would like to focus on the Charter-directed task of acquiring water systems and leases to be managed by the water authorities, while also supporting the State of Hawai'i Department of Hawaiian Home Lands in their mission to deliver land and housing to Native Hawaiians by ensuring that adequate water is available.

She would also like to work on watershed planning, increasing agricultural support, enhancing transparency and trust in government processes, determining financial implications and obtaining data on available water quantity and water quality, and bringing affected communities and policymakers into discussions early on so they are educated, and to ensure affected water users and stewards have a voice in decision-making.

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Ms. Young requested Resolution 24-129 be amended to reflect an October 1, 2024, appointment date to ensure a smooth transition of her work. Your Committee agreed and amended Resolution 24-129 accordingly.

Your Committee expressed support for Ms. Young's appointment and thanked her for her willingness to serve. However, your Committee was concerned with a potential conflict of interest with Ms. Young's EA role where she assisted in drafting the Charter amendment which established the East Maui Regional Water Authority and related matters, and whether this provided her with an unfair advantage over other applicants.

Your Committee requested that Ms. Young obtain a Board of Ethics opinion prior to the Committee's recommendation to the Council.

By correspondence dated October 2, 2024, the County Board of Ethics transmitted Advisory Opinion 24A-14, which notes no conflict exists and further provides the following opinion:

"Based on the foregoing provisions of the Maui County Charter, the information provided by Ms. Young in her request for an advisory opinion, publicly available information provided by the Board's legal counsel, the testimony of Ms. Bunn, and the records and files herein, the Board finds that Ms. Young's appointment as Director of the EMRWA does not violate the Code of Ethics. While Ms. Young was involved in the development of the Charter Amendment which created the EMRWA, the final qualifications for the Director of the EMRWA were established as part of the legislative process, which included review of the proposed Charter Amendment by the Maui County Council in public meetings, and a final vote by the citizens of the County of Maui through a public election. Further, the recruitment process for the Director of the EMRWA was done publicly, qualifications were posted publicly, and interview

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questions were publicly available prior to the selection of Ms. Young. Accordingly, Ms. Young's selection for the position of Director of the EMRWA was not based on "information which, by law or practice, is not available to the public and which the officer or employee acquires in the course of the officer's or employee's official duties."

Your Committee voted 6-3 to recommend adoption of Resolution 24-129, CD1. Committee Chair U'u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Rawlins-Fernandez, and Sinenci voted "aye." Committee members Kama, Lee, and Sugimura voted "no."

Your Committee is in receipt of Resolution 24-129, CD1, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Government Relations, Ethics, and Transparency Committee RECOMMENDS that Resolution 24-129, CD1, as revised herein and attached hereto, entitled "APPROVING THE APPOINTMENT OF GINA M. YOUNG AS THE DIRECTOR OF THE EAST MAUI REGIONAL WATER AUTHORITY," be ADOPTED.

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



NOHELANI U'U-HODGINS, Chair

Resolution

No. 24-129, CD1

APPROVING THE APPOINTMENT OF GINA M. YOUNG
AS THE DIRECTOR OF THE EAST MAUI REGIONAL
WATER AUTHORITY

WHEREAS, by letter dated June 28, 2024, Jonathan Likeke Scheuer, Chair of the East Maui Regional Community Board, appointing authority, notified the Council that they are appointing Gina M. Young as the Director of the East Maui Regional Water Authority; and

WHEREAS, Charter Section 8-19.4 provides that, “regional directors are appointed by the applicable regional community board with the approval of the council, and may be removed by the applicable regional community board with approval of the council, or directly by a two-thirds vote of the entire membership of the council”; now, therefore,

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

1. That it approves the appointment of Gina M. Young as the Director of the East Maui Regional Water Authority, effective October 1, 2024; and
2. That certified copies of this Resolution be transmitted to the Mayor, Managing Director, and East Maui Regional Community Board.

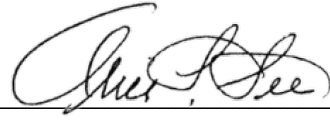
APPROVED AS TO FORM AND LEGALITY



YUKARI MURAKAMI
Deputy Corporation Counsel
County of Maui

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INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee". The signature is written in black ink and is positioned above a horizontal line.

Upon the request of the Mayor.