

County Auditor
Lance T. Taguchi, CPA



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OFFICE OF THE
COUNTY CLERK

May 10, 2022

The Honorable Alice L. Lee, Chair
and Members of the Council
County of Maui
Wailuku, Hawaii 96793

Dear Chair Lee and Members:

**SUBJECT: ASSESSMENT OF THE COUNTY OF MAUI,
DEPARTMENT OF PLANNING, ZONING
ADMINISTRATION ENFORCEMENT DIVISION
(PROJECT 22-01)**

Pursuant to Section 3-9.2(2) of the Revised Charter of the County of Maui (1983), as amended, transmitted are 19 copies of the "Assessment of the Zoning Administration and Enforcement Division, Department of Planning".

This assessment was prepared by Spire Hawaii LLP, an independent contractor of the Office of the County Auditor, following the adoption of Resolution No. 21-63 entitled "AUTHORIZING THE COUNCIL CHAIR OR COUNTY AUDITOR TO EXECUTE A CONTRACT FOR AN ASSESSMENT OF THE DEPARTMENT OF PLANNING'S ZONING ADMINISTRATION AND ENFORCEMENT DIVISION".

Sincerely,

A handwritten signature in black ink, appearing to read "Lance T. Taguchi", is written over the word "Sincerely,".

LANCE T. TAGUCHI, CPA
County Auditor

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Enclosure

cc w/o enc.: Mayor
Managing Director
Planning Director

COUNTY COMMUNICATION NO. 22-128

Assessment of the Zoning Administration and Enforcement Division, Department of Planning



Submitted by

Spire Hawaii LLP for the
Office of the County Auditor
County of Maui
State of Hawai'i

PREFACE

This assessment of the Zoning Administration and Enforcement Division (“ZAED” or “Division”) of the Department of Planning (“Planning Department” or “Department”), County of Maui (“County” or “Maui County”) was designed to examine ZAED’s application processing and enforcement, survey the staff morale and customer satisfaction, and review the report, “A Review and Assessment of the Department of Planning, County of Maui, Hawai‘i”¹ (“Zucker Report”).

We would like to thank all who contributed data to this report, including Planning Director Michele McLean, Information Technology Supervisor Susan Underwood, and past and present ZAED personnel.

¹ Zucker Systems, “A Review and Assessment of the Department of Planning, County of Maui, Hawai‘i,” March 2006.

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Attachment 1: Department Response

EXECUTIVE SUMMARY

On April 6, 2021, the Maui County Council (“Council”) passed Resolution No. 21-63, and authorized the County Auditor to execute a contract for an assessment of ZAED. This assessment was conducted pursuant to the authority of the Council and the County Auditor, as provided in the County Charter.

The scope of the assessment consisted of:

- Evaluating ZAED’s processing of permits and other land use compliance applications and determining if any backlog exists.
- Evaluating ZAED’s enforcement of zoning and land use regulations and determining if any backlog exists.
- Surveying ZAED employees.
- Surveying ZAED customers.
- Reviewing the Zucker Report.

Finding 1: The conditions under which ZAED is required to process applications contribute to lengthy permit review times and inconsistencies. ZAED does not have performance measures for reviewing applications. A backlog of permit applications exists.

ZAED processes several types of permit and land use applications. Some are processed by ZAED alone, and for others, ZAED is one step in a process that requires approval by multiple government agencies. To review ZAED’s processing of permit and land use compliance applications, we obtained an understanding of the application process through interviews with ZAED employees involved in the application review process and requests for documents, workflows, and SOPs relating to the process. We also reviewed documentation of the application review process and processing time through data from the KIVA system used by the County for permitting and enforcement recordation and tracking.

One of the Council concerns for this assessment of ZAED was that processing times for permit applications can be very lengthy. However, delays are often caused by the involvement of multiple county and State agencies in the review process. Since the reviewing agencies are diverse and have their own priorities, it is not unusual that substantial delays are caused when these other agencies do not timely process applications. Applicants may also delay the process by not responding to requests by the reviewing agencies to supplement or correct applications, sometimes for weeks or months.

However, ZAED also has internal problems that affect its processing time. Data provided by the Department of Public Works (“DPW”) shows that ZAED effectively complied with the statutory requirement in Maui County Code (“MCC”) section 16.26B.105.3.1., which requires, for building permits, that reviewing agencies such as ZAED provide their concurrence or provide substantive written comments on the construction documents no later than 30 calendar days from the date the building official sends the required documents to the departments. In Fiscal Year (“FY”) 2021 ZAED achieved 95 percent compliance but did not perform as well in prior years.

Internal reasons for delays are staffing issues caused by vacancies and turnover, and the imposition of additional workload without sufficient consideration for staffing. ZAED lost the majority of its supervisory personnel in 2021, and only one has been filled as of January 2022. Since experienced staff is relied upon to provide guidance or historical information to newer staff, the departures represent a significant loss of expertise. Additional turnover could be expected, based on the results of the employee survey. Since there is a small pool of unemployed in Maui, ZAED and the Department should focus on retaining its existing employees, including addressing concerns about working conditions in the employee survey and reviewing whether its compensation is sufficient for retention.

Reviewing applications and enforcement are not the only duties of ZAED employees, and they have been asked to staff other projects. These include short-term rental regulation, which appears to be a responsibility of the Current Division. Another program reducing available review time is the public inquiry “hot line,” or POC initiative staffed by ZAED employees. Employees reported that staffing the hot line takes away from their regular duties, and that they are required to deal with many extraneous calls for other Planning sections or unrelated Maui County agencies. Although the hot line may be a valuable public service, consideration should be given to the reality that providing staffing this service is at the expense of resources that could be used reviewing applications and enforcement.

In addition to application processing delays, we also found that consistency in ZAED is an issue because the County, the Department and ZAED do not have robust and clear laws, policies, procedures, and other standards to ensure consistency. To review applications in its jurisdiction, ZAED must comply with numerous County and State laws and regulations. As guidance, it relies heavily on numerous Departmental memoranda. The memoranda are not easy to find or readily available to the public. A prior audit of the County’s planning code, MCC Title 19 (“Title 19”), surmised that the need for the numerous internal memoranda is “..undoubtedly attributable to the fact that Title 19 as it is currently written is

outdated and difficult to apply without a lot of interpretation and additional explanation.”²

If the laws and regulations used to review permits are not clear, the risk of inconsistency increases. Consistency in ZAED decision-making is important because without it, the public will not be protected as required by law, applicants may not be treated fairly, and trust in the regulatory system may be lost.

ZAED does not have sufficient and effective performance goals. The Planning Department reports on certain “performance measures” applicable to ZAED’s work in its Annual Reports, comparing actual permits or other matters reviewed to an estimate for that year. However, as the Department itself notes, many of the measures are data, not indicators of performance.

As to the existence of a backlog, we examined data from the KIVA system to determine whether a backlog exists. Using building permits as an example, the data shows a backlog because the number of applications filed exceeded the number of permits reviewed in FY 2018 and 2021.

Recommendations:

1. The Department and ZAED should jointly create and adopt quantifiable performance measures that reflect good or poor performance. Further, the Department and ZAED should consider establishing a process where performance is monitored throughout the year and compared to goals. This would allow management to analyze why targets are not being met and address causes, such as reviewers having to deal with changes to laws or SOPs or the performance of individual reviewers.
2. To address delays caused by a system that requires the involvement of multiple county and State agencies in the application review process, the County should consider implementing the recommendations in 2018 Title 19 Report and explore the formation of technical review committees that include State and County agencies to shorten review times.
3. To address delays caused by applicants’ failure to respond to requests by the reviewing agencies to supplement or correct applications, the County could consider best practices for addressing delays from incomplete or defective applications including establishing response windows and issuing detailed “how-to” instructions and explanations that will help applicants understand the permitting process and requirements from the outset.

² Report by Orion Planning+Design entitled “Title 19 Zoning Code Audit, Final Report – March 2018.” (“Title 19 Report”), page 14.

4. To reduce risk to the County from inconsistency, the Department should consider accelerating the revisions to Title 19, County Plans, and other policies and documents governing land use collectively, as recommended in the Title 19 Report, to the extent relevant and feasible. When implemented together, the recommendations, would provide the clarity for plan reviewers in ZAED, provide clarity and consistency for zoning enforcement officers and encourage greater consistency within the division.
5. To address its backlog and loss of institutional knowledge, the ZAED sections reviewing applications should quantify their personnel and resource needs and make them known to the Director, who determines what ZAED receives from the overall Planning budget. Given the limited availability of qualified persons to fill vacancies, the Department and ZAED should also develop retention strategies (including addressing issues in the employee survey, compensation plans, and succession plans) so that existing expertise is not lost prematurely.

Finding 2: ZAED’s enforcement of land use and zoning regulations is hindered by a lack of training, forms, and processes. A backlog likely exists.

The Enforcement section primarily responds to Requests for Service (“RFS”), which are complaints from the public. It also responds to requests from other sections in Planning or county agencies. The position of the Director and the section is that it does not have sufficient personnel to conduct other types of investigations, such as drive-by inspections.

Examination of the enforcement process identifies the need for additional tools to improve their ability to enforce, including training, clearer and more understandable forms and procedures, and more legal support from Corporation Counsel.

Inspectors and others who determine whether actions meet or do not meet legal standards must be aware that their work is like that of law enforcement and must be trained to understand the enforcement scheme including the rights and responsibilities involved. To make their work more efficient, the development of easy-to-use forms and plain language decision-making criteria could be considered. These measures might also ensure consistency and ensure that enforcement actions are supported by complete and organized records that explain why and how a decision was made.

The second identified issue is the backlog. In fieldwork, we were told that the backlog is caused by various reasons, including insufficient personnel to take on increased enforcement from vacation rental violations; requests to do inspections for other divisions, such as the Current Division; the loss of the section's clerk, which resulted in inspectors needing to do additional paperwork; more appeals than in the past, and more attorneys involved in enforcement matters, so the cases take longer.

Recommendations:

1. The Department and ZAED should consider providing inspectors with additional tools to improve their ability to enforce, including training applicable to enforcing laws, clearer and more understandable forms and procedures, and more legal support from Corporation Counsel.
2. The Department and ZAED should jointly create and adopt quantifiable performance measures that reflect good or poor performance. Further, the Department and ZAED should consider establishing a process where performance is monitored throughout the year and compared to goals.
3. To address its backlog, the enforcement section should quantify its personnel and resource needs and make them known to the Director, who determines what ZAED receives from the overall Planning budget. Given the limited availability of qualified persons to fill vacancies, the Department and ZAED should also develop retention strategies (including addressing issues in the employee survey, compensation plans, and succession plans) so that existing expertise is not lost prematurely.

Finding 3: The employee survey had a high response rate, which usually indicates that employees have high expectations that the survey results may result in some positive outcome. The ratings and comments in the survey clearly indicate that employees have little confidence in Departmental leadership. Departmental leadership is described as heavily politicized, and unconcerned with the welfare or input of staff.

The ratings and comments clearly indicate lack of confidence in Departmental leadership. Employees' responses also clearly indicate that the way work is done, managed, and organized in the Division and Department needs to be improved, and the staff do not perceive that they are properly engaged in the improvement process. Improvements appear to be required in all aspects of the work including materials, information, staffing, authority, and support from other units.

As organizations have become more technical, the retention of skilled, motivated employees is critical. Retention of such employees depends to great extent on their perceived opportunity to learn and progress in their careers. This requires the presence of a learning environment which must include access to training, information, career encouragement, a positive attitude toward taking the risks required to learn, and the absence of favoritism. All of these factors appear to be deficient at ZAED.

The improvement of organizational performance, service, culture, and morale all depend upon open, constructive communication between the various levels of the organization. Survey results indicate that communication between the Department and ZAED is severely damaged. Unless communication is improved and trust developed with Departmental leadership, it is very unlikely that any significant improvements will be possible.

Given that government employees tend to be paid significantly less than those in the private sector, a very significant motivating factor is the perception that they are fulfilling an honorable and important service to the public. When the mission has become unclear and politicized as survey results indicate, the result can be a sense of helplessness with a corresponding negative effect on morale, performance, and ultimately on service quality.

Recommendations:

1. Survey data always portrays a limited perspective on any complex organizational situation. It is essential to seek out alternative views and information to balance and inform the survey data. This survey result portrays a very negative view of Departmental leadership and its relationship to political forces. It is important to evaluate and verify whether this is a valid view.

2. Survey results indicate that the Division has many assets. The high response rate, and positive ratings on the Maslow factors, positive ratings, and comments about perceptions of other employees, supervisors, and managers other than Departmental leadership suggest that, with proper Departmental leadership, the morale and performance of the Division could be significantly improved.
3. The most fundamental aspect of any organization is its mission and the values it embraces. When a government entity that is tasked with a service and compliance mission that is heavily influenced by politics and the potential for financial gain, there is an inevitable crisis and test of the morality of the leadership involved, usually at the level of the Executive Branch, County Council, and the Departmental leadership. It appears that a decision must be made whether to task Departmental leadership with establishing an objective, principle, and policy-based operation, or allow the Department to continue to run in a manner in which that objectivity is questioned by its employees.
4. If the senior leadership referred to above does not opt to pursue an objective, principle-based operation, then it is best to just accept the current circumstances as inevitable and invest no further efforts in making improvements. Limited, band-aid approaches to such organizational situations seldom if ever produce any benefit. If, however there is a sincere motivation to create a viable, objective operation, the place to start is with an honest dialogue between Departmental leadership and key managers at other levels of the organization to develop a plan for addressing the most improvable factors in the organization which include:
 - a. Clarification of the mission of ZAED and its relationship to the other divisions.
 - b. Improvement of the processes that are an impediment to positive morale and effective service to the public.
 - c. Enhancement of the training, information access, and materials required for staff to do their jobs properly.
5. Given the lack of trust that is evidenced in the survey feedback it is likely that a “guiding coalition” coordinating committee made up of leadership, management and staff level individuals should be formed to plan and execute the required changes in the Department and Division.

Finding 4: The positive survey responses point to the knowledge and capability of the ZAED staff. Many of the negative responses and comments point to issues with staff empathy with customer issues, responsiveness and timeliness, inconsistencies, and varied interpretations within the application process.

In January of 2022, a Customer Service Survey was conducted to measure and report on customer satisfaction levels for ZAED, spanning its offering of services. The survey was emailed to 3,100 people across the target audiences. Three hundred thirty completed responses were received which equals to a response rate of 10.6 percent. The survey consisted of seven demographic and background information questions, and a main survey consisting of ten objective multiple-choice items alongside one open-ended question for qualitative richness and greater context.

The majority of the survey respondents filed building permits followed by SMA applications. Small landowners or homeowners provided the most responses out of all applicant types. The aggregation of consultants or professionals (architect, developer, management company, contractor, other company representatives) was the other large group. We asked whether the customer, in their interactions relating to permitting or complaints, interacted with another agency, division or department in addition to ZAED. Of the respondents, 72.29 percent stated that they did. Only 27.71 percent stated they interacted only with ZAED.

The weighted average results of six out of the ten multiple choice questions were closer to an overall “neither agree or disagree,” meaning that responses were neutral. Only questions referring to the prompt and timely handing of the applications as well as the respondent’s level of overall displayed weighted averages closer to “somewhat disagree.” This means that there were equal numbers of respondents who felt their experience was good as there were who felt their experience was bad. However, a majority agreed that the permitting process took too long.

There were more questions in the survey that people felt positive about. The responses focused on their characterization of the service and aptitude: reliability, helpfulness, knowledge of the subject matter, information that is readily available, and information that was clearly presented and easy to understand.

Respondents felt more strongly about the questions to which they responded negatively, specifically relating to the level of responsiveness, the level of care and consideration for personal situations and needs, and the process taking too much time. Architects, developers, and neighbors responded negatively to the majority of the questions. Conversely, other company representatives, small landowners or homeowners and attorneys responded positively to the majority of the questions.

We also analyzed how people responded to the survey based on application type. We segmented the data by application type, sorted their answers to the questions, and categorized them by highlighting if they respond more negatively, neutrally, or positively. Significantly, respondents who filed building permit and sign permit applications answered most questions positively. Those who filed the following types of applications answered negatively: certificate of occupancy, comprehensive signage plan, flood development permit, farm plan, off-site approval, parking waiver, SMA, and subdivision. The results are significant because they indicate a variety of application types that people feel negatively about. It would be necessary to determine whether ZAED was individually responsible for the permits or was only partly responsible for reviewing applications (such as for SMAs) as a factor in interpreting the results of this segmentation.

Over 72 percent of the survey responses reflected a myriad of reactions that involve other agencies in addition to ZAED. Only 27 percent of the respondents specifically directed responses at ZAED. The positive survey responses point to the knowledge and capability of the ZAED staff. Many of the negative responses and comments point to issues related to staff empathy with customer issues, responsiveness and timeliness, inconsistencies, and varied interpretations within the application process.

The survey results show that more clarity and transparency are needed during the application process, and applications should be directed to the correct agency with decision making authority. The results also emphasize the need to make improvements to the application process, as well as improve the quality and quantity of information needed by customers.

Recommendations to address Finding 4:

1. The Department and ZAED can use the analysis results of the customer survey segmentation by application type to focus on the types of permits with the most negative responses such as comprehensive signage plan, flood development permit and SMA; and develop solutions to improve on the permit process and determine how those solutions can help those in ZAED. Addressing these application types could help identify where issues occurred, what the issue is addressing, and, more importantly, ZAED responsibilities or involvement in the issues.
2. The Department and ZAED should jointly meet and discuss with applicant types who responded more negatively to the survey to better understand their dissatisfaction with the current permitting process, to gain further insight and determine if there are potential solutions. The feedback gained from these discussions could provide greater clarity of the applicant issues, determine which issues are valid or invalid, and provide a better basis for future solutions.

Finding 5: ZAED substantially completed its implementation of the Zucker recommendations within its jurisdiction and control.

An audit of the Department was documented in the Zucker Report issued in March 2006. The Zucker Report included 128 recommendations for improving the Planning Department and addressing the audit issues. ZAED was assigned to implement 25 of the 128 recommendations in the Zucker Report. Of these, seven were completed, two are pending and ongoing, five are not relevant and cannot be implemented, ten are either outside ZAED's jurisdiction or require action by other County entities, and the disposition of one is unknown.³

Recommendations:

1. For the recommendations that are not completed, ZAED needs to continue to scan old case files and prepare administrative rules and procedures for plan reviews, which will be difficult with the loss of key staff with institutional memory.
2. Planning and ZAED also need to review findings and recommendations made by two other reports and implement those that would improve the planning and permitting system. These are the Title 19 Report and the "User Fee Study, Department of Planning FY 2009-10; County of Maui, Hawaii; Final Results Dec 2, 2009" by the Matrix Consulting Group. Although some time has passed since these reports were issued, their work should be leveraged to make the planning and permitting system more effectual and cost effective.

³ There was no documentation provides that enables us to determine the status of Recommendation 127, which recommends that ZAED have a retreat to discuss employee survey responses.

CHAPTER 1

Introduction

On April 6, 2021, the Maui County Council passed Resolution No. 21-63, which noted that (1) current councilmembers have received complaints that suggest many of the issues identified by Zucker Systems in 2006 may still exist, especially in ZAED and (2) that members of the public, including the design and construction community, have noted the following to current councilmembers: Department communication specific to changes in procedures and permit application forms is deficient, extensive requirements for minor projects in the SMA can be cost prohibitive, processing times for permit applications can be very lengthy, the Department's permit and plan reviewers are not responsive, Department staff can be unprofessional and sometimes rude, and permit application review is inconsistent among staff planners. For these reasons, the Council authorized the County Auditor to execute a contract for an assessment of ZAED.

Pursuant to this resolution, the Maui County Auditor engaged Spire to conduct an assessment.

This assessment was conducted pursuant to the authority of the Council and the County Auditor, as provided in the County Charter. The assessment was conducted under the Statement on Standards for Consulting Services promulgated by the American Institute of Certified Public Accountants; however Yellow Book Performance Audit standards were followed to the extent possible.⁴

Information deemed confidential under the Hawai'i state open records law Hawai'i Revised Statutes ("HRS") chapter 92F was omitted from this report. The determination of whether information was confidential was based on Office of Information Practices ("OIP") Guideline No. 3, effective September 7, 2011, and OIP memorandum dated May 1, 2002, "OIP Guidance Regarding Disclosure of Agency Records and Information to Auditors." Under the guidance of these documents, the following were omitted as confidential: employee names, employee social security numbers, and actual base rates of pay and gross salaries for employees covered by or included in bargaining units as defined in the Hawai'i collective bargaining law (HRS chapter 76).

⁴ For a complete definition of performance audits see "Government Auditing Standards, 2018 Revision," section 1.21.

Audit Scope and Objectives

The audit scope for the assessment required Spire to:

- Evaluate the ZAED's processing of permits and land use compliance. Determine if any backlog exists.
- Evaluate the ZAED's enforcement of zoning and land use regulations. Determine if any backlog exists.
- Determine staff morale and the level of customer satisfaction with services provided by the ZAED.
- Review the Zucker Report.

Audit Methodology

We developed an overall audit plan and risk-based strategy to approach and address the audit objectives, which included three distinct stages: planning, fieldwork, and reporting. The assessment covered FY 17 through FY 21 ("Period Under Test").

The planning stage involved obtaining an understanding of ZAED's staffing, scheduling, policies, and practices. Through on-line interviews and written requests, we reviewed documents from ZAED and Planning, including Planning and ZAED policies, procedures, and guidelines; records of applications and application processing; the county zoning code ("MCC Title 19"), and other documentation.

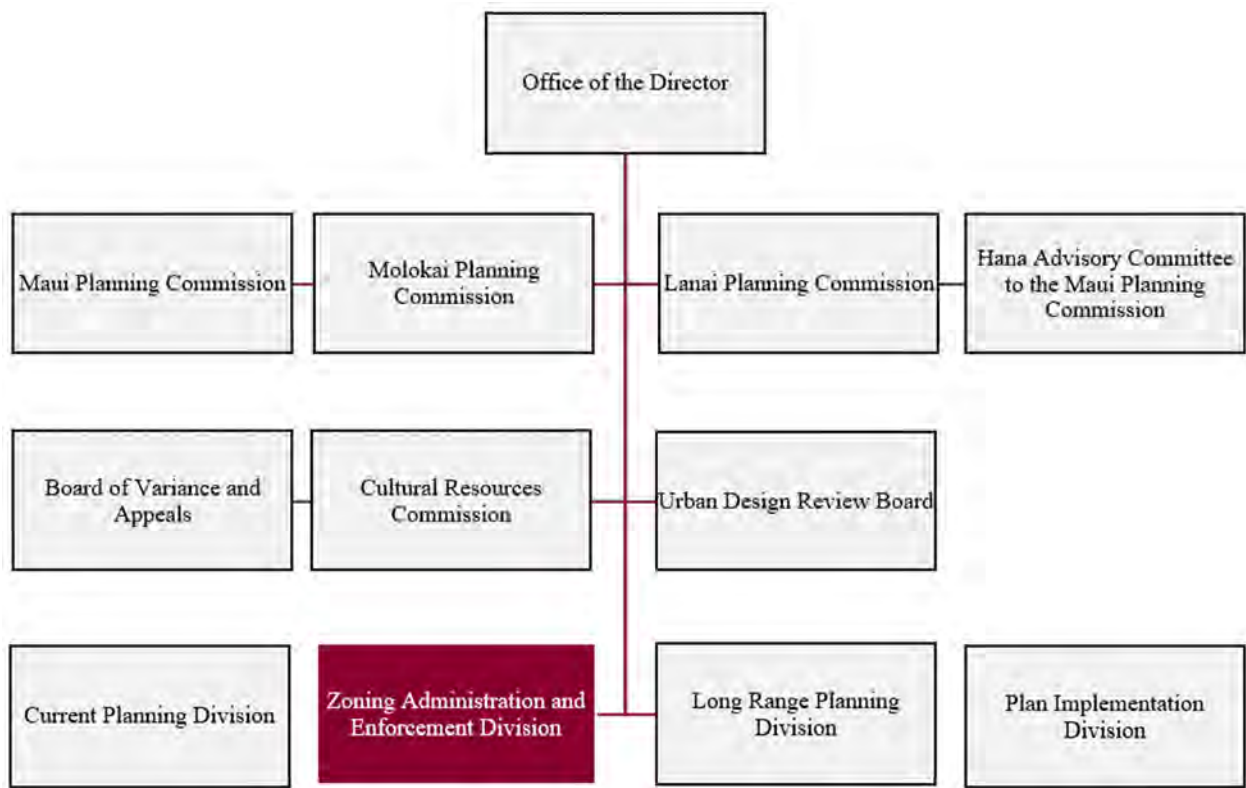
We then identified areas of risk. Based on this risk identification, we developed the following methodology:

1. Review policies and standard operating procedures ("SOPs") regarding application processing and enforcement and benchmarking them against best practice resources, if any.
2. Review applications provided for our examination by ZAED, checking compliance with policies, SOPs, and best practices.
3. Conduct a confidential, voluntary survey to all ZAED employees and analyzing and reporting on results of the survey.
4. Conduct a confidential, voluntary survey of members of the public who may have had contact with ZAED during the Period Under Test.
5. Review documentation and conduct interviews of a sample of present and former employees of ZAED to obtain data on any follow-up actions taken after the Zucker report.
6. Provide findings and recommendations as appropriate.

We also planned to examine internal controls. Of the five components of internal control, control environment, control activities, and monitoring are significant to the audit objectives. The overall tone at the top regarding ZAED’s role and responsibilities, as well as any standards it uses in the application and enforcement process were deemed significant to the audit objectives. The approval of applications and enforcement sanctions were key controls that were significant to our audit objectives. As such, we evaluated the review and approval processes for both during the Period Under Test.

Planning Department Background

The Maui County Charter article 8, chapter 8 provides for the Planning Department, among whose mandated duties are “prepare, administer and enforce zoning ordinances, zoning maps and regulations and any amendments or modifications thereto.”⁵ As part of the enforcement process, ZAED reviews applications under its jurisdiction for compliance with the zoning ordinances, zoning maps and regulations and investigates and cites violations of the same. The following organizational chart shows the location of ZAED in the Planning hierarchy.



⁵ Maui County Charter section 8-8.3.6.

Other divisions of the Planning Department perform the remainder of mandated duties and, in some cases, share ZAED duties. The other divisions of the Planning Department and their duties are:

The Long Range Division is responsible for comprehensive community planning. It has three sections: planning, cultural resources, and GIS. Division duties include preparing updates to the County's general plan, undertaking projects to implement the recommendations in the general plan, and maintaining the department's digital land use database.

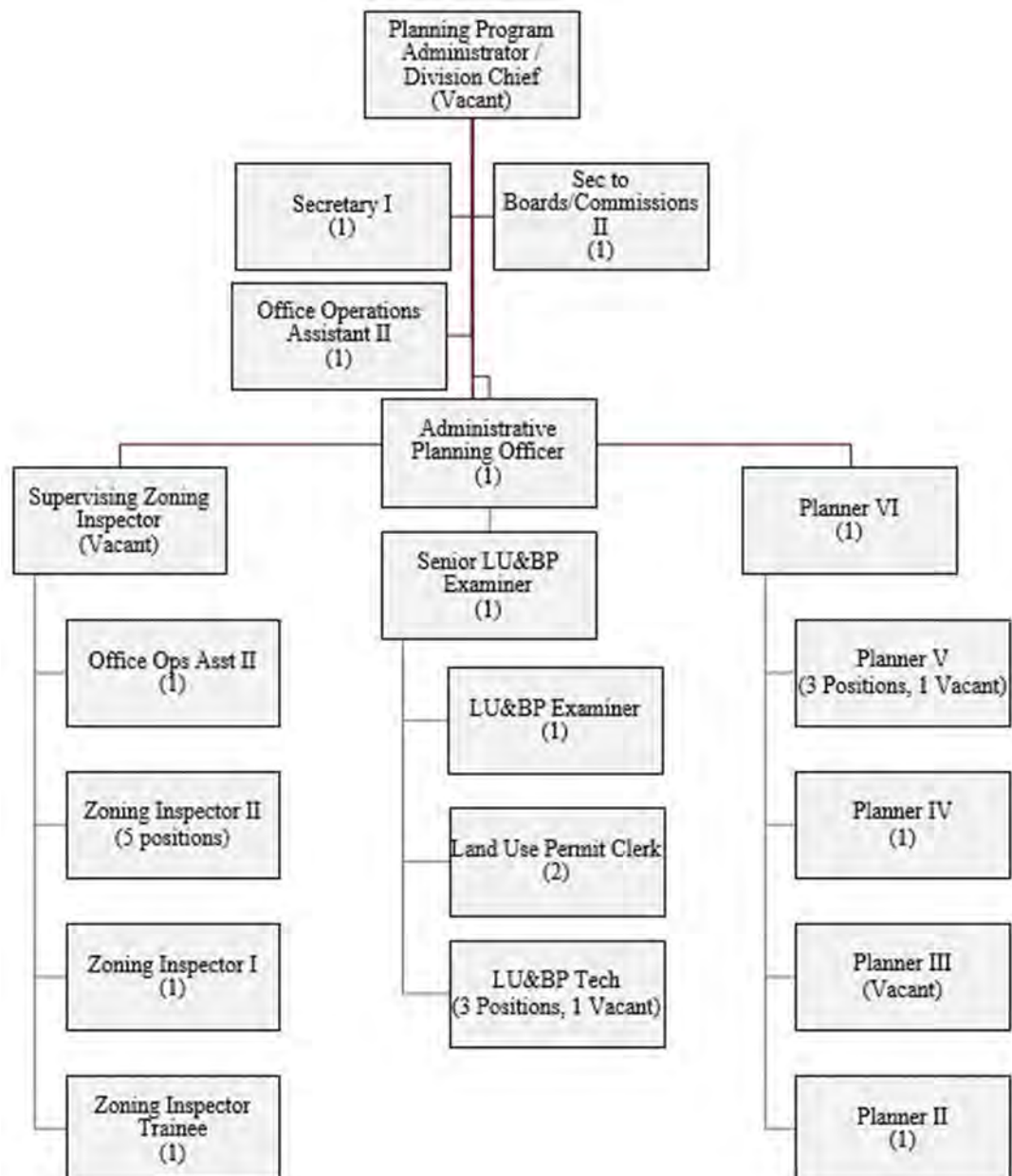
The Plan Implementation Division coordinates with other County departments and State and federal agencies to monitor the County's progress towards the implementation of the General Plan. It develops implementation benchmarks and quality of life indicators to monitor progress towards the attainment of County goals and objectives.

The Current Planning Division reviews and analyzes current planning projects. Its responsibilities include Special Management Area Use Permits, Bed and Breakfast Permits, and Conditional Permits (including transient vacation rentals).

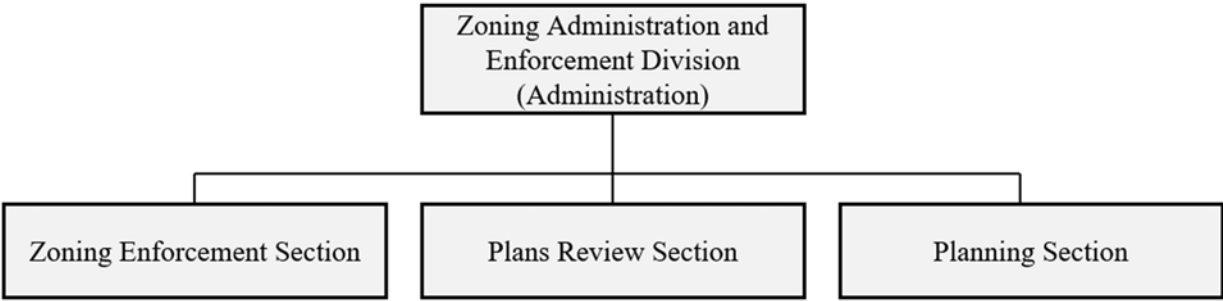
ZAED Background

ZAED processes applications for permits such as for signs and banners, agricultural structure declarations, SMA minor, flood development, parking, and subdivision agreements (agricultural use). ZAED's jurisdiction also includes involvement with variance and appeal applications, providing support for the Board of Variance and Appeals ("BVA"), and processing sign variances through the Urban Design Review Board.

The ZAED has 28 authorized positions, five supervisory and 23 non-supervisory. There were eight vacancies as of December 2021. The organizational charts and missions of the subsections of the Division are shown below.



There are four units within ZAED: Administration, the Zoning Enforcement Section, the Plans Review Section, and the Planning Section.



The missions of ZAED’s units are:

Administration: Provides supervision and support to the Division and serves as the primary liaison to the Planning Director and other Planning divisions.

Planning section: The Planning section currently spends over 50 percent of its time staffing the point of contact service (“POC”), which provides the public with information about planning matters. POC duties are shared with the Plans Review section, with Planning handling the higher level POC issues. The section also provides staffing for the BVA, conducts subdivision reviews, and administers the flood program.

Plans Review section: This section’s primary duty is to review building permit applications that come to the department for approval. The section also reviews land use-related applications and SMA exemption (“SM5”) applications and responds to public inquiries.

Enforcement section: This section investigates complaints filed by the public or by other County agencies. It also issues notices of warning (“NOW”) and notices of violation (“NOV”) when merited after investigation and defends these citations if they are appealed to the BVA.

CHAPTER 2

Summary of Findings

Finding 1. The conditions under which ZAED is required to process applications contribute to lengthy permit review times and inconsistencies. ZAED does not have performance measures for reviewing applications. A backlog of permit applications exists.

Finding 2. ZAED's enforcement of land use and zoning regulations is hindered by a lack of training, forms, and processes. A backlog likely exists.

Finding 3. The employee survey had a high response rate, which usually indicates that employees have high expectations that the survey results may result in some positive outcome. The ratings and comments in the survey clearly indicate that employees have little confidence in Departmental leadership. Departmental leadership is described as heavily politicized, and unconcerned with the welfare or input of staff.

Finding 4. The positive survey responses point to the knowledge and capability of the ZAED staff. Many of the negative responses and comments point to issues to staff empathy with customer issues, responsiveness and timeliness, inconsistencies, and varied interpretations within the application process.

Finding 5. ZAED substantially completed its implementation of the Zucker recommendations within its jurisdiction and control.

Finding 1: The conditions under which ZAED is required to process applications contribute to lengthy permit review times and inconsistencies. ZAED does not have performance measures for reviewing applications. A backlog of permit applications exists.

Background

To review ZAED's processing of permit and land use compliance applications, we obtained an understanding of the application process through interviews with ZAED employees involved in the application review process and requests for documents, workflows, and SOPs relating to the process. We also reviewed documentation of the application review process and processing time through data from the KIVA system used by the County for permitting and enforcement recordation and tracking.⁶

ZAED processes several types of permit and land use applications. Some are processed by ZAED alone, and for others, ZAED is one step in a process that requires approval by multiple government agencies. The types of applications processed by ZAED during the Period Under Test and the purposes for the applications are:

Application or Review Type	Purpose
Building Permit	A building permit is required for the construction, alteration, moving, demolition, repair, and use of any building or structure within the County.
Certificate of Occupancy	A certificate of occupancy is required for buildings and structures that meet the definition indicated in MCC, Title 16.26B.110.
Comprehensive Signage Plan	To encourage uniform and aesthetically acceptable signs among tenants in multi-tenant buildings, a comprehensive signage plan must be submitted for review and approval by Planning.
Farm Plan	A farm plan for a parcel of property in the agricultural district is required prior to the issuance of a building permit for the construction of the first farm dwelling thereon.

⁶ Maui County has used the KIVA permitting and inspection management software since 1995. (*Accela Software, Dublin, CA, www.accela.com*). It is used by the Public Works, Planning, Wastewater, Water, Parks and Recreation, and Fire Departments; and all building, plumbing, electrical, and zoning permitting and inspection functions. Zucker Report, page 48.

Ag Declaration	A declaration is a form that declares a property owner's compliance with HRS chapter 205 and MCC chapter 19.30A. In it, the owner of a parcel declares that the parcel will be developed and used in compliance with County and State regulations relating to the Agricultural Districts in a reasonable and timely manner as determined by the Planning Department.
Flood Development Permit	Issued to regulate construction in areas subject to flood hazards for the protection of life and property, for the reduction of public costs for flood control, rescue, and relief efforts, and to promote the safety, health, convenience, and general welfare of the community.
Parking Waiver/Off-site Approval	This application is required when requesting off-site parking, a parking stall waiver, or parking reduction.
Sign Permit	Issued to regulate and control the erection, location, and maintenance of signs in a manner to protect the public health, safety, morals, and quality of life, and to promote the public welfare while providing a method of effective advertising.
SMA Exemption (SM5)	The purpose of the Special Management Area Assessment is to regulate any use, activity or operation that qualifies as a "Development."
Subdivision	These applications are used when someone wishes to subdivide or reconsolidate land within the County.
Variances and Appeals	Variances provide relief from the strict application of any zoning, subdivision or building ordinances. Appeals provide relief from alleged error by any department charged with the enforcement of zoning, subdivision or building ordinances.
Zoning Verification	The Zoning and Flood Confirmation Form verifies the County Zoning, Community Plan, and State Land Use District designations, and the Flood Zone, and other special districts.

The following table shows the number of applications filed for each permit type during each fiscal year of the Period Under Test, as reported in the Planning Department Annual Reports.

Application or Review Type	Number of Applications				
	FY17	FY18	FY19	FY20	FY21
Building Permits Reviewed	2,081	1,713	1,845	1,764	1,491
Certificates of Occupancy	114	121	106	118	131
Comprehensive Signage Plans	11	10	16	8	5
Farm Plans	117	97	20	N/A	N/A
Ag Declarations	N/A	N/A	172	210	179
Flood Development Permit	43	68	80	139	103
Parking Waivers/Off-site Approvals	7	8	2	16	12
Sign Permits	91	69	101	62	66
Banner Permits	298	238	265	173	107
SMA Exemptions (SM5)	336	259	271	130	159
Subdivisions	382	364	394	468	431
Variances and Appeals	14	12	29	18	27
Zoning Verification Forms	3,340	3,794	4,933	2,894	3,197

The Planning Department and ZAED provided no information that indicated internal or external standards for timeliness in the application process except for MCC section 16.26B.105.3.1., which states:

“105.3.1 Action on application. The application, construction documents and other information filed by an applicant for a permit shall be reviewed by the building official. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. Upon receipt of all required construction documents, the building official shall provide such documents to appropriate state and county departments for comments. In addition, the building official shall review such documents for compliance with this code and other codes the building official is responsible for administering. The departments shall provide their concurrence or provide substantive written comments on the construction documents no later than 30 calendar days from the date the building official sends the required documents to the departments (15 calendar days for second submittal and 5 calendar days for subsequent submittals). The building official may defer consideration of the building permit pending receipt of additional information from either the applicant or comments from a reviewing department, in which case the running of time is suspended. If reviewing departments do not provide comments within the required time period, the building official shall consider the department as having no comment on the construction documents, unless the building official requires a response from a reviewing agency as specified above. The failure of any reviewing department to comment within the specified time period shall not relieve the applicant of the responsibility to comply with all applicable laws, whether required by the County, State or United States governments, which may include obtaining other required permits prior to construction. Neither the building official in issuing a permit nor the County of Maui shall be responsible for the applicant's failure to comply with any applicable laws. After the time frame for comments has elapsed and the building official has received all required documents, the building official shall review the comments provided and shall approve the permit as submitted, or as it may be modified, or shall disapprove the same and shall express the disapproval and the reasons therefor in writing.”

Data provided by the DPW shows that ZAED effectively complied with the statutory requirement in FY 2021, having achieved 95 percent compliance, but did not perform as well in FY 2018 through 2020. There was no data for FY 2017. ZAED therefore complied with the MCC requirement in only one of the five fiscal years of the Period Under Test. Also, in its Annual Report, the Planning Department reported higher compliance rates in FY 2018, 2020, and 2021 than the data maintained by DPW, as shown below. These discrepancies indicate that ZAED needs to review and revise how data in the annual report is collected and maintained to ensure accuracy and consistency with the DPW reporting.

Per Data from the Department of Public Works						
Fiscal Year	30 Day Review	Exceeded 30 Day Review	Not Yet Reviewed	Total	Percent in Compliance with 30 Day Review	As Reported in Planning Department Annual Report
2018	1,382	193	246	1,821	76%	81%
2019	598	337	775	1,710	35%	35%
2020	983	324	417	1,724	57%	98%
2021	1,591	48	34	1,673	95%	98%

Notwithstanding the MCC requirement to review applications within thirty days, building permit approval and issuance may take much longer. Causes for delays within ZAED include the lack of performance measures relating to timeliness and staffing shortages. Delays due to factors external to ZAED include the delays by other agencies and applicants' failure to provide timely responses to questions about their applications.

The Planning Department reports on certain "performance measures" applicable to ZAED's work in its Annual Reports, comparing actual permits or other matters reviewed to an estimate for that year. However, as the Department itself notes: "many of the measures are data, not indicators of performance...but do not necessarily reflect good or poor performance."

The following are examples of existing measures that could be considered data, not performance measures, because they are influenced by factors outside ZAED's controls:

- Number of building permits reviewed
- Number of zoning verifications performed
- Number of zoning complaints investigated
- Number of sign and banner permits issued
- Number of flood development permits issued
- Number of special management exemptions issued

- Number of special management area minor permits approved
- Number of formal, written requests comments addressed
- Percent of zoning complaints unresolved resulting in NOV

Counting the numbers of permits reviewed or issued does not necessarily indicate performance, since that number might fluctuate depending on the number of permit applications filed that year. Further, the performance goal, or “Estimate,” is set by the Department, and ZAED employees do not know how those numbers are calculated. The measure relating to the percent of zoning complaints unresolved is also an unreliable indicator of performance, since the cited party plays a large role in deciding whether a violation continues.

The insufficiency of numerical goals was stated in an audit of the planning department of the City of Albuquerque. That planning department was operating under a complete performance management system that included performance standards against which actual performance was reported, monitored, and compared. These performance standards were set annually and used in performance-based budgeting. The audit report noted that the planning department used to have customer service goals of turnaround time on residential plan reviews and turnaround time on commercial plan reviews. However, these goals were substituted for a single goal of reviewing 7,550 plans a year. The audit concluded that this new numerical goal did not monitor the timeliness of customer service.⁷

The plan review process of the City of Durham, North Carolina, uses performance measures related to timely review of applications. Its internal standard was to review 90 percent of building permits within five business days for residential properties and eight business days for commercial properties.⁸

Similarly, in an audit of the discretionary permit process, the Internal Audit Division of the City of Riverside, California noted and recommended that:

“Performance Measures/Metrics Proper performance indicators (metrics) reflect the direct efforts of an organization in meeting its defined objectives. They often encourage performance improvement, effectiveness, and efficiency in day-to-day operations. To ensure timely and comprehensive review of planning applications, we suggest the division consider establishing performance indicators and analyze trends and rate-of-change over time, to include but not limited to:

Percentage of all applications in which case assignment is made within 10 workdays;

⁷ “Audit: Permit and Inspection Processes Planning Department 05-105,” City of Albuquerque Office of Internal Audit and Investigations, February 28, 2007, page 12.

⁸ Audit Services Department, City of Durham, North Carolina, “Permit Application Review Process Performance Audit,” September 2013, page 13.

Percentage of applications/cases reviewed, and their completeness determined within 30 days of submission, per the California Streamlining Act;
Percentage of applications/cases determined complete, and a decision made within 60 days (for cases that do not require an environmental impact report) per the Streamlining Act;
Percentage of all variance applications decided within 120 days;
and
Percentage of applications requiring Commission action brought to hearing within 90 days.”⁹

In its “Draft Strategic Plan 2021-2026,” the Planning Department states that it plans to use the following as performance measures:

- Customer service ratings related to consistency and fairness of decision-making processes and administration.
- Set internal standards for turnaround time for each step of the permit process. Track and review languishing permits on a monthly basis.
- Average turnaround time for permit processing, by permit type.
- Define strong customer service and create service standards for each division within the Department.

If imposed, the standards would appear to be an improvement over the current performance measures. The Department is also considering using customer survey feedback on the quality of customer service and increased community involvement in planning initiatives as additional performance measures. We would urge the Planning Department to carefully consider whether these measures are quantifiable and can reflect good or poor performance. The Department could also consider having ZAED participation when performance measures are set to ensure reasonableness.

Further, the Department and ZAED should consider establishing a process where performance goals are monitored throughout the year and compared to goals. This would allow management to analyze why targets are not being met and address causes, such as reviewers having to deal with changes to laws or SOPs or the performance of individual reviewers.

In addition to setting performance goals related to timeliness, ZAED faces staffing issues caused by vacancies and turnover, and the imposition of additional workload without sufficient consideration for staffing.

In the eight months since we began our audit work, the Planning Program Administrator/Division Chief, the Supervising Zoning Inspector, and the Senior Land Use and Building Plan Examiner departed from ZAED. Only one of these positions has been filled as of January 2022. These three positions represented the

⁹ Zoning Administration & Discretionary Permit Process,” Internal Audit Division, Office of the City Manager, Riverside, California, AU 13-05, April 2013, pages 3-4.

majority of ZAED's supervisory personnel. Since experienced staff is relied upon to provide guidance or historical information to newer staff, the result is a significant loss of expertise.

Additional turnover could be expected, based on the results of the employee survey. Recruitment to fill these positions will not be easy. The County, like other employers, is faced with difficult employment conditions because the pool of prospective employees is much smaller than the jobs available. The extent of the shortfall is shown in a workforce analysis by Emsi¹⁰ for the first quarter of 2022. That analysis shows that of the 80,150 persons in the Maui labor force, 56,340 may be retiring soon,¹¹ which is more than the national average. There are only 31,915 millennials in the County and only 5,586 unemployed to potentially fill these positions. The small applicant pool means that ZAED needs to focus on retaining its existing employees to avoid more vacancies. Any retention strategies should address the concerns in the employee survey and the reality that salaries and other terms and conditions of employment need to keep pace with the non-County employment market.

ZAED employees who review applications do not spend all their time reviewing applications. An availability study of the Planning Department completed in December 2009¹² showed that after deducting vacation, sick, and other non-productive hours out a total of 2,080 working hours per year, Planning Department employees would have approximately 1,483 hours (72 percent of total working hours) available for performing their duties. These 1,483 available hours are further reduced by job descriptions that allocate the time that should be spent on application review. As an example, the job description for ZAED's Land Use & Building Plans Technician allocates only 50 percent of that position's time for applications.

Interviews with ZAED employees disclosed that the number of hours available to review applications is further decreased by additional duties and workloads. These include short-term rental regulation, which appears to be a responsibility of the Current Division. As a prior audit of Maui County's zoning code observed:

“Short-term rentals take up the lion's share of permitting review and enforcement staff time for Maui County's Zoning and Enforcement Division (ZAED); this is an indicator that the current structure and administration of this land use activity needs review...”¹³

¹⁰ Emsi is a nationally recognized economic data company that serves as an economic data analytics advisor.

¹¹ Emsi defines “retiring soon” as the working population that is above 55.

¹² User Fee Study, Department of Planning, County of Maui, Hawai'i. Dated December 2, 2009.

¹³ Orion Planning + Design, Title 19 Zoning Code Audit Final Report (“Title 19 Report”) March 2018, page 20. See <https://www.mauicounty.gov/DocumentCenter/View/112081/MCC-Title-19-Zoning-Audit-Report-and-Appendices-March-2018-?bidId=>

Another program reducing available review time is the public inquiry “hot line,” or POC initiative staffed by ZAED employees. This activity offers a one business day turnaround for questions about zoning and related applications. Employees reported that staffing the hot line takes away from their regular duties, and that they are required to deal with many extraneous calls for other Planning sections or unrelated County agencies. Although the hot line may be a valuable public service, consideration should be given to the reality that providing staffing this service is at the expense of resources that could be used reviewing applications.

We analyzed available application processing data in the KIVA system and observed that the average number of days between application filing and the issuance of the permit generally improved in FYs 2020 and 2021, as shown below.¹⁴

Permit Type	Fiscal Year Entered in KIVA				
	2017	2018	2019	2020	2021
Building Permit	182.8	246.7	219.4	235.6	170.0
Banners	9.0	7.0	5.0	4.6	1.9
Certificates of Occupancy	541.9	424.9	465.7	293.8	175.7
Flood Development Plan	131.0	205.8	186.3	104.0	91.7
Signage	48.8	42.6	21.2	13.6	29.0

As further demonstrated in the table below, building permits may take multiple years from the time they are submitted to the County until the permit is issued.

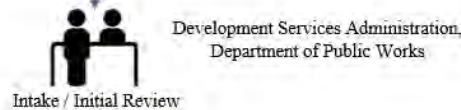
FY Entered in KIVA	FY Issued						Not Issued / In Process	Total
	2017	2018	2019	2020	2021	2022		
2017	878	500	53	19	11	1	188	1,650
2018		827	657	125	33	12	223	1,877
2019			717	559	123	15	269	1,683
2020				629	600	85	383	1,697
2021					550	509	654	1,713
Total	878	1,327	1,427	1,332	1,317	622	1,717	8,620

¹⁴ We were only able to determine the average number of days between the date which the application was entered into KIVA and the date which the permit was issued for these permit types. Other permit types such as SM5 are only entered into KIVA on the same day that the permit is issued. As such, the KIVA data does not appear to accurately reflect the number of days that it takes to complete the work.

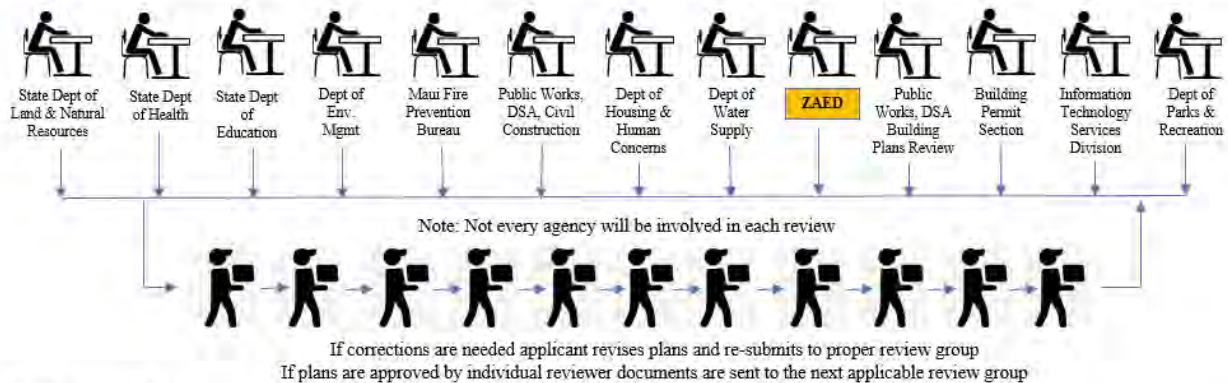
A significant reason for the length of time in processing applications is the involvement of multiple county and State agencies in the review process. The Maui County website relating to building permits¹⁵ lists State and County agencies that could be involved in the review process, and we identified more in the fieldwork. The multi-agency review process is depicted as follows.¹⁶

Application Submission

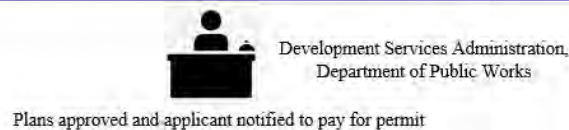
Building Permit Applications



Plan Review



Plan Approval



¹⁵ <https://www.mauicounty.gov/1208/Building-Permit>.

¹⁶ The diagram is based on a graphic in an audit of the building permit review process for the City and County of Honolulu. The graphic used in that audit was revised based on the differences between the organizational structure of the Honolulu and Maui County permitting agencies. Maui has different aspects of building permit review separated between the Departments of Planning and Public Works, while Honolulu consolidates these functions in one department.

Since the reviewing agencies are diverse and have their own priorities, it is not unusual to have substantial delays when agencies see application processing as a lower priority than other activities. The following table shows agencies' compliance with the 30-day building permit review requirement.

Department	Fiscal Year			
	2018	2019	2020	2021
Building Plans Review (DPW)	99%	94%	82%	35%
Planning Dept (ZAED)	76%	35%	57%	95%
DLNR	11%	20%	10%	38%
DOE	83%	99%	98%	98%
DSA Engineering	99%	96%	98%	97%
Environmental Management	99%	100%	60%	49%
Fire	37%	20%	26%	23%
Health	84%	88%	89%	85%
Housing	97%	99%	98%	99%
MIS/ITSD	100%	100%	100%	67%
Parks	92%	93%	98%	100%
Permits	0%	0%	97%	99%
Water	92%	96%	98%	83%

It is important to note that the table shows that agencies outside of ZAED significantly contribute to processing time. The Title 19 Report recommended the formation of technical review committees to shorten review times.

“Technical review committees (TRC) are commonly used local government bodies created to work as a team in the review and permitting of land development and site plan proposals. They are often staff only committees not subject to open meetings laws. They include members from all divisions and departments involved in the process and sometimes include staff from outside agencies such as Hawai‘i DOT. The greatest benefit of TRCs is the coordination of reviews and review comments which can lead to more efficient and faster processes. They are typically only used for more complicated applications such as subdivisions, large residential developments, and commercial and industrial developments that require detailed review, special approvals, or formal recommendations by staff. The planning department normally chairs and coordinates the work of the committee.”¹⁷

Applicants may also delay the process by not responding to requests by the reviewing agencies to supplement or correct applications. We were informed that applicants could take months to respond.

¹⁷ Title 19 Report page 28.

We analyzed available data in KIVA related to when ZAED completed its review of applications. The data shows that for building permits, from FY 2017 to FY 2021, ZAED completed its initial review on average 31.4 days after the application was received. However, on average, another 80.8 days passed between ZAED's initial review and its final review, indicating that additional delays occurred for reasons such as information had to be requested from the applicant prior to the ZAED's final approval being given. Further, it took an average of 105.4 days between ZAED's approval and the date the permit was issued, indicating other delays, such as other departments or agencies needing to complete their reviews after ZAED signed off on the application, or applicants failing to pay permit fees on time.

Best practices for addressing delays from incomplete or defective applications include issuing detailed "how-to" instructions and explanations that will help applicants understand the permitting process and requirements from the outset. The Title 19 Report observed and recommended:

"At over 600 pages, Title 19 is a formidable document to read, digest and interpret - this holds true for the professional planner and members of the public alike. Creating a User's Manual by which to navigate the code allows processes to be described simply and straightforwardly, and expectations to be clearly defined. In many cases, this type of guidance document reduces the amount of staff time dedicated to explaining a process or requirement, by putting relevant information in the hands of the applicant in a format that is accessible (in ways the code is often not). Coupled with an ombudsman (if appropriate), a User's Guide will go a long way toward building trust and elevating the public's understanding of the regulations that apply to them."¹⁸

The findings and recommendations contained within the Title 19 Report were meant to be implemented collectively in concert with one another to develop a system of planning that would help to build ruling and judgement consistency within the permitting process by aligning the county plans and developing cohesive codes. When implemented together, the recommendations, would provide the clarity for plan reviewers in ZAED, provide clarity and consistency for zoning enforcement officers and encourage greater consistency within the division.

Consistency in ZAED decision-making is important because without it, the public will not be protected as required by law, applicants may not be treated fairly, and trust in the regulatory system may be lost. Consistency in application processing requires that SOPs, administrative rules, and laws that govern processing and enforcement are clear and understood by applicants and reviewers. For ZAED, this is not the case, so inconsistency results.

¹⁸ Title 19 Report, page 138.

To review applications in its jurisdiction, ZAED must comply with numerous County and State laws and regulations:

Building Permit

A building permit is required for the construction, alteration, moving, demolition, repair, and use of any building or structure within the county.

Regulations:

- Title 16, MCC
- State Residential Code 2012 IRC
- State Building Code 2012 IBC

Certificate of Occupancy

A Certificate of Occupancy is required for buildings and structures that meet the definition indicated in Title 16.26B.110, MCC.

Regulation:

- Title 16.26B.110, MCC

Comprehensive Signage Plan

To encourage uniform and aesthetically acceptable signs among tenants in multi-tenant buildings, it is necessary for a Comprehensive Signage Plan to be submitted for review and approval by the Planning Department.

Regulation:

- Section 16.13.160.B.1.e, MCC

Ag Declaration

The Declaration is a form issued by the Director that declares a property owner's compliance with HRS chapter 205 and chapter 19.30A, MCC. The owner of parcel must declare that the subject parcel will be developed and used in compliance with County and State regulations relating to the Agricultural Districts in a reasonable and timely manner as determined by the Planning Department.

Regulations:

- Administrative rules relating to Agricultural Districts
- Chapter 19.30A, MCC
- HRS chapter 205

Flood Development Permit

This permit regulates construction in areas subject to flood hazards.

Regulations:

- Chapter 19.62, MCC
- DLNR Engineering Division requirements
- National Flood Insurance Program

Parking Waiver/Off-site Approval

This application is required when requesting off-site parking, a parking stall waiver, or parking reduction.

Regulation:

- Chapter 19.36B, Section 19.36B.100, MCC

Sign Permit

The purposes of this permit requirement are to regulate and control the erection, location, and maintenance of signs in a manner to protect the public health, safety, and morals, to promote the public welfare while providing a method of effective advertising, to preserve the quality of life in the County of Maui by retaining the natural beauty of landscape, view, and attractive surroundings of the County.

Regulation:

- Chapter 16.13, MCC

SMA Exemption (SM5)

The purpose of the Special Management Area Assessment is to regulate any use, activity or operation that qualifies as a "Development". Certain statutory exceptions are allowed.

Regulations:

- Maui SMA Rules
- Molokai SMA Rules
- Lanai SMA Rules
- HRS chapter 205A

Subdivision application

These applications are used when someone wishes to subdivide or reconsolidate land within Maui County.

Regulations:

- Title 18, MCC
- DSA Subdivision Processing Guidelines

Zoning Verification Form

The Zoning and Flood Confirmation Form verifies the County zoning, community plan, State land use district designations, flood zone and other special districts for parcels of land located within the County of Maui.

Regulations:

- Title 19, MCC
- Community Plan
- State Land Use District maps
- Flood Zone

Additionally, ZAED must adhere to written policies and procedures for processing, reviewing, and approving applications, permits, and land use compliance incidents. We requested such policies and procedures. In response, we received only two administrative rules, covering Administrative Procedures and Civil Fines for Violations and Agricultural Rules. We received four SOPs covering the following subjects:

- Processing of Request for Service (RFS)
- Enforcement Procedures
- SM5 Exemption Procedures
- SMX Processing Procedure

We were also provided Departmental memoranda covering 26 topics and consisting of 76 pages covering the following subjects:

- Time Frame for Returning Phone Calls and E-mails
- Procedures for Requesting Leave
- Personnel on Call (POC) Coverage
- Walls and Fences in Setback Areas - Revised
- Retaining Walls
- Special Management Area Assessments for Single-Family Dwellings and Accessory Dwellings
- Regulation of Tiny Homes, Trailer-Homes, Mobile Homes and RVs
- Regulation of Tiny Homes, Trailer-Homes, Mobile Homes and RVs Part 2
- Special Management Area Assessments for Tenant Improvements in Multi-Tenant Commercial Developments, Apartments, Duplexes, Single-Family Dwellings and Accessory Dwellings
- Parking Lots and EV Regulations
- Special Management Area Assessments for Apartments
- Temporary Construction Base yard
- Bathrooms and Showers for Accessory Buildings and Structures
- Calculation of Floor Area for Single-Family Residences Under Special Management Area (SMA), Hawaii Revised Statutes (HRS) 205A-22, Exemption for Single-Family Residences Less Than 7,500 Square Feet

- Opinion on Whether Land Use Commission Exceeded its Authority When it Adopted Section 15-15-25(b), Hawaii Administrative Rules ("HAR"), Relating to Permissible Uses of Agricultural District Land for Class C, D, E, or U.
- Proposed Amendments to Chapter 2.80B, Maui County Code, Relating to the Community Plans and Zoning
- Policy on Temporary Construction Employee Parking for Developments Under Construction
- Determination of Front of Lot (Amended)
- Roof Eaves in Yards and Setbacks
- Rooms Connected to be a Dwelling Unit
- Designated Number of Parking Spaces for Hotels and Apartments
- Structures in the Building Setback Area
- Setback According to the Story
- Interpretation of Parking Requirements for Mixed Use Development in the Business and Industrial Districts
- Policy on Substandard Minimum Lot Area for Utilities Located Within All Zoning Districts
- Parking for Temporary Events
- Special Management Area Assessments for Improvements in Multi-Tenant

These memoranda, along with the over 600 pages of rules identified in the Title 19 Report,¹⁹ illustrate the complexity and volume of information that must be reviewed in making many application processing decisions. We were not able to identify the reasons that these memoranda were not codified or converted to administrative rules or SOPs. However, the Title 19 Report surmised that the need for the numerous internal memoranda is “..undoubtedly attributable to the fact that Title 19 as it is currently written is outdated and difficult to apply without a lot of interpretation and additional explanation.”²⁰

Unfortunately, the memoranda are not widely distributed or indexed. In interviews, we learned that less experienced staff often learn about the contents of the memoranda from the more experienced ZAED staff. Planning and ZAED should consider codifying or otherwise making the policies in the memoranda more widely distributed and easier to find, so staff decisions in the subjects covered could be more consistent. ZAED’s Administrative Planning Officer is working to index some of the memoranda, but this project is limited to memoranda regarding the residential zoning district and is only being done as time allows. Since ZAED does not have its own budget, it must rely on the Department to provide the resources necessary to collect, index, and distribute the memoranda.

¹⁹ The Title 19 Report, issued in March 2018, notes that the audit team discovered there were over 600 pages of rules at that time. Title 19 Report, page 14.

²⁰ Title 19 Report, page 14.

The policies in these memoranda can also be superseded by instructions sent verbally or by email. An example is the provision in “Structures in the Building Setback Area,” which prohibits any aboveground or underground structures in a setback area. We were informed that ZAED received instructions that swimming pools should be allowed in the setback despite the memo, causing concerns about access if there is a fire.

Widely disseminating these policy memoranda could also level the playing field so that applicants or their consultants who frequently interact with the Department cannot use knowledge they have gathered over the years about the unpublished policies to their advantage.

If the laws and regulations used to review permits are not clear, the risk of inconsistency increases. Further, if the Department or Corporation Counsel does not provide clear guidance about which requirements control and how to resolve conflicts among the requirements, there is an increased risk that reviewers will reach their own conclusions and decisions will not be consistent.

The lack of clarity in the County Zoning Code was reviewed in the Title 19 Report:

“Zoning codes are full of planning jargon, legalese, and often unnecessarily wordy or obtuse statements. Title 19 is no exception. To the extent possible, Maui should simplify its code and make it more readable. Details on how this might be accomplished are included in Appendix IV, Practical Tips for Code Writing. Included in Appendix V is a detailed look at specific recommendations by section of the current code. These recommendations highlight opportunities for making Title 19 simpler, better organized, better written, and easier to understand.”²¹

ZAED, the Planning Department, and the Council should consider reviewing the recommendations in the Title 19 Report that address clarity and adopt the recommendations they deem relevant and feasible.

To provide consistency, staff from Permit Review and Enforcement stated that their sections often discuss issues they are facing in their work. These discussions enable individual reviewers to test their conclusions with others in the section. Additionally, since the Permit Review offices are small, staff can overhear others’ conversations. This situation is represented as providing a degree of quality control. However, these measures are not enough, and the Department and ZAED should consider implementing or improving internal control and quality control processes. These could include standards for reviewing applications, procedures that mandate review by the Division head in certain instances, and performance measures that assess quality and timeliness.

²¹ Title 19 Report, page 15

As to the existence of a backlog, the former head of the section stated that a backlog exists, which has been caused by staffing issues and focusing efforts on the new automated permitting system. We examined data from the KIVA system to determine whether a backlog exists. Using building permits as an example, the data may indicate a backlog because the number of applications filed exceeded the number of permits reviewed in fiscal years 2018 and 2021, as shown below.

Fiscal Year	Number of Building Permit Applications Entered in KIVA ²²	Number of Building Permit Applications Reviewed ²³	Difference
2017	1,650	2,081	(431)
2018	1,877	1,713	164
2019	1,683	1,845	(162)
2020	1,697	1,764	(67)
2021	1,713	1,491	222

Recommendations:

1. The Department and ZAED should jointly create and adopt quantifiable performance measures that reflect good or poor performance. In its “Draft Strategic Plan 2021-2026,” the Planning Department states that it plans to implement improvements over the current performance measures. However, these include using customer survey feedback on the quality of customer service and increased community involvement in planning initiatives, which may not be quantifiable or reflective of performance. Further, the Department and ZAED should consider establishing a process where performance is monitored throughout the year and compared to goals. This would allow management to analyze why targets are not being met and address causes, such as reviewers having to deal with changes to laws or SOPs or the performance of individual reviewers.
2. To address delays caused by a system that requires the involvement of multiple county and State agencies in the application review process, the County should consider implementing the recommendations in the Title 19 Report and explore the formation of technical review committees that include State and County agencies to shorten review times.

²² Source is KIVA data provided by ITSD.

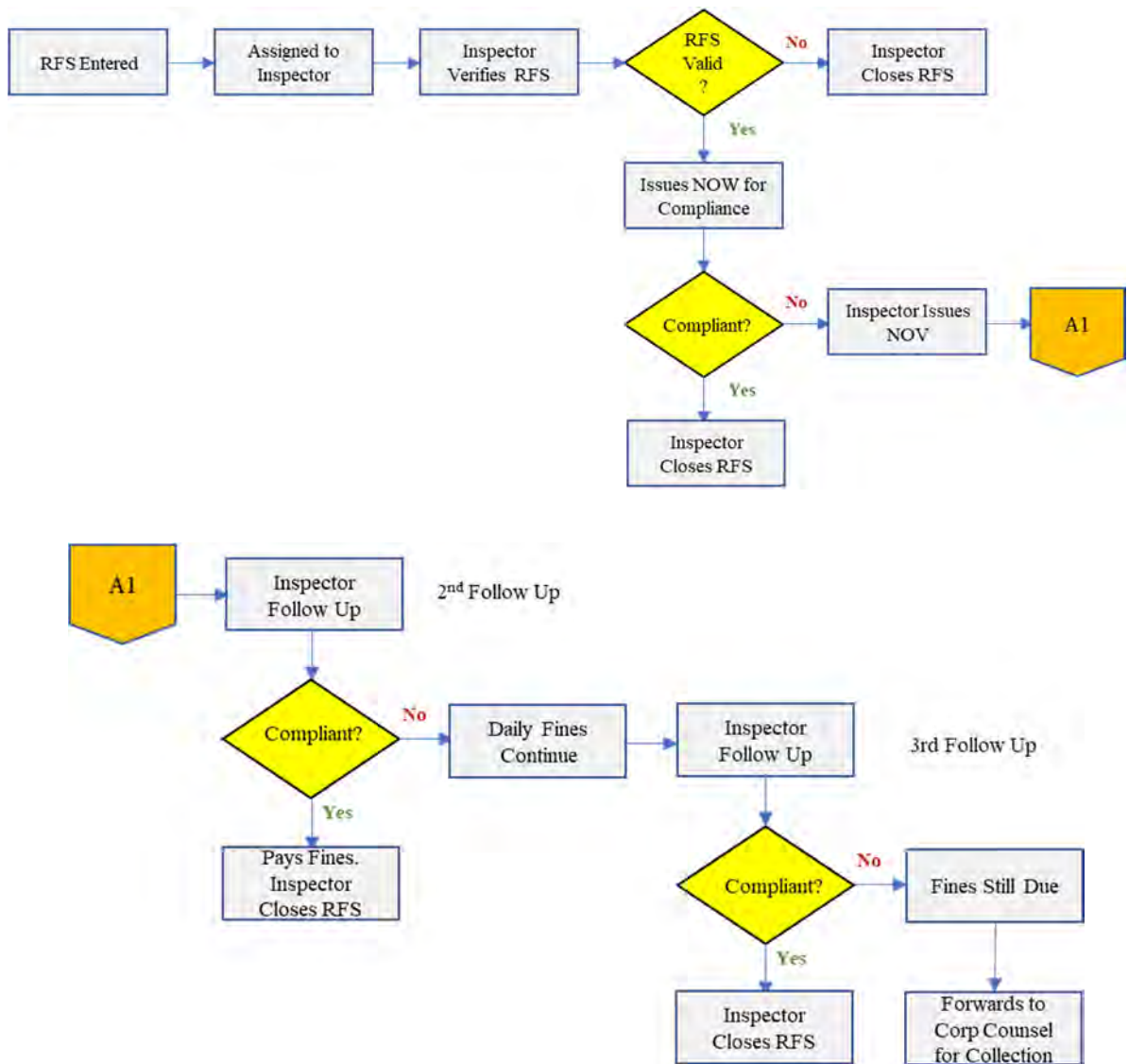
²³ Source is the Department of Planning Annual Reports for each of the fiscal years.

3. To address delays caused by applicants' failure to respond to requests by the reviewing agencies to supplement or correct applications, the County could consider best practices for addressing delays from incomplete or defective applications including establishing response windows and issuing detailed "how-to" instructions and explanations that will help applicants understand the permitting process and requirements from the outset.
4. To reduce risk to the County from inconsistency, the Department should consider accelerating the revisions to Title 19 and other policies and documents governing land use as recommended in the Title 19 Report, to the extent relevant and feasible. Planning and ZAED should also consider codifying or otherwise making the policies in the numerous internal memoranda more widely distributed and easier to find, so staff decisions in the subjects covered could be more consistent and known to the public.
5. To address its backlog and loss of institutional knowledge, the ZAED sections reviewing applications should quantify their personnel and resource needs and make them known to the Director, who determines what ZAED receives from the overall Planning budget. Given the limited availability of qualified persons to fill vacancies, the Department and ZAED should also develop retention strategies (including addressing issues in the employee survey, compensation plans, and succession plans) so that existing expertise is not lost prematurely.

Finding 2: ZAED’s enforcement of land use and zoning regulations is hindered by a lack of training, forms, and processes. A backlog likely exists.

Background

The Enforcement section primarily responds to RFSs, which are complaints from the public. It also responds to requests from other sections in Planning or county agencies. The position of the Director is that it does not have sufficient personnel to conduct other types of investigations, such as stopping to inspect potential violations while driving by. A flow chart of the enforcement process is as follows:



If a violation is found following investigation, the section issues a NOW to the property owner. If the owner does not resolve the illegal activity after receiving the NOW, and the Department confirms a violation exists, a NOV is issued. The NOV include fines and a compliance deadline. The number of RFSs filed in FY 2020 and 2021 compared to the number of NOVs issued by problem code²⁴ is shown in the following table.

RFS Problem Description	Total RFS Filed	NOWs Issued	NOVs Issued	Percent of RFS Resulting in NOV
Bed & Breakfast	140	79	13	9.3%
Beach Access	21	4	1	4.8%
Design Guidelines	1	1	-	0.0%
Farm Plan	14	3	1	7.1%
Flood Zone	19	8	4	21.1%
Height	17	3	-	0.0%
Historical District	13	5	2	15.4%
Home Occupation	56	19	1	1.8%
Miscellaneous	32	7	5	15.6%
Maui Redevelopment Agency	4	-	-	0.0%
Multi-Family Use	100	42	4	4.0%
Accessory (Ohana) Dwelling	11	7	-	0.0%
Parking/Landscaping	27	4	1	3.7%
Request Access to Government Records	38	N/A	N/A	N/A
Shoreline Area	27	11	10	37.0%
Signs	40	9	1	2.5%
Special Management Area	149	59	15	10.1%
Short-Term Rental	382	122	33	8.6%
Special Use Permit	3	1	-	0.0%
Transient Vacation Rental	9	3	-	0.0%
Land Use	114	32	3	2.6%
Yard (Setback)	85	37	5	5.9%
No Description Given	2	-	-	0.0%
Total	1,304	456	99	7.6%

²⁴ Problem codes are entered by ZAED inspectors into the KIVA system when the RFS is reviewed. Due to the volume of RFSs reported to the County and the format in which the data was provided to us, we were only able to analyze the RFS data in detail for FY 2020 and FY 2021.

RFSs are assigned by the Supervising Zoning Inspector to staff assigned to the geographic area where the alleged violation occurred. The following table shows that RFSs relate primarily to alleged violations in Kihei, Lahaina, Haiku and Wailuku. Therefore, ZAED needs to monitor whether assignment by geographic areas results in uneven workloads.

City	Total RFS Filed	NOWs Issued	NOVs Issued	Percent of RFS Resulting in NOV
Haiku	157	59	6	3.8%
Haliimaile	4	6	-	0.0%
Hana	22	10	3	13.6%
Kahului	35	8	-	0.0%
Kaunakakai	30	14	3	10.0%
Kihei	259	92	16	6.2%
Kualapuu	1	1	-	0.0%
Kula	47	31	6	12.8%
Lahaina	203	69	23	11.3%
Lanai City	11	3	-	0.0%
Makawao	24	13	2	8.3%
Maunaloa	4	3	-	0.0%
Paia	74	23	9	12.2%
Pukalani	20	7	-	0.0%
Wailea	1	-	-	0.0%
Wailuku	136	54	11	8.1%
None	276	63	20	7.2%
Total	1,304	456	99	7.6%

NOVs are governed by the following:

- Maui SMA Rules
- Molokai SMA Rules
- Lanai SMA Rules
- Chapter 16.13, MCC
- Title 19, MCC
- Rules for administrative procedures and civil fines for violations of Chapter 16.13 and Title 19, MCC

The Enforcement section also prepares cases when appeals are filed with the BVA. The BVA rules on appeals from NOVs, ZAED determinations regarding any zoning, subdivision or building ordinances, and appeals from the determination of any department charged with the enforcement of zoning, subdivision or building ordinances.

Examination of the enforcement process identifies two issues that hamper enforcement. The first is the need to improve training, forms, and processes to enable inspectors to work more efficiently and effectively, and for their decisions to be more consistent. The second is the section's backlog.

Interviews, review of forms, and employee survey results produced anecdotal evidence that employees recognize the need for additional tools to improve their ability to enforce. Tools needed include training, clearer and more understandable forms and procedures, and more legal support from Corporation Counsel.

Although Dale Carnegie training regarding customer service was provided to ZAED in 2021, and generally found helpful by employees, more training is needed.

The importance of good training for land use regulators and well-designed land use regulation in reducing risk for local government is detailed in a 2006 study entitled "Reducing the Risk of An Ounce of Prevention: BEST PRACTICES FOR MAKING INFORMED LAND USE DECISIONS" by the Institute for Local Government ("ILG Study").

The study begins with a quote from a Supreme Court justice: "[a]fter all, a policeman must know the Constitution, then why not a planner?"²⁵ The ILG Study explains that the premise of this quote is that "[i]f frontline police officers must know and enforce the nuances of constitutional law in the heat of law enforcement activities, why not ask the same of those making land use decisions?"²⁶ The ILG Study explains that the publication started out as a guide to minimizing the risk of litigation. But the research revealed that "often the best way to avoid litigation is to implement good decision-making processes."²⁷

Part of a "good decision-making process" is that inspectors and others who determine whether actions meet or do not meet legal standards must be aware that their work is like that of law enforcement and must be trained to understand the enforcement scheme including the rights and responsibilities involved.²⁸ They are

²⁵ San Diego Gas & Electric Co. v. City of San Diego, 450 U.S. 621, 661, n.26 (1981).

²⁶ ILG Study page 2.

²⁷ ILG Study page 34.

²⁸ The ILG Study also discusses other steps to take to manage risk in land use regulation, such as how land use laws and regulations should be drafted, how appeal processes should be structured, and the types of documentation should be maintained.

law enforcement, and arguably need be trained as such. To make their work more efficient, the development of easy-to-use forms and plain language decision-making criteria could be considered. These measures might also ensure consistency and ensure that enforcement actions are supported by complete and organized records that explain why and how a decision was made.

We also note that the enforcement section does not have quantifiable performance measures or a process where performance goals are monitored throughout the year and compared to goals. This does not allow management to analyze why objectives are not being met or the performance of individual inspectors.

The enforcement staff are also concerned about their success rate before the BVA. From FY 2017 through FY 2021, approximately 65 cases were appealed to the BVA. Of these, the BVA upheld the ZAED enforcement action in nine cases. Of the rest, two were denied, 37 withdrawn or settled, and 17 are pending. Reasons stated for the level of the success rate include lack of confidence in and support for ZAED by the Department and lack of legal guidance when preparing cases. Regular access to legal guidance from the Corporation Counsel and implementation of the measures described in the preceding paragraph might increase confidence in ZAED decisions and improve its success rate.

Civil initial and daily fines related to development standards, misrepresentations, permit conditions, illegal sign, illegal use, operation of a bed and breakfast or short-term rental, and other violations of Chapter 16.13 and Title 19 of the MCC are set by MCC chapter 12-103, section 12.

We sampled 20 NOVs related to the operating and advertising of short-term vacation rentals issued between FY 2017 through 2021. We noted that of the 20 short-term vacation rental NOVs requested, ZAED did not provide documentation related to the fine amount for one NOV.²⁹ Of the other 19 NOVs with fine documentation, 17 had an initial fine of \$1,000, and two had initial fines of \$20,000. The NOVs with \$20,000 initial fines reflected updated civil fines as a result of the change to Section 13-10 of the County Charter, effective December 27, 2019.

SMA fines are governed by HRS section 205A-32, which sets a civil initial fine not to exceed \$100,000³⁰ and a daily fine not to exceed \$10,000 per day. We sampled 10 NOVs related to SMA violations issued between FY 2017 through 2021. Of the 10 SMA related NOVs that we requested, nine had documentation of initial fine amounts, which ranged from \$10,000 to \$100,000.

²⁹ ZAED did provide documentation that NOVs were sent via certified mail in late 2016. However, the actual NOV was not provided.

³⁰ The initial civil fine can also be for the cost of returning the affected environment or ecology within the coastal management area to the condition existing before the violation.

Per discussion with the prior Enforcement section head, SMA fines were historically based on severity, and were decided by the inspector after discussions with the ZAED Administrator. In 2019, a formula was created to measure the severity of the violation and determine the fine. We were provided with the fine calculator spreadsheet for all four NOVs that we requested in FY 2020 and 2021. The calculator measures five criteria on a scale of 1 to 10 to determine the fine:

1. Previous violations by the same person;
2. The degree of damage to the environment, including the damage to the shoreline and marine resources;
3. The degree of cooperation provided by the violator during the investigation (1=Very Cooperative; 10=Very Uncooperative);
4. Amount necessary to deter future violations; and
5. Evidence, if any, of circumstances beyond the control of the violator.

The SMA fine calculator spreadsheet includes comment boxes for the inspector to justify the rating for each criteria. The initial fine is then determined by multiplying the sum of the criteria rankings by 2,000. The maximum initial fine allowable is \$100,000 and the maximum daily fine allowable is \$10,000. We did not note any fines in excess of these initial and daily maximums related to SMAs.

We also noted that ZAED provided documentation of certain SMA violations that appear to have negotiated settlements for amounts lower than the calculated fine amount. The various documentation provided to us was inconsistent in their form. Two negotiations were discussed via email while one settlement was memorialized by a Resolution Agreement signed by the Planning Director, Maui Planning Commission Chairperson, and the Mayor.

The second identified issue is the backlog. ZAED reported to us an estimated backlog of 60 to 90 days for enforcement actions. According to the former section head, the backlog is caused by various reasons, including:

- Insufficient personnel. There has been an increase in enforcement matters from vacation rental violations, but not enough staff to handle them. The section head states he had requested three additional inspectors were requested in 2021, but he expects to get only one.
- The section is requested to do inspections for other divisions, such as the Current Division.
- The section has lost its clerk, so inspectors need to do additional paperwork.
- There are more appeals than in the past, and more attorneys involved in enforcement matters, so the cases take longer.

The actual backlog is difficult to quantify, because the data maintained in KIVA indicates that 98.7 percent of RFSs received by the County were actually addressed or inspected in FYs 2020 and 2021.³¹ The average number of days from the date the RFS was received until the first inspection was completed is shown below:

RFS Problem Description	Fiscal Year Entered in KIVA		Overall Average Number of Days Until Completion of First Inspection
	2020	2021	
Bed & Breakfast	10.6	2.5	9.7
Beach Access	10.5	7.4	8.0
Design Guidelines	4.0	-	4.0
Farm Plan	3.9	40.0	17.8
Flood Zone	51.1	22.5	44.7
Height	4.7	4.7	4.7
Historical District	50.8	38.8	42.5
Home Occupation	6.5	12.9	9.7
Miscellaneous	4.0	5.3	4.9
Maui Redevelopment Agency	-	30.3	30.3
Multi-Family Use	25.0	13.3	17.1
Accessory (Ohana) Dwelling	75.0	116.0	97.4
Parking/Landscaping	9.5	7.3	8.3
Request Access to Government Records	-	-	-
Shoreline Area	18.3	13.2	16.6
Signs	7.5	7.4	7.4
Special Management Area	17.0	15.5	16.2
Short-Term Rental	5.2	4.3	4.9
Special Use Permit	1.0	-	1.0
Transient Vacation Rental	2.0	6.6	4.6
Land Use	25.3	18.3	21.1
Yard (Setback)	17.0	17.1	17.1
Total	12.5	12.8	12.6

³¹ Based on service code “NBINSPECT” in KIVA.

Recommendations:

1. The Department and ZAED should consider providing inspectors with additional tools to improve their ability to enforce, including training applicable to enforcing laws, clearer and more understandable forms and procedures, and more legal support from Corporation Counsel.
2. The Department and ZAED should jointly create and adopt quantifiable performance measures that reflect good or poor performance. Further, the Department and ZAED should consider establishing a process where performance is monitored throughout the year and compared to goals.
3. To address its backlog, the enforcement section should quantify its personnel and resource needs and make them known to the Director, who determines what ZAED receives from the overall Planning budget. Given the limited availability of qualified persons to fill vacancies, the Department and ZAED should also develop retention strategies (including addressing issues in the employee survey, compensation plans, and succession plans) so that existing expertise is not lost prematurely.

Finding 3: The employee survey had a high response rate, which usually indicates that employees have high expectations that the survey results may result in some positive outcome. The ratings and comments in the survey clearly indicate that employees have little confidence in Departmental leadership. Departmental leadership is described as heavily politicized, and unconcerned with the welfare or input of staff.

Organization Development and Survey Feedback

Employee input surveys are an essential tool for improving and developing organizations. The surveys are used to gather data on the current state of an organization's culture, morale, work conditions and employee engagement. We have conducted such surveys in a wide range of government, for profit, and not for profit organizations. These organizations have included a variety of departments in the City and County of Honolulu, as well as in Hawai'i State government. These organizations have included the Honolulu board of Water Supply, the City Department of Environmental Services, Design and Construction, and Planning and Permitting as well as the State Departments of Education, Transportation, the University of Hawai'i Cancer Center and the University of Hawai'i system.

Adaptive Organization Survey Purpose and Content

The purpose of the Adaptive Organization Survey is to gather input from stakeholders regarding the current condition and performance of an organization. The ultimate goal of organization development work is to create organizations that are capable of continuously adapting to changing circumstances. It is no longer sufficient to operate at a steady state, or to make changes infrequently when the need becomes sufficiently acute. Given the rate of change in the world, organizations must be continually monitoring the conditions they operate in, evaluating their performance and continually improving, usually incrementally, and sometimes in a more fundamental, transformational way.

Organizational survey data is not meant to be an end unto itself. Instead, the data generated by the survey should be discussed with the employees that provided the feedback to determine what the feedback means and what should be done about it. One of the major objectives of survey feedback work is to open up communication in the organization about how it is doing and how it can improve.

Response Rate for the ZAED Survey

In November of 2021, an employee input survey was administered to the ZAED staff. The survey consisted of 83 items including 80 objective multiple-choice items and 3 open ended questions. Twenty-five employees responded to the survey out of a possible 26 respondents, a 96 percent response rate, which is excellent for a first survey. A 70-80 percent response rate is considered good for large organizations.

Company Size	Ideal Survey Participation Rate
<50	80-90%
500+	70-80%
1000+	65-80%

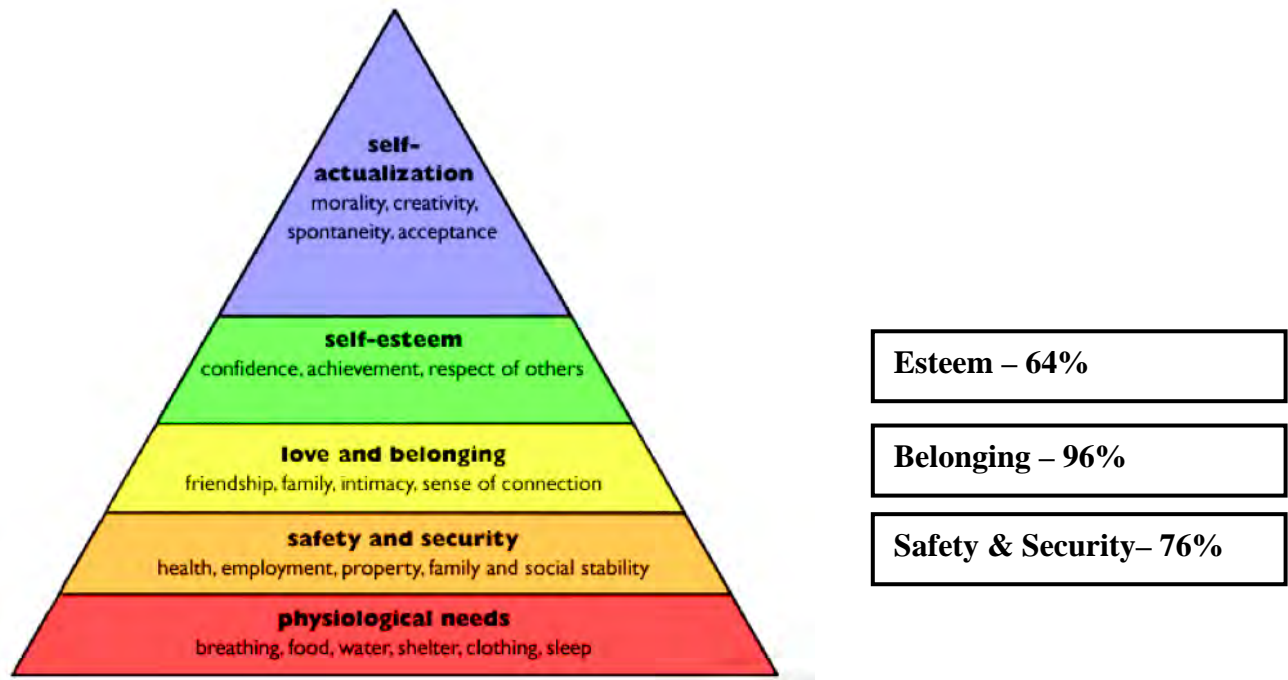
A response rate this high usually indicates that employees have high expectations that the survey results may result in some positive outcome. The most significant predictor of high response rates is the degree to which employees believe that their managers will act constructively on what is learned through the survey. The high response rate on the ZAED survey suggests a positive perception of at least some levels of management.

Survey Ratings on Objective Items

Objective multiple-choice questions consisted mostly of positive statements to which respondents were asked to indicate that they either strongly agreed, agreed, were uncertain, disagreed, or strongly disagreed. Items to which respondents strongly agreed and agreed were counted as positive responses. The analysis of objective items is presented as percent positive responses for each item, that percentage indicating the percentage of overall respondents who responded strongly agree or agree to a particular item. The survey items are drawn from a variety of sources and cover a wide range of issues in three general areas: fundamental needs, employee engagement, and change capacity.

Fundamental Needs Items

Maslow's Hierarchy of Needs is an extremely important model for understanding human dynamics. Maslow's theory states that human beings tend to be preoccupied with their most fundamental unmet need. The survey includes a set of items based on this model that assess the degree to which respondents perceive their fundamental needs being met. If the survey indicates these needs as being unmet to a significant degree, then it is likely that those factors must be addressed before working on any other issues. Item averages on the fundamental needs items are as follows.



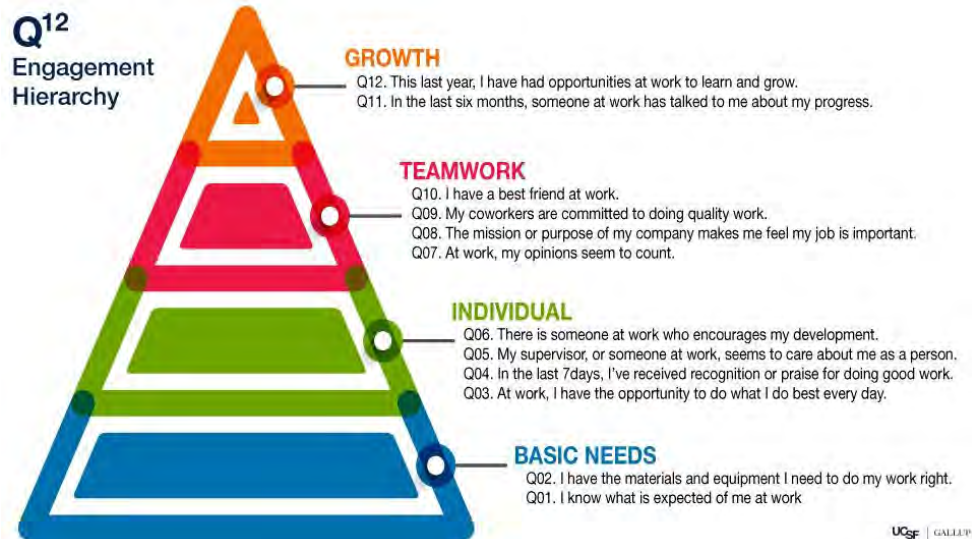
These ratings indicate that the fundamental employee needs for safety and security are being met and esteem needs appear to need some work. The esteem related items that were low for the Division include:

- In the last seven days, I have received recognition or praise for doing good work. (40 percent positive)
- People in my section are treated fairly by Division management. (64 percent positive)
- Performance problems in our division are identified quickly and addressed fairly. We don't let poor performance get in the way for very long. (24 percent positive)
- We promote reliable, competent employees from within the Division before looking outside. (64 percent positive)
- I have the materials and equipment I need to do my work right. (60 percent positive)
- Favoritism is not a problem here. (56 percent positive)

When esteem related items are rated low, there is a tendency for employees to feel disrespected and morale suffers.

Employee Engagement Items

To identify the elements of employee engagement, Gallup conducted thousands of interviews in many industries and countries at all levels. They identified 12 survey questions called the Gallup Q12 that best predict employee and work group performance. Here the Q12 are associated with Maslow's model.



The average percent positive rating for Q12 items on the ZAED survey is 67 percent. Research indicates that employee engagement scores average 29 percent positive when they believe managers will not follow through and 63 percent when they believe managers will follow through. This result coupled with the high return rate indicates that morale is not significantly damaged, and that improvement is possible. An engagement core of 67 percent is not desirable however, suggesting work be done. The engagement related items which are lowest include:

- In the last seven days, I have received recognition or praise for doing good work. (40 percent positive)
- The mission or purpose of the Division makes me feel my job is important. (43 percent positive)
- At work, my opinions seem to count. (50 percent positive)
- In the last six months, someone has talked to me about my progress. (59 percent positive)
- At work, I have the opportunity to do what I do best every day. (61 percent positive)

Change Capacity

The Maslow and Gallup factors provide a healthy foundation for employees to do their best. In addition, a number of other factors are required to make it possible for an organization to thrive, to learn, to continuously improve and change.



The average percent positive ratings for these factors are as follows:

Adaptive Organization Factor	% Positive
Identity and Meaning	50
Effective Leadership	55
Performance Framework	60
Transparent Communication	51
Service and Collaboration	73
Support and Retention	57
Team and Process	73
Learning Culture	69
Continuous Renewal	52

Given that ratings for team and process and service and collaboration are in an acceptable range (73 percent positive) it appears that there is a healthy foundation for mutual support and team function. The most improvable factors are:

- Identity and meaning: 50 percent positive
- Transparent communication: 51 percent positive
- Continuous renewal: 52 percent positive
- Effective leadership: 55 percent positive

These are all factors that must be led from the top, suggesting that organization improvement efforts must be initiated by senior leadership. To understand what specifically needs to be done in the Division, we need to look more deeply into the data.

Overall Response Ratings and Morale

The overall percent positive responses by all respondents to all items on this survey is 59 percent indicating the need for improvement. In response to the item “I would recommend this organization to a friend as a place to work,” only 50 percent of respondents rated this item positively. This survey question is considered to be the most important “bellwether,” “net promoter” indicator of organization wellness. A rating of 50 percent indicates that significant work must be done immediately to remedy the issues that produce such a negative result.

Item	% Positive
“I would recommend this organization to a friend as a place to work.”	50%

Only 56 percent of respondents rated the item “The morale in my section is good.” positively.

Item	% Positive
“The morale in my unit is good.”	56%

Thirty-five percent of respondents rated the item “I feel that I am a part of a respected organization providing important public services” positively.

Item	% Positive
“I feel that I am a part of a respected organization providing important public services.”	35%

In general, these results indicate a significant morale challenge in the Division.

Most Positive Items – Organizational Assets to Build On

The goal of survey feedback-based organization development is to ultimately achieve a 90 percent plus positive response rate for all items. Initially the goal is to achieve a 70 percent plus response rate on all items. The items which were rated 70 percent or better include the following:

Item	% Positive
I feel good about helping and supporting the people I work with.	100%
I know who I provide service to and what their needs are.	100%
My supervisor, or someone at work cares about me as a person.	96%
I have good friend(s) at work.	96%
It is permissible to speak my mind here, even if what I say is unpopular.	91%
Employees encourage and support each other to do their best work in our Section.	91%
Employees here are not afraid to ask if they don't know how to do something.	90%
When I have a problem or complaint, my Section supervisor responds.	88%
I am treated with respect by others in my Section.	88%
I think my immediate supervisor is technically competent.	87%
My supervisor encourages me to do my job as well as I can.	87%
When problems arise in the Section, we work together to find a solution.	86%
I am clear about who the Section serves and how I contribute to the Section.	82%
It is OK to speak my mind here, even if what I say is unpopular.	82%
I am satisfied with the challenge of the work I do.	81%
I feel physically safe in this workplace.	80%
I know what is expected of me at work.	80%

Item	% Positive
My supervisor has good relations with people inside and outside of our Section.	78%
Overall, I really trust my supervisor.	77%
I am confident that I can handle the pressure of my job and do a good job.	75%
My fellow employees are committed to doing quality work.	75%
I am satisfied with the freedom I have to use my own approach to the job.	75%
The quality of work done by our Section is consistently good.	74%
My supervisor is an accurate, reliable source of information.	73%
here is someone at work who encourages my development.	73%
This last year I have had opportunities at work to learn and grow.	73%
I feel that I have a secure job here if I do a good job.	72%
I get enough feedback on my job performance to know how I am doing.	72%
The Division leadership is visible, accessible, and easy to approach.	70%
I get regular feedback on my performance. I know what I need to improve upon.	70%

These responses suggest that a positive foundation is in place in the Division to build upon. Expectations are sufficiently clear, respondents feel that they are not subject to undue stress, they feel their job is secure, and they want to work together. These items are important as they form the foundation of Maslow's hierarchy of needs (security and belonging).

Most Improvable Factors:

The most significantly improvable factors across the Division (70 percent or less positive) include:

- Department Leadership
- Work Process, Staffing, Resources, Clarification of SOP's, Workload, Organization
- Encouragement, Training, Performance Issues, and Workload Equity
- Management Listening to Staff Before Deciding, and Advocating for Staff
- Clarification of Mission, Goals, and Independence of Zoning Enforcement

Department Leadership Related Items

Item	% Positive
Department leadership walks their talk; their actions are consistent with our mission, values, and direction.	13%
Overall, I really trust Department Leadership.	17%
Department leadership effectively communicate our mission and direction.	22%
Department leadership effectively communicate our mission and direction.	22%
Communication from Department leadership is frank and honest.	27%
I feel that Department leadership is concerned for the well-being of our employees.	28%
Department leadership is sensitive to the needs and concerns of women, minorities, and employees of different cultural backgrounds.	64%

Survey Comments Suggesting Need to Improve Departmental Leadership (17 comments)

- More support w/issues that come from public. Stronger decision making. Challenge comes from Dept. leadership and the relationship with this division and the type of service it provides to the public. Division staff deals with telling the public “No” a lot. Regulatory duties of div. clashes w/Dept. leadership that is heavily focused on customer service even to the detriment of staff. Division leadership can share these issues and no concrete or significant changes come from Dept. leadership.
- Step up more and be vocal more, be good listeners and encourage constructive discussion and debate. See both sides, all sides, have clear values and philosophy, put your employees first before public. From what I know, our Division leaders are not able to get Department leadership to agree with them and their point of views.
- Our Department heads always seem to take the publics side of the story often times without consulting the staff that are involved. The theory that the customer is ALWAYS right is a bad thought process to follow.
- There is a lot that cannot be controlled at the division level. Again, the director is the puppet master and regardless of right/wrong, she pulls the strings. It is very disheartening to see the code pushed aside because of her own agenda.
- Even when our division head stood up against her, he became aware that his review was coming up...implying do it or get dinged for not.
- The division needs to administer the code and the rules as they are written and not as politicians tell us to.
- The food and the favoritism. It's like reliving high school. Opportunities for all: lawyers managing people, HR writing laws, most of our “leaders” have vacated this year, I hope they are replaced by better, fairer, and more knowledgeable ones. Plans, rules, and promotions are already in place before we have a chance to comment on them.
- You can get a promotion by partying with the boss or helping with personal gains or vendettas. The more work you do, the more you get assigned.
- Leadership in the Division is great! It is when the other divisions come into the picture that gets our leadership in our division “all screwed up!” The divisions do not “FLOW” smooth enough to blend with/as a department. That goes same for the different departments. They need to “Flow” with the other departments.
- Convince the person running it now to take the Administrator position.
- Quote from the movie Remember the Titans: “Attitudes reflect leadership!!!”

- We need new leadership in the Department and other divisions within Planning. To be alienated by your own department extremely lowers morale, and makes you not want to produce quality work because it keeps getting bypassed.
- Division is good. Management needs to listen to what ZAED's individual needs are. The ZAED Team is not the issue. My feelings are it comes from management.
- New division chief needs to be team oriented.
- Our division has good leadership. It is the relationship with the other divisions that could be improved. Administrators hardly if ever come to talk to us, meet with us, etc.
- Clarify unique culture of ZAED and its relationship to the Department

Summary

These ratings and comments clearly indicate that employees have little confidence in Departmental leadership. Departmental leadership is described as heavily politicized, and unconcerned with the welfare or input of staff.

Survey Comments Suggesting Need to Improve Work Process, Staffing, Resources, Clarification of SOP's, Workload, Organization Related Items

Item	% Positive
If something doesn't make sense here, I can get it changed.	10%
The way we do work here makes sense. Our work methods are well thought out and efficient.	25%
The decisions that impact our Section are made in a fair and timely manner.	30%
I do not have to deal with excessive "red tape" in getting my job done.	35%
The quality of the work that I receive from others in our Department that support us is consistently good.	35%
There is good cooperation between my Division and other units in the County.	45%
I feel that the distribution of work is fair among employees in my Section.	50%
If I make a mistake here, I am encouraged to learn from it. I am not blamed.	52%
I am appropriately involved in decisions that will affect me and my work.	52%
I regularly receive the information I need to do my job well.	55%
I feel that I can handle my work and have a reasonable quality of life.	56%
I am authorized to make the decisions that I need to make to do my job properly.	61%
I have the right amount of authority to fulfill my responsibilities.	61%
I have the materials and equipment I need to do my work right.	64%

Survey Comments Suggesting Need to Improve Work Process, Staffing, Resources, Clarification of SOP's, Workload, Organization Related Items (9)

- 1. Intake needs to be timely so that statutory deadlines can be achieved. 2. Get BJ transcription so that minutes can be done in a timely manner. 3. Larger cubicle space so that we are not so squished. 4. Have processing and issuance of SMX exemptions, LPAPs, CSPs returned to Current Div. 5. Allow more opportunities for professional development/training. Don't limit HCPO participation 6. Have training manuals made.
- ZAED should be the technical aspect of Planning; it should include PID, secretaries, & files. Current planners should write their own NOWs & NOV drafts. Inspectors should be the eyes and ears of dept, verifying and reporting on non-permitted construction—once permits are filed, the assigned planner should take over the case. ZAED keep public inquiries, NOVs, BVAs, commissions. Pkg, landscape and flood to DSA. Subdivisions to LR. 3 meeting rooms for interactions w/ public would be appreciated.
- More concrete SOPs. Easier record keeping and access to division/dept. decisions that affect staff application of regulations and procedures to help everyone be on the same page. Also, to track major decisions that would influence how staff respond to inquiries and processing of reviews esp. those that come from on-call requests by email or by the phone.
- Updates for parts of the zoning code that are not clear, or admin rules for administering the code.
- Procedures for violations, hearings, settlements, appeals.
- Redistribute work to Current so that the load is shared, like answering the phone (POC) and general emails.
- More personnel. Our division is not the one that needs to be audited. We are fairly strict in our enforcement/reviews, and we do a very good job. Current is the division that needs to be cleaned up with new policies and more personnel as well as accountability.
- I suggest that organization of information and ordinances, etc. be improved. It is very confusing to just be emailed “new information” and that finding that information later is extremely hard.
- It's odd that the # of building permits reviewed within 30 days is the only thing people look at. The division (and the entire department) do so much more. If that's truly the only priority, then hire more plans reviewers and reassign their other duties.

Summary

These ratings and comments clearly indicate that the way work is done, managed, and organized in the Division and Department needs to be improved, and the staff do not perceive that they are properly engaged in the improvement process. Improvements appear to be required in all aspects of the work including materials, information, staffing, authority, and support from other units. Unfortunately, this is not an unusual situation in government organizations in Hawai'i. It is a result of an abdication of leadership and very inadequate human resource support. Government organizations which provide direct customer support to the public tend to suffer significantly because of the politicization of their work and inadequate support to deliver service.

Encouragement, Training, Performance Issues, and Workload Equity Related Items

Item	% Positive
I receive the training and support I need to do my job properly.	50%
If I make a mistake here, I am encouraged to learn from it. I am not blamed.	52%
I regularly receive the information I need to do my job well.	55%
In the last six months, someone has talked to me about my progress.	59%
We promote reliable, competent employees from within the Division before looking outside.	60%
At work, I have the opportunity to do what I do best every day	61%
There are good opportunities here to learn new skills.	64%
People in my section are treated fairly by Division management.	64%

Survey Comments Suggesting Need to Improve Encouragement, Training, Performance Issues, and Workload Equity (8)

- Be encouraging, honor the individual, be fair, distribute workload evenly. Compliance should be the goal. Better training, understanding, & efficiency. High employee turnover due to petty gossip, bullying & lack of training. Templates should be updated, easier to use & include letterhead. Remove the lawyerese from the warning letters. Standardize the letters, the fines, the violations --make a list of the fines, not the fines collected! admin to choose the programs, workers to attend training.

- Better Training and participation on contested cases.
- If employees are productive, let them work from home a couple times a week if they want to.
- 1. Address problem employees -- employees that do not come in when they are scheduled to be in and that are not made to take leave when they are absent from work need to be addressed and corrected. 2. Open communication between Dept. management and staff (ZAED mgmt. is the conduit that's why I mention it here) -- often times decisions or procedural changes are made, and staff is not apprised. This is very problematic.
- Enforce rules across the board. No one should be given leniency because of friendships.
- Consistency
- ZAED has an “infamous” reputation - lazy, rude customer service, unfair enforcers, etc. - I'm not exactly sure if these accusations are true. So far what I see from my vantage point is too much politics (from the powers that be) and messy documentation (production). Leadership is key. I don't think its current head is making a significant impact to change things here.
- The overall feeling in my division is that they are not appreciated or rewarded for their hard work. Promotions are very few if any and the thanks we get is only from each other. Our division has learned to make our own morale good. We are a very close group. Especially within our sections. Promotions within the sections would help tremendously.

Summary

As organizations have become more technical, the retention of skilled, motivated employees is critical. Retention of such employees depends to great extent on their perceived opportunity to learn and progress in their careers. This requires the presence of a learning environment which must include access to training, information, career encouragement, a positive attitude toward taking the risks required to learn, and the absence of favoritism. All of these factors appear to be deficient at Maui ZAED.

Management Listening to Staff Before Deciding, and Advocating for Staff Related Items

Item	% Positive
If something doesn't make sense here, I can get it changed.	10%
Performance problems in our division are identified quickly and addressed fairly. We don't let poor performance get in the way for very long.	24%
The way we do work here makes sense. Our work methods are well thought out and efficient.	25%
Communication from Department leadership is frank and honest.	27%
I feel that Department leadership is concerned for the well-being of our employees.	28%
I feel that Department leadership is concerned for the well-being of our employees.	28%
Decisions are made close enough to the front lines for us to be really responsive to the public.	39%
Most meetings I attend are productive.	45%
I feel that Division leadership effectively addresses our needs.	48%
At work, my opinions seem to count.	50%
I am appropriately involved in decisions that will affect me and my work.	52%
The Division leadership addresses significant problems effectively on a timely basis.	57%
I have the materials and equipment I need to do my work right.	64%
Department leadership is sensitive to the needs and concerns of women, minorities, and employees of different cultural backgrounds.	64%

Survey Comments Suggesting Need to Improve Management Listening to Staff Before Deciding, and Advocating for Staff Related Items (7)

- Step up more and be vocal more, be good listeners and encourage constructive discussion and debate. See both sides, all sides, have clear values and philosophy, put your employees first before public. From what I know, our Division leaders are not able to get Department leadership to agree with them and their point of views.
- Take in all information from all parties before making a decision. Weigh all factors before reassigning projects/assignments.
- Have a leader who will call it like it is. Even if it is to disagree with the higher ups, be honest and defend the people on your division when it's required.
- Investigation on a subject rather than taking one person's opinion on the subject.
- Leadership in the Division is great! It is when the other divisions come into the picture that gets our leadership in our division "all screwed up!" The divisions do not "FLOW" smooth enough to blend with/as a department. That goes same for the different departments. They need to "Flow" with the other departments.
- More communication to Management that ZAED is ZAED, we cannot operate the same as Current or any other Division. The same as other Divisions operating the same as ZAED.
- Communication, transparency, Fairness for all. This statement cannot only reflect ZAED division because it is based on the other divisions and administration too.

Summary

The improvement of organizational performance, service, culture, and morale all depend upon open, constructive communication between the various levels of the organization. Survey results indicate that communication between the Department and ZAED is severely damaged. Unless communication is improved and trust developed with Departmental leadership, it is very unlikely that any significant improvements will be possible.

Improvement of Clarification of Mission, Goals, and Independence of Zoning Enforcement Related Items

Item	% Positive
Department leadership effectively communicate our mission and direction.	22%
Division leadership regularly reinforces our direction and recognizes performance appropriately.	39%
The mission or purpose of the Division makes me feel my job is important.	43%
The mission of our Division is simply stated, clear, and meaningful to me.	48%

Survey Comments Suggesting Need to Improve Clarification of mission, goals, and independence of Zoning Enforcement (2)

- Responses on the request of Administrative Search Warrant and more meetings with Corp Counsel since we are on different pages of what Zoning Enforcement really is.
- Just concerning what I do, I think that the enforcement side of the department should be somewhat autonomous to avoid even the appearance of impropriety on the part of anyone, including the director and deputy in enforcement actions. I suggest adding more positions to help with enforcement, i.e., a planner. It will lighten the load of the plans examiners, or other planners in our division, and also provide the inspectors much needed help. Overall, the Division is awesome, we handle business and produce quality work, along with amazing customer service.

Summary

Given that government employees tend to be paid significantly less than those in the private sector, a very significant motivating factor is the perception that they are fulfilling an honorable and important service to the public. When the mission has become unclear and politicized as survey results indicate, the result can be a sense of helplessness with a corresponding negative effect on morale, performance, and ultimately on service quality.

Summary of Most Improvable Organizational Factors and Recommendations

1. Survey data always portrays a limited perspective on any complex organizational situation. It is essential to seek out alternative views and information to balance and inform the survey data. This survey result portrays a very negative view of Departmental leadership and its relationship to political forces. It is important to evaluate and verify whether this is a valid view.
2. Survey results indicate that the Division has many assets. The high response rate, and positive ratings on the Maslow factors, positive ratings, and comments about perceptions of other employees, supervisors, and managers other than Departmental leadership suggest that, with proper Departmental leadership, the morale and performance of the Division could be significantly improved.
3. The most fundamental aspect of any organization is its mission and the values it embraces. When a government entity that is tasked with a service and compliance mission that is heavily influenced by politics and the potential for financial gain, there is an inevitable crisis and test of the morality of the leadership involved, usually at the level of the Executive Branch, County Council, and the Departmental leadership. It appears that a decision must be made whether to task Departmental leadership with establishing an objective, principle, and policy-based operation, or allow the Department to continue to run in a manner in which that objectivity is questioned by its employees.
4. If the senior leadership referred to above does not opt to pursue an objective, principle-based operation, then it is best to just accept the current circumstances as inevitable and invest no further efforts in making improvements. Limited, band-aid approaches to such organizational situations seldom if ever produce any benefit. If, however there is a sincere motivation to create a viable, objective operation, the place to start is with an honest dialogue between Departmental leadership and key managers at other levels of the organization to develop a plan for addressing the most improvable factors in the organization which include:
 - a. Clarification of the mission of ZAED and its relationship to the other divisions.
 - b. Improvement of the processes that are an impediment to positive morale and effective service to the public.
 - c. Enhancement of the training, information access, and materials required for staff to do their jobs properly.

5. Given the lack of trust that is evidenced in the survey feedback it is likely that a “guiding coalition” coordinating committee made up of leadership, management and staff level individuals should be formed to plan and execute the required changes in the Department and Division. For more information on the Guiding Coalition approach see the work of John Kotter.³²

³² <https://www.kotterinc.com> › 8-step-process-for-leading-change

Finding 4: The positive survey responses point to the knowledge and capability of the ZAED staff. Many of the negative responses and comments point to issues to staff empathy with customer issues, responsiveness and timeliness, inconsistencies, and varied interpretations within the application process.

Customer Satisfaction and Survey Feedback

Customer satisfaction surveys are an essential tool for developing and improving service-driven organizations. The surveys are used to gather data on the current state of an organization's service delivery perception and performance. In this instance, the current state encompasses the different dimensions that constitute best practice customer service delivery. The surveys are also used to glean insights into the organization's desired state of service delivery performance. Thereafter, the goal for any organization should be to bridge the gap between those current and desired states.

Spire's team and strategic partners have conducted similar surveys (of varying complexity and budget) across a wide range of government, for-profit, and not-for-profit organizations, including (but not limited to): Office of Homeland Security, Pfizer, FamilySearch, Quest Diagnostics, Paychex, Hillrom, and Fannie Mae alongside a myriad of major (global) consumer goods organizations.

Background and Purpose of Survey

A Customer Service Survey was conducted to solicit feedback from customers. The survey's intent was to measure and report on customer satisfaction levels for ZAED, spanning its offering of services, including:

1. Administering the enforcement of State and County land use laws, rules, codes, regulations, and the general and community plans.
2. Serving as primary departmental advisory and information branch regarding the interpretation and application of codes, ordinances, decision and orders, and other matters of enforcement.
3. Preparing and processing variance and appeal applications.
4. Processing sign variances through the Urban Design Review Board.

The analysis in this report has been compiled to provide ZAED with an objective view of customer perceptions, experiences, likes, dislikes, and suggestions. The identification of the current state of service delivery perception, is intended to assist ZAED.

Survey Construction and Likert-Scale Ratings

An online survey was developed for the purpose of distributing the survey to ZAED's customers via email, through addresses from publicly accessible permit application data provided by the County.

Due to there not being any survey honoraria (or incentives) to encourage participation amongst respondents, the survey was constructed as efficiently as possible with a view to simplifying the effort required on the part of the respondents. Outside of incentives, response rates can vary widely depending different factors, including:

- The relationship with the target audiences
- Method of survey distribution (email, paper, phone etc.)
- Type of communication (org-to-customer, business-to-business etc.)
- Survey length, complexity, and subject matter
- Quality of the invitation

A survey response rate of ten to 15 percent is a more conservative and reasonable expectation if the population hasn't been previously surveyed. The survey was emailed to people across the target audiences. Three hundred thirty completed responses were received which equals to a response rate of 10.6 percent ($330 \div 3,100 \times 100$).³³

The fact that this survey garnered 330 responses, without offering any incentives to the respondents, represents a positive response rate. This may indicate that respondents were intrinsically motivated to provide feedback to the survey.

Given the large volume of total potential respondents, to facilitate efficient quantitative analysis, an online survey of approximately seven to ten minutes in duration was developed, using questions that were mostly quantitative in nature. In addition to the screener (which is explained further on in this section) and demographic/background questions at the start of the survey, the main survey contained 11 questions. Of those 11 questions, ten were quantitative (objective multi-choice, to prevent leading respondents to a particular sentiment). And from those ten quantitative questions, nine of them used a Seven-Point Likert Scale, with the remaining quantitative question being a simple multi-choice question to determine the most commonly used information sources or resources (options provided to survey respondents for information sources and resources, included websites, paper-based information, emails, Maui County employees, the MCC, lawyers, consultants, and contractors).

³³ Based on our prior experience in surveys of this type, we determined that the margin of error and confidence level of the survey were adequate. Using a calculator developed by CheckMarket (part of Medallia), the margin of error and confidence level would be approximately 5% and 95%, respectively.

A Likert Scale is a unidimensional scale that researchers use to collect respondents' attitudes and opinions. Researchers often use this psychometric scale to understand the views and perspectives towards a brand, product, target market, or in this case, to measure customer satisfaction, which is a commonly used application of Likert scales. There are different types of Likert scales, spanning odd and even scales. Even Likert scales include four- and eight-point scales, while the odd Likert Scale encompasses five-, seven-, and nine-point scales (which are rarely used). Researchers typically use the odd Likert Scale to give respondents the choice of responding neutrally. Higher point Likert scales are generally deployed as they generate greater precision in the research. A seven-point Likert Scale, which we used for this research, provides seven different answer options related to an agreement with a particular statement, which would be distinct enough for the respondents without creating confusion. It includes a moderate or neutral midpoint. In this instance, we chose the seven-point due to its high level of precision (it is considered the most accurate type of Likert Scale), providing researchers with a better representation of a respondent's true sentiment. The seven-point scale is also easier to use versus some of its counterparts.

The Likert Scale questions (numbers 1-6 and 8-10 of the main survey) were mostly comprised of positive statements (seven out of the nine questions, or 77.8 percent, were constructed in this way), from which respondents were asked to indicate their level of agreement with that particular statement. Statements to which respondents "strongly agreed" and "agreed" with were counted as "positive responses." These positive statements were adapted from key customer service dimensions (identified to build customer satisfaction), based on the proven SERVQUAL customer service model (explained in the following section, entitled "SERVQUAL Customer Service Dimensions").

In addition, the survey included one qualitative (open-ended) question (number 11 in the main survey), to provide richer insight for customer service reporting purposes.

To address the different audience or customer types that interacted with ZAED, the survey programming leveraged both survey and skip logic to ensure that the right questions were directed at the right respondents. Skip logic, also known as branch logic or conditional logic is a feature that changes the question a respondent sees next based on the answer they chose for the current question.

Further, the survey included a background or demographic section ahead of the main survey for customer segmentation purposes. The inclusion of background questions enables the analysis of data in a variety of ways for reporting and presentation purposes. The background and demographic questions facilitated the collection of data pertaining to the type of permit or complaint filed, and the respondents' roles or professions. In addition, the background data collected cover the year or years when respondents interacted with ZAED, and whether they engaged with another agency, division, or department.

Screeners (or survey screeners) are basically surveys people take before participating in a research study. They're typically made up of a few simple questions, designed to weed out the people who are not representative of the intended audience, and capture the ones who are. The screener at the start of the survey ensured respondent's relevance and consent to complete the survey. A survey screener is like a sieve that captures the people who meet all your "must have" criteria, to ensure the survey is targeting the right audience or people. Conversely, it filtered out the respondents who didn't meet those criteria (as they wouldn't have been the right type of person to respond to the survey).

The questions in the main survey section pertaining to the measurement of customer satisfaction levels, were customized for ZAED, to help maximize the data's usage for practical purposes. These questions were rooted in several meaningful customer service dimensions (i.e., the different elements of customer service that need to be addressed to fulfill customer satisfaction), leveraging the proven SERVQUAL (survey) model.

SERVQUAL Customer Service Dimensions

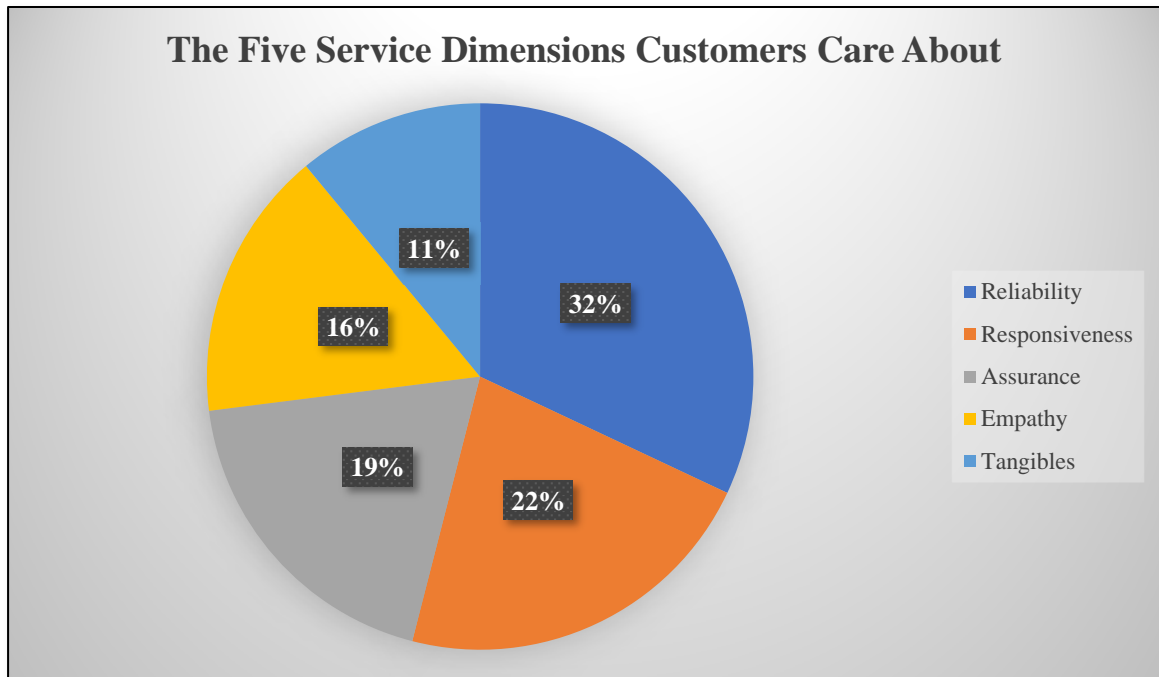
After extensive research, Zeithaml, Parasuraman, and Berry found five key dimensions customers use when evaluating service quality. They named their survey instrument SERVQUAL.³⁴

The five SERVQUAL dimensions are:

1. **Tangibles:** Traditionally, this addresses the appearance of physical facilities, equipment, personnel, and communication materials. In this case, however, this dimension was adapted to address the clarity, relevance and helpfulness of communications materials and resources. In instances where qualitative responses (from the open-ended question) spoke to other tangible areas (buildings, equipment etc.), the survey responses have been recorded accordingly.
2. **Reliability:** Ability to perform the promised service dependably and accurately.
3. **Responsiveness:** Willingness to help customers and provide prompt service.
4. **Assurance:** Knowledge and courtesy of employees and their ability to convey trust and confidence.
5. **Empathy:** Caring, individualized attention the firm provides its customers.

³⁴ Parasuraman, A Parsu & Zeithaml, Valerie & Berry, Leonard. (1985). A Conceptual Model of Service Quality and its Implication for Future Research (SERVQUAL). The Journal of Marketing. 49. 41-50.

It's important to note that while all service dimensions are important to customers, not all of them are equal in their eyes, i.e., some dimensions are more important to customers than other dimensions.



Service providers need to work on all five dimensions, while emphasizing them in order of importance.

While the chart above, entitled, “The Five Dimensions Customers Care About,” shouldn’t be viewed as being exact (in percentage terms), given all the variables and nuances across different types of service providers, it does serve as a credible and informed guide into understanding which customer service satisfaction elements need greater attention than others. In other words, an organization’s investment into delivering customer satisfaction should be directionally commensurate with the importance ratings according to the chart, i.e., avoid placing too much focus on areas that are less important to customers versus those that are more important them.

Relevant Demographic and Background Information

Three hundred thirty customers responded to the survey, of which three did not consent to the terms of the survey, which terminated their responses.

The majority of the survey respondents who responded to this question filed building permits followed by SMA applications.

Type of Permit	Responses	
Building Permits	84.92%	214
Certificates of Occupancy	17.46%	44
Comprehensive Signage Plans	2.38%	6
Flood Development Permit	20.24%	51
Farm Plans	20.24%	51
Off-Site Approval	2.38%	6
Parking Waiver	3.17%	8
Sign Permits	4.76%	12
Special Management Area	35.32%	89
Subdivision	9.52%	24
Other (please state)	7.94%	20

Small landowners or homeowners provided the most responses out of all applicant types. The aggregation of consultants or professionals (architect, developer, management company, contractor, other company representatives) was the other large group.

Respondent Category	Responses	
Small Landowner or Homeowner	55.20%	138
Architect	14.80%	37
Developer	7.20%	18
Attorney	1.20%	3
Neighbor	2.40%	6
Member of Public	7.20%	18
Elected Official	0.00%	0
Management Company	1.60%	4
Contractor	14.00%	35
Other Company Representative	7.60%	19
Other (please state)	17.20%	43

The responses by application year were fairly balanced, which means that the feedback was consistent throughout the Period Under Assessment (FY 2017 through FY 2021).

Fiscal Year Interacted with ZAED	Responses	
Fiscal Year 2017 (July 2016 to June 2017)	38.80%	97
Fiscal Year 2018 (July 2017 to June 2018)	40.00%	100
Fiscal Year 2019 (July 2018 to June 2019)	50.00%	125
Fiscal Year 2020 (July 2019 to June 2020)	51.60%	129
Fiscal Year 2021 (July 2020 to June 2021)	53.20%	133

The following question asks whether the customer, in their interactions relating to permitting or complaints, interacted with another agency, division or department in addition to ZAED. Of the respondents, 72.29 percent stated that they did. Only 27.71 percent stated they interacted only with ZAED.

Interaction with Agency Other Than ZAED?	Responses	
Yes	72.29%	180
No	27.71%	69

The respondents identified the other agencies, divisions or departments they interacted with as follows.

Other Agencies Interacted With	Responses	
Maui County Department of Public Works (Building, Permitting and Wastewater)	76.40%	136
Maui County Department of Water Supply	65.17%	116
Maui County Planning Department (Planning Section)	79.21%	141
Maui County Department of Environmental Management	39.89%	71
Maui County Fire Prevention Bureau	44.94%	80
Maui County Department of Housing & Human Concerns	14.61%	26
Maui County Information Technology Services Division	2.25%	4
Maui County Department of Parks and Recreation	15.17%	27
Maui County Public Works, DSA (Building Plans Review Section)	60.67%	108
Maui County Public Works, DSA (Civil Construction Section)	36.52%	65
State Department of Transportation	13.48%	24
State Historic Preservation Division	30.90%	55
State Department of Education	17.42%	31
State Department of Health	43.82%	78
State Department of Land & Natural Resources	32.02%	57
Don't Know	3.37%	6
Other (please state)	2.25%	4

Main Survey Results

The main survey consisted of 10 questions related to the respondents' interaction and experience with ZAED and other agencies. For nine of the questions, survey respondents could choose an answer on the Seven-Point Likert Scale, ranging from strongly negative to strongly positive. One question (question number 7) asked what types of information the respondent utilized when interacting with ZAED.

The aggregated responses for questions 1-10 are as follows:

1. During my interactions with ZAED, I found the Division to be reliable, ensuring that it met all parties' expectations from the outset.

(1=strongly disagree, 2=disagree, 3=somewhat disagree, 4=neither agree nor disagree, 5=somewhat agree, 6=agree, 7=strongly agree)

1	2	3	4	5	6	7	Weighted Average
23.61%	14.81%	6.94%	14.81%	15.74%	10.65%	13.43%	3.70

2. On a scale of 1-7, how helpful or unhelpful do you think ZAED was during your, or any other related parties' interactions with the Division?

(1=extremely unhelpful, 2= unhelpful, 3=somewhat helpful, 4= neither helpful or unhelpful, 5=somewhat helpful, 6=helpful, 7=extremely helpful)

1	2	3	4	5	6	7	Weighted Average
18.06%	15.74%	12.96%	10.65%	13.89%	16.20%	12.50%	3.73

3. On a scale of 1-7, how responsive or unresponsive do you think ZAED was, following a request from you, or any other related party?

(1=extremely unresponsive, 2= unresponsive, 3=somewhat responsive, 4= neither responsive or unresponsive, 5=somewhat responsive, 6=responsive, 7=extremely responsive)

1	2	3	4	5	6	7	Weighted Average
20.37%	12.96%	14.35%	8.33%	11.57%	20.83%	11.57%	3.75

4. Please select the box below that best corresponds with your level of agreement in regard to the following statement: During my, or other related parties' interactions with ZAED, the Division demonstrated a high level of relevant subject matter expertise.

(1=strongly disagree, 2=disagree, 3=somewhat disagree, 4=neither agree nor disagree, 5=somewhat agree, 6=agree, 7=strongly agree)

1	2	3	4	5	6	7	Weighted Average
15.74%	12.50%	12.96%	13.89%	11.57%	21.30%	12.04%	3.93

5. Please select the box below that best corresponds with your level of agreement in regard to the following statement: The people whom I (or other related parties) interacted with at ZAED demonstrated a high level of care and consideration in regards my personal situation and needs (or those needs of the entity which I represented).

(1=strongly disagree, 2=disagree, 3=somewhat disagree, 4=neither agree nor disagree, 5=somewhat agree, 6=agree, 7=strongly agree)

1	2	3	4	5	6	7	Weighted Average
23.15%	14.35%	12.50%	10.65%	10.19%	16.20%	12.96%	3.58

6. Please select the box below that best corresponds with your level of agreement in regard to the following statement: During my, or any other related parties' interactions with ZAED, the information that I/we needed to fulfill my/our needs was made readily available.

(1=strongly disagree, 2=disagree, 3=somewhat disagree, 4=neither agree nor disagree, 5=somewhat agree, 6=agree, 7=strongly agree)

1	2	3	4	5	6	7	Weighted Average
16.67%	14.35%	13.43%	11.11%	14.81%	18.06%	11.57%	3.82

7. During your, or any other related parties' interactions with ZAED, relating to either permits or complaints, which of the following resources did you leverage for informational purposes? (Please select all that apply.)

Information Sources	Responses
Website	65.74%
Paper-based Information	37.04%
Email	61.11%
Maui County Employees	65.74%
County Code	57.41%
Lawyer	16.67%
Consultant	34.26%
Contractor	25.00%
Don't Know	0.93%
Other (please state)	7.41%

8. Please select the box below that best corresponds with your level of agreement in regard to the following statement: During my interactions with ZAED, the information and guidance that I needed was clearly presented and easy to understand.

(1=strongly disagree, 2=disagree, 3=somewhat disagree, 4=neither agree nor disagree, 5=somewhat agree, 6=agree, 7=strongly agree)

1	2	3	4	5	6	7	Weighted Average
18.06%	15.28%	13.43%	13.89%	14.81%	13.89%	10.65%	3.66

9. Please select the box below that best corresponds with your level of agreement in regard to the following statement: My application or complaint was promptly handled and processed, and within the timeframe communicated to me by ZAED.

(1=strongly disagree, 2=disagree, 3=somewhat disagree, 4=neither agree nor disagree, 5=somewhat agree, 6=agree, 7=strongly agree)

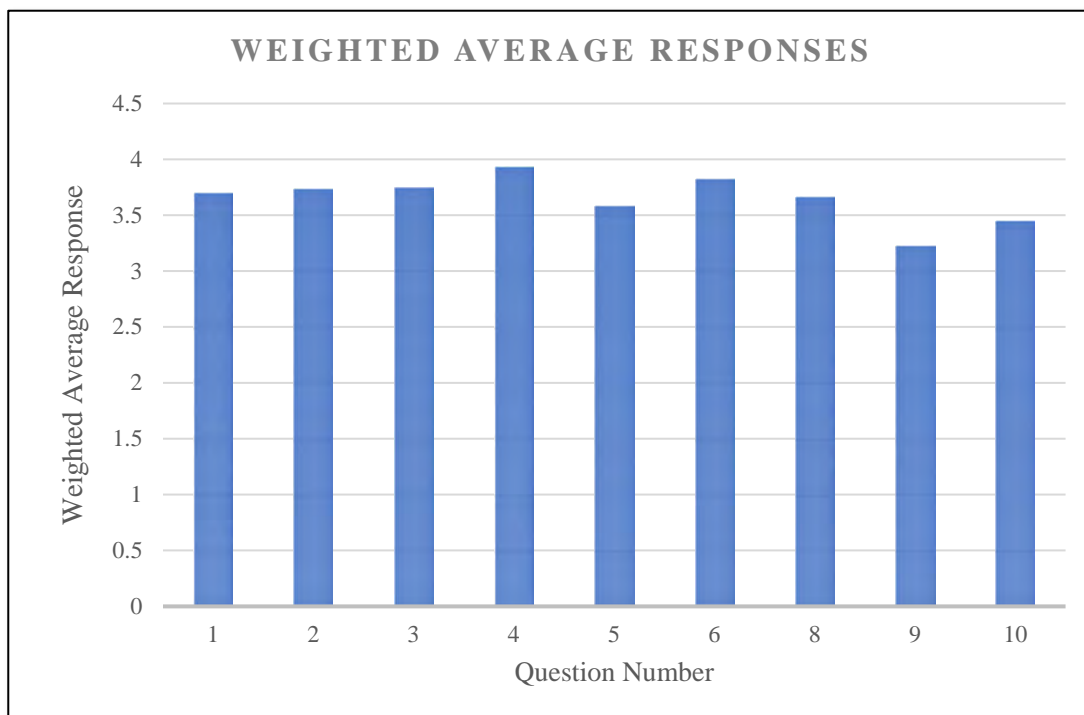
1	2	3	4	5	6	7	Weighted Average
32.41%	13.89%	8.80%	12.96%	7.87%	15.28%	8.80%	3.22

10. On a scale of 1-7, how satisfied or dissatisfied were you with your overall experience with ZAED? (Please note this question does not pertain to your experience with other agencies or departments—it is specific to ZAED).

(1=extremely dissatisfied, 2= dissatisfied, 3=somewhat satisfied, 4= neither satisfied or dissatisfied, 5=somewhat satisfied, 6=satisfied, 7=extremely satisfied)

1	2	3	4	5	6	7	Weighted Average
23.61%	16.67%	11.57%	12.50%	10.19%	14.35%	11.11%	3.45

The weighted average results of questions 1-6 as well as question 8 were closer to an overall score of “4” or “neither agree or disagree,” meaning that responses were neutral. Only question 9 and 10 displayed weighted averages closer to score of “3” or “somewhat disagree;” and they refer to the prompt and timely handing of the applications as well as the respondent’s level of overall experience, respectively. This means that there were equal amounts of respondents who felt their experience was good as there were who felt their experience was bad. However, a majority agreed that the permitting process took too long and because of that rated the overall experience less than neutral.

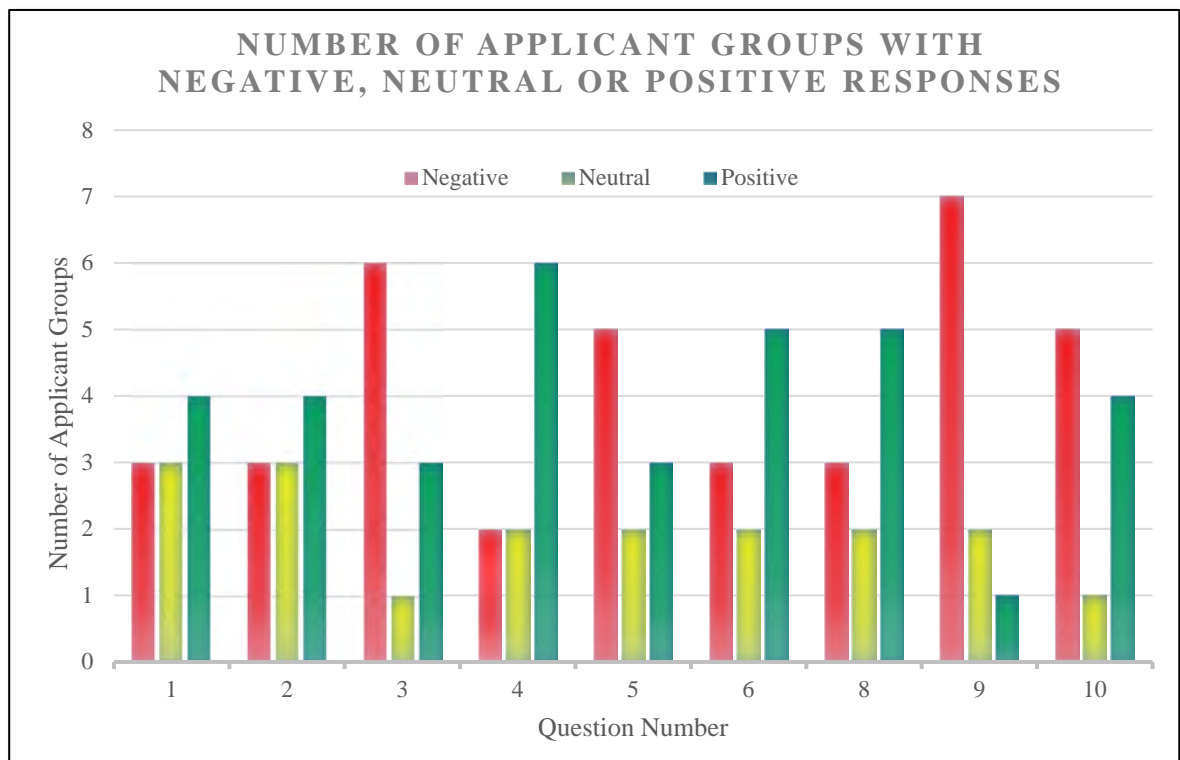


Data Segmentation Analysis

We resorted and analyzed raw survey data and segmented it by applicant type and applications type to gain further insight into the survey responses. The data segmentation focused on quantitative responses in questions 1-6 and questions 8-10.

Data Segmentation by Applicant Type

We first analyzed how applicants responded to the survey questions because we wanted to gauge how different applicants felt. We segmented the data by applicant type, sorted their answers to the questions, and categorized them by highlighting if they respond more negatively, neutrally, or positively.



Our results were interesting. There were more questions in the survey that applicant groups felt positive about. Their responses focused on their characterization of the service and aptitude: reliability, helpful, knowledge of the subject matter, information that is readily available, and information that was clearly presented and easy to understand.

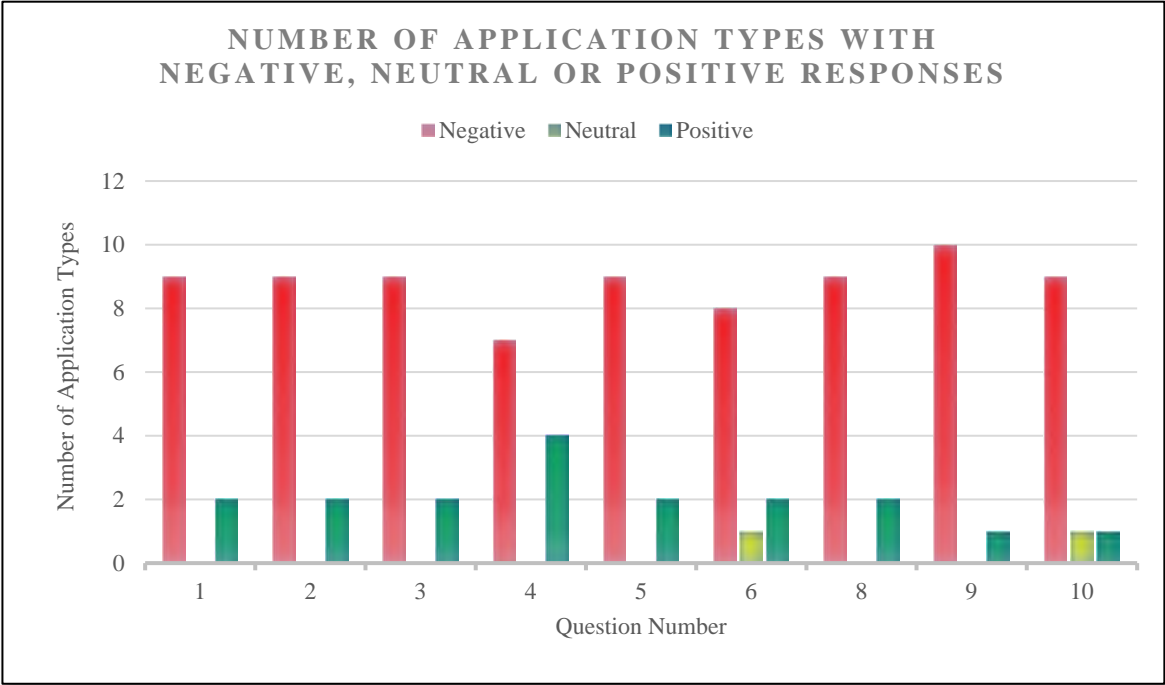
Conversely, applicant groups felt more strongly about the negative questions as illustrated in the taller red bars in the diagram. There were three specific questions they felt strongly about. The first question referred to the level of responsiveness. The next question that was significantly negative focused on the level of care and consideration for personal situation and needs. The third question referred to the process taking too much time.

Architect, developer, and neighbor applicant types responded negatively to a majority of the questions with neighbor applicants responding to eight out of nine questions negatively and neutrally to the question that referred to information that is readily available. Architect applicant responses were negative in eight out of nine questions and neutral to the question that referred to staff being knowledgeable of the subject matter.

Conversely, other company representative, small landowner or homeowner and attorney applicant types responded positively to a majority of the questions. Other company representative applicant type answered eight out of nine questions positively and neutrally to the question that referred to the time it takes to process permits. Small landowner or homeowner applicant types responded positively to seven out of nine questions and two neutral responses with respect to time it takes to process permits and overall experience. They were followed by attorney applicants who responded to seven out of nine questions positively and two negatively with respect to the care and consideration of personal situation and needs as well as the time it took to process permits.

Data Segmentation by Application Type

Next, we analyzed how people responded to the survey based on the application type because we wanted to see if the responses could help us provide us context to their answers. We segmented the data by application type, sorted their answers to the questions and categorized them by highlighting if they respond more negatively, neutrally, or positively.



The results for this data segmentation were more conclusive. Only two application types had answered most of the questions positively: building permits and sign permits. The remaining nine application types answered most of the questions negatively with the exception for special management area and subdivision application types which answered one question positively that referred to staff being knowledgeable of the subject matter. The application types that produced the most negative responses are:

- Certificate of occupancy
- Comprehensive signage plan
- Flood development permit
- Farm plan
- Off-site approval
- Parking waiver
- Special management area
- Subdivision
- Other

The results are significant because they indicate a variety of application types that people feel negatively about. It would be necessary to determine whether ZAED was individually responsible for the permits or was only partly responsible for reviewing applications (such as for SMAs) as a factor in interpreting the results of this segmentation.

We have provided the responses and analyses to questions 1-6 and 8-10 by segmentation below:

1. During my interactions with ZAED, I found the Division to be reliable, ensuring that it met all parties' expectations from the outset.

(1=strongly disagree, 2=disagree, 3=somewhat disagree, 4=neither agree nor disagree, 5=somewhat agree, 6=agree, 7=strongly agree)

Segmentation by Applicant Type

Applicant Type	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Small Landowner or Homeowner	25.4%	10.5%	8.8%	15.8%	13.2%	12.3%	14.0%	44.7%	55.3%
Architect	28.1%	21.9%	6.3%	18.8%	9.4%	3.1%	12.5%	56.3%	43.8%
Developer	29.4%	23.5%	11.8%	11.8%	23.5%	0.0%	0.0%	64.7%	35.3%
Attorney	33.3%	0.0%	0.0%	0.0%	66.7%	0.0%	0.0%	33.3%	66.7%
Neighbor	50.0%	33.3%	0.0%	0.0%	16.7%	0.0%	0.0%	83.3%	16.7%
Member of Public	26.7%	6.7%	13.3%	20.0%	20.0%	0.0%	13.3%	46.7%	53.3%
Management Company	0.0%	50.0%	0.0%	25.0%	0.0%	25.0%	0.0%	50.0%	50.0%
Contractor	21.9%	12.5%	9.4%	21.9%	15.6%	9.4%	9.4%	43.8%	56.3%
Other Company Representative	17.6%	17.6%	5.9%	17.6%	23.5%	5.9%	11.8%	41.2%	58.8%
Other (please state)	21.4%	23.8%	4.8%	14.3%	16.7%	7.1%	11.9%	50.0%	50.0%

Small landowners or homeowners, attorneys, contractors, or other company representatives responded more positively to this question while architects, developers and neighbors responded more negatively to this survey question.

“Overall, it was a good experience. I believe too much is left to the opinion of reviewers and inspectors but that is simply human nature. I’m 74 and in all my dealings over the years, I have to say the Maui experience was surprisingly far and away the best in my dealings with this process, especially given the pandemic.” – Customer comment

Segmentation by Application Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Building Permits	23.5%	14.5%	6.7%	15.6%	15.6%	11.7%	12.3%	44.7%	55.3%
Certificates of Occupancy	43.8%	9.4%	6.3%	15.6%	18.8%	3.1%	3.1%	59.4%	40.6%
Comprehensive Signage Plans	80.0%	0.0%	0.0%	0.0%	20.0%	0.0%	0.0%	80.0%	20.0%
Flood Development Permit	23.9%	30.4%	6.5%	8.7%	17.4%	6.5%	6.5%	60.9%	39.1%
Farm Plans	29.5%	29.5%	6.8%	13.6%	6.8%	6.8%	6.8%	65.9%	34.1%
Off-Site Approval	50.0%	0.0%	16.7%	16.7%	0.0%	0.0%	16.7%	66.7%	33.3%
Parking Waiver	37.5%	12.5%	12.5%	12.5%	12.5%	0.0%	12.5%	62.5%	37.5%
Sign Permits	25.0%	8.3%	0.0%	0.0%	41.7%	16.7%	8.3%	33.3%	66.7%
Special Management Area	26.3%	20.0%	10.0%	8.8%	18.8%	8.8%	7.5%	56.3%	43.8%
Subdivision	22.7%	31.8%	4.5%	13.6%	22.7%	4.5%	0.0%	59.1%	40.9%
Other (please state)	37.5%	31.3%	6.3%	0.0%	6.3%	0.0%	18.8%	75.0%	25.0%

Building permit and sign permit applicants responded more positively to this survey question. Applicants of all other permit types responded negatively.

“If they change that interpretation, they need to notify the public and design professionals. If a proposed use is not conforming, they need to assist in talking through solutions not stating it is not conforming end of story.” – Customer comment

2. On a scale of 1-7, how helpful or unhelpful do you think ZAED was during your, or any other related parties’ interactions with the Division?

(1=extremely unhelpful, 2= unhelpful, 3=somewhat helpful, 4= neither helpful or unhelpful, 5=somewhat helpful, 6=helpful, 7=extremely helpful)

Segmentation by Applicant Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Small Landowner or Homeowner	19.3%	12.3%	14.0%	11.4%	13.2%	18.4%	11.4%	45.6%	54.4%
Architect	21.9%	21.9%	21.9%	9.4%	6.3%	9.4%	9.4%	65.6%	34.4%
Developer	11.8%	35.3%	11.8%	11.8%	23.5%	5.9%	0.0%	58.8%	41.2%
Attorney	33.3%	0.0%	0.0%	0.0%	33.3%	33.3%	0.0%	33.3%	66.7%
Neighbor	50.0%	0.0%	16.7%	0.0%	16.7%	0.0%	16.7%	66.7%	33.3%
Member of Public	13.3%	13.3%	20.0%	26.7%	20.0%	0.0%	6.7%	46.7%	53.3%
Management Company	0.0%	25.0%	25.0%	25.0%	0.0%	25.0%	0.0%	50.0%	50.0%
Contractor	18.8%	15.6%	15.6%	15.6%	9.4%	18.8%	6.3%	50.0%	50.0%
Other Company Representative	11.8%	23.5%	5.9%	17.6%	11.8%	17.6%	11.8%	41.2%	58.8%
Other (please state)	11.9%	23.8%	16.7%	2.4%	16.7%	14.3%	14.3%	52.4%	47.6%

Small landowners or homeowners, attorneys, members of public, or other company representatives responded more positively to this question while architects, developers, and neighbors responded more negatively to this survey question.

“In general, I have found the planners and staff to be knowledgeable and helpful.”

“...The most recent interaction with ZAED, I think, was in reference to my neighbor applying for a b&b permit, and when I called, the person answering the phone was very helpful...” – Customer comments

Segmentation by Application Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Building Permits	16.8%	15.6%	14.0%	11.2%	15.1%	16.2%	11.2%	46.4%	53.6%
Certificates of Occupancy	25.0%	21.9%	9.4%	12.5%	15.6%	6.3%	9.4%	56.3%	43.8%
Comprehensive Signage Plans	60.0%	20.0%	0.0%	0.0%	0.0%	20.0%	0.0%	80.0%	20.0%
Flood Development Permit	15.2%	32.6%	15.2%	2.2%	19.6%	6.5%	8.7%	63.0%	37.0%
Farm Plans	20.5%	27.3%	22.7%	9.1%	11.4%	4.5%	4.5%	70.5%	29.5%
Off-Site Approval	50.0%	0.0%	16.7%	0.0%	16.7%	0.0%	16.7%	66.7%	33.3%
Parking Waiver	50.0%	12.5%	0.0%	0.0%	25.0%	0.0%	12.5%	62.5%	37.5%
Sign Permits	25.0%	8.3%	8.3%	0.0%	8.3%	33.3%	16.7%	41.7%	58.3%
Special Management Area	15.0%	22.5%	21.3%	7.5%	12.5%	11.3%	10.0%	58.8%	41.3%
Subdivision	9.1%	36.4%	9.1%	9.1%	22.7%	9.1%	4.5%	54.5%	45.5%
Other (please state)	50.0%	18.8%	12.5%	0.0%	6.3%	6.3%	6.3%	81.3%	18.8%

Building permit and sign permit applicants responded more positively to this survey question. All other permit types responded negatively.

3. On a scale of 1-7, how responsive or unresponsive do you think ZAED was, following a request from you, or any other related party?

(1=extremely unresponsive, 2= unresponsive, 3=somewhat responsive, 4= neither responsive or unresponsive, 5=somewhat responsive, 6=responsive, 7=extremely responsive)

Segmentation by Applicant Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Small Landowner or Homeowner	19.3%	8.8%	13.2%	8.8%	13.2%	23.7%	13.2%	41.2%	58.8%
Architect	31.3%	15.6%	21.9%	9.4%	6.3%	9.4%	6.3%	68.8%	31.3%
Developer	35.3%	17.6%	17.6%	11.8%	5.9%	11.8%	0.0%	70.6%	29.4%
Attorney	0.0%	33.3%	0.0%	0.0%	0.0%	66.7%	0.0%	33.3%	66.7%
Neighbor	33.3%	0.0%	50.0%	0.0%	0.0%	0.0%	16.7%	83.3%	16.7%
Member of Public	26.7%	13.3%	20.0%	6.7%	26.7%	0.0%	6.7%	60.0%	40.0%
Management Company	25.0%	0.0%	25.0%	0.0%	25.0%	25.0%	0.0%	50.0%	50.0%
Contractor	28.1%	9.4%	15.6%	9.4%	12.5%	21.9%	3.1%	53.1%	46.9%
Other Company Representative	23.5%	17.6%	0.0%	17.6%	11.8%	23.5%	5.9%	41.2%	58.8%
Other (please state)	16.7%	28.6%	9.5%	2.4%	9.5%	21.4%	11.9%	54.8%	45.2%

Small landowners or homeowners, attorneys, or other company representatives responded more positively to this question while architects, developers, and neighbors responded more negatively to this survey question.

“I believe additional staffing is needed. Everyone I have worked with is knowledgeable and helpful. It is the time frame in which it takes to get approvals 2-8 months which takes a toll on my business, it delays projects and makes it hard for us to meet the deadlines on projects.” – Customer comment

Segmentation by Application Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Building Permits	19.6%	12.3%	15.6%	8.9%	12.3%	21.2%	10.1%	47.5%	52.5%
Certificates of Occupancy	31.3%	21.9%	12.5%	6.3%	6.3%	12.5%	9.4%	65.6%	34.4%
Comprehensive Signage Plans	80.0%	0.0%	0.0%	0.0%	0.0%	20.0%	0.0%	80.0%	20.0%
Flood Development Permit	30.4%	26.1%	13.0%	4.3%	6.5%	15.2%	4.3%	69.6%	30.4%
Farm Plans	25.0%	15.9%	22.7%	9.1%	9.1%	13.6%	4.5%	63.6%	36.4%
Off-Site Approval	33.3%	16.7%	16.7%	0.0%	16.7%	16.7%	0.0%	66.7%	33.3%
Parking Waiver	37.5%	12.5%	12.5%	0.0%	12.5%	25.0%	0.0%	62.5%	37.5%
Sign Permits	25.0%	8.3%	8.3%	0.0%	8.3%	41.7%	8.3%	41.7%	58.3%
Special Management Area	25.0%	21.3%	16.3%	6.3%	6.3%	18.8%	6.3%	62.5%	37.5%
Subdivision	18.2%	31.8%	13.6%	9.1%	9.1%	18.2%	0.0%	63.6%	36.4%
Other (please state)	37.5%	25.0%	18.8%	6.3%	0.0%	6.3%	6.3%	81.3%	18.8%

Building permit and sign permit applicants responded more positively to this survey question. Applicants for all other permit types responded negatively.

“Responding to the initial permit application in a timely manner. We needed a farm plan but didn't know it was needed until they told us....4 months after applying for the building permit. Had they responded in 45 days we could have gotten our permit 2 to 4 months sooner.”
– Customer comment

- 4. Please select the box below that best corresponds with your level of agreement in regard to the following statement: During my, or other related parties’ interactions with ZAED, the Division demonstrated a high level of relevant subject matter expertise.**

(1=strongly disagree, 2=disagree, 3=somewhat disagree, 4=neither agree nor disagree, 5=somewhat agree, 6=agree, 7=strongly agree)

Segmentation by Applicant Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Small Landowner or Homeowner	14.0%	14.0%	11.4%	14.0%	9.6%	23.7%	13.2%	39.5%	60.5%
Architect	15.6%	18.8%	15.6%	12.5%	12.5%	21.9%	3.1%	50.0%	50.0%
Developer	11.8%	17.6%	17.6%	17.6%	23.5%	5.9%	5.9%	47.1%	52.9%
Attorney	0.0%	33.3%	0.0%	33.3%	0.0%	33.3%	0.0%	33.3%	66.7%
Neighbor	50.0%	0.0%	33.3%	0.0%	0.0%	16.7%	0.0%	83.3%	16.7%
Member of Public	13.3%	13.3%	26.7%	13.3%	20.0%	13.3%	0.0%	53.3%	46.7%
Management Company	0.0%	25.0%	25.0%	0.0%	25.0%	25.0%	0.0%	50.0%	50.0%
Contractor	15.6%	15.6%	15.6%	15.6%	18.8%	12.5%	6.3%	46.9%	53.1%
Other Company Representative	17.6%	11.8%	5.9%	23.5%	23.5%	5.9%	11.8%	35.3%	64.7%
Other (please state)	19.0%	9.5%	16.7%	11.9%	9.5%	16.7%	16.7%	45.2%	54.8%

Most applicant types responded to this survey question neutrally or positively. Only applicant types neighbor and member of public responded more negatively to this question.

“Overall, while I have experienced a few hiccups, staff works hard, is doing the best they can with the staff they have and the code they have to work with, and should not be blamed for all that may be perceived as "wrong" in the County (illegal vacation rentals, lack of farming on Ag land, etc.) You can't expect front line employees to be blamed for fundamental code inequities and POLITICS - things they have no control over.” – Customer comment

Segmentation by Application Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Building Permits	15.6%	12.8%	11.7%	14.0%	12.3%	23.5%	10.1%	40.2%	59.8%
Certificates of Occupancy	21.9%	18.8%	15.6%	12.5%	3.1%	21.9%	6.3%	56.3%	43.8%
Comprehensive Signage Plans	60.0%	0.0%	0.0%	20.0%	0.0%	20.0%	0.0%	60.0%	40.0%
Flood Development Permit	19.6%	19.6%	17.4%	8.7%	10.9%	17.4%	6.5%	56.5%	43.5%
Farm Plans	13.6%	29.5%	22.7%	9.1%	11.4%	13.6%	0.0%	65.9%	34.1%
Off-Site Approval	33.3%	16.7%	16.7%	0.0%	16.7%	0.0%	16.7%	66.7%	33.3%
Parking Waiver	37.5%	12.5%	25.0%	0.0%	0.0%	12.5%	12.5%	75.0%	25.0%
Sign Permits	25.0%	8.3%	8.3%	8.3%	8.3%	33.3%	8.3%	41.7%	58.3%
Special Management Area	12.5%	20.0%	11.3%	17.5%	13.8%	17.5%	7.5%	43.8%	56.3%
Subdivision	18.2%	13.6%	13.6%	27.3%	18.2%	4.5%	4.5%	45.5%	54.5%
Other (please state)	50.0%	25.0%	6.3%	6.3%	0.0%	0.0%	12.5%	81.3%	18.8%

Building permit, sign permit, special management area, and subdivision applicants responded more positively to this survey question. Applicants for all other permit types responded negatively.

5. Please select the box below that best corresponds with your level of agreement in regard to the following statement: The people whom I (or other related parties) interacted with at ZAED demonstrated a high level of care and consideration in regards my personal situation and needs (or those needs of the entity which I represented).

(1=strongly disagree, 2=disagree, 3=somewhat disagree, 4=neither agree nor disagree, 5=somewhat agree, 6=agree, 7=strongly agree)

Segmentation by Applicant Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Small Landowner or Homeowner	21.9%	11.4%	12.3%	7.9%	11.4%	19.3%	15.8%	45.6%	54.4%
Architect	37.5%	15.6%	18.8%	9.4%	3.1%	12.5%	3.1%	71.9%	28.1%
Developer	29.4%	17.6%	5.9%	23.5%	17.6%	0.0%	5.9%	52.9%	47.1%
Attorney	33.3%	0.0%	33.3%	33.3%	0.0%	0.0%	0.0%	66.7%	33.3%
Neighbor	50.0%	16.7%	16.7%	0.0%	0.0%	0.0%	16.7%	83.3%	16.7%
Member of Public	26.7%	20.0%	13.3%	20.0%	13.3%	6.7%	0.0%	60.0%	40.0%
Management Company	0.0%	25.0%	25.0%	25.0%	0.0%	25.0%	0.0%	50.0%	50.0%
Contractor	18.8%	18.8%	9.4%	15.6%	12.5%	18.8%	6.3%	46.9%	53.1%
Other Company Representative	23.5%	17.6%	0.0%	29.4%	5.9%	11.8%	11.8%	41.2%	58.8%
Other (please state)	21.4%	26.2%	14.3%	4.8%	7.1%	11.9%	14.3%	61.9%	38.1%

Small landowners or homeowners, contractors, or other company representatives responded more positively to this question while architects, attorneys, neighbors, and members of the public responded more negatively to this survey question.

“All employees dealing with the public should be trained in how to treat the public with respect...” – Customer comment

Segmentation by Application Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Building Permits	22.3%	14.5%	11.2%	11.7%	12.3%	16.8%	11.2%	48.0%	52.0%
Certificates of Occupancy	34.4%	25.0%	0.0%	12.5%	9.4%	9.4%	9.4%	59.4%	40.6%
Comprehensive Signage Plans	80.0%	0.0%	0.0%	0.0%	0.0%	20.0%	0.0%	80.0%	20.0%
Flood Development Permit	30.4%	23.9%	13.0%	8.7%	10.9%	8.7%	4.3%	67.4%	32.6%
Farm Plans	34.1%	25.0%	13.6%	6.8%	4.5%	13.6%	2.3%	72.7%	27.3%
Off-Site Approval	50.0%	0.0%	33.3%	0.0%	0.0%	16.7%	0.0%	83.3%	16.7%
Parking Waiver	50.0%	12.5%	12.5%	0.0%	12.5%	12.5%	0.0%	75.0%	25.0%
Sign Permits	25.0%	8.3%	8.3%	8.3%	8.3%	33.3%	8.3%	41.7%	58.3%
Special Management Area	25.0%	18.8%	13.8%	12.5%	10.0%	12.5%	7.5%	57.5%	42.5%
Subdivision	22.7%	31.8%	4.5%	22.7%	9.1%	4.5%	4.5%	59.1%	40.9%
Other (please state)	50.0%	31.3%	6.3%	0.0%	0.0%	6.3%	6.3%	87.5%	12.5%

Building permit and sign permit applicants responded more positively to this survey question. Applicants for all other permit types responded negatively.

- 6. Please select the box below that best corresponds with your level of agreement in regard to the following statement: During my, or any other related parties' interactions with ZAED, the information that I/we needed to fulfill my/our needs was made readily available.**

(1=strongly disagree, 2=disagree, 3=somewhat disagree, 4=neither agree nor disagree, 5=somewhat agree, 6=agree, 7=strongly agree)

Segmentation by Applicant Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Small Landowner or Homeowner	15.8%	14.0%	11.4%	7.9%	17.5%	19.3%	14.0%	41.2%	58.8%
Architect	25.0%	18.8%	18.8%	9.4%	6.3%	18.8%	3.1%	62.5%	37.5%
Developer	17.6%	29.4%	17.6%	17.6%	11.8%	5.9%	0.0%	64.7%	35.3%
Attorney	0.0%	0.0%	33.3%	0.0%	33.3%	33.3%	0.0%	33.3%	66.7%
Neighbor	16.7%	16.7%	16.7%	16.7%	0.0%	0.0%	33.3%	50.0%	50.0%
Member of Public	20.0%	13.3%	33.3%	20.0%	6.7%	0.0%	6.7%	66.7%	33.3%
Management Company	0.0%	25.0%	25.0%	25.0%	0.0%	25.0%	0.0%	50.0%	50.0%
Contractor	18.8%	15.6%	12.5%	15.6%	21.9%	12.5%	3.1%	46.9%	53.1%
Other Company Representative	11.8%	11.8%	23.5%	11.8%	17.6%	17.6%	5.9%	47.1%	52.9%
Other (please state)	14.3%	19.0%	11.9%	21.4%	7.1%	14.3%	11.9%	45.2%	54.8%

Most applicant types responded to this survey question neutrally or positively. Only architects, developers, and members of the public responded more negatively to this question.

Segmentation by Application Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Building Permits	16.8%	14.5%	12.3%	11.7%	15.6%	19.6%	9.5%	43.6%	56.4%
Certificates of Occupancy	25.0%	15.6%	25.0%	6.3%	9.4%	12.5%	6.3%	65.6%	34.4%
Comprehensive Signage Plans	60.0%	0.0%	20.0%	0.0%	20.0%	0.0%	0.0%	80.0%	20.0%
Flood Development Permit	23.9%	19.6%	17.4%	8.7%	8.7%	17.4%	4.3%	60.9%	39.1%
Farm Plans	25.0%	20.5%	15.9%	9.1%	15.9%	11.4%	2.3%	61.4%	38.6%
Off-Site Approval	33.3%	0.0%	16.7%	0.0%	33.3%	16.7%	0.0%	50.0%	50.0%
Parking Waiver	37.5%	12.5%	12.5%	0.0%	12.5%	25.0%	0.0%	62.5%	37.5%
Sign Permits	25.0%	16.7%	0.0%	0.0%	25.0%	25.0%	8.3%	41.7%	58.3%
Special Management Area	17.5%	20.0%	20.0%	10.0%	8.8%	17.5%	6.3%	57.5%	42.5%
Subdivision	18.2%	18.2%	18.2%	27.3%	4.5%	13.6%	0.0%	54.5%	45.5%
Other (please state)	37.5%	18.8%	25.0%	6.3%	0.0%	0.0%	12.5%	81.3%	18.8%

Building permit and sign permit applicants responded more positively to this survey question. Off-site approval applicants responded neutrally. Applicants of all other permit types responded negatively.

“Need to have an online resource available to the public that explicitly outlines all of ZAED's internal policies and opinions relating to permit reviews, which otherwise would not be found in the Maui County Code or Administrative Rules.” – Customer comment

- 8. Please select the box below that best corresponds with your level of agreement in regard to the following statement: During my interactions with ZAED, the information and guidance that I needed was clearly presented and easy to understand.**

(1=strongly disagree, 2=disagree, 3=somewhat disagree, 4=neither agree nor disagree, 5=somewhat agree, 6=agree, 7=strongly agree)

Segmentation by Applicant Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Small Landowner or Homeowner	17.5%	13.2%	15.8%	9.6%	15.8%	15.8%	12.3%	46.5%	53.5%
Architect	21.9%	25.0%	15.6%	12.5%	6.3%	12.5%	6.3%	62.5%	37.5%
Developer	17.6%	29.4%	11.8%	11.8%	17.6%	11.8%	0.0%	58.8%	41.2%
Attorney	33.3%	0.0%	0.0%	33.3%	33.3%	0.0%	0.0%	33.3%	66.7%
Neighbor	16.7%	0.0%	50.0%	0.0%	0.0%	0.0%	33.3%	66.7%	33.3%
Member of Public	13.3%	20.0%	20.0%	26.7%	13.3%	0.0%	6.7%	53.3%	46.7%
Management Company	0.0%	25.0%	0.0%	25.0%	25.0%	25.0%	0.0%	25.0%	75.0%
Contractor	25.0%	18.8%	3.1%	12.5%	28.1%	9.4%	3.1%	46.9%	53.1%
Other Company Representative	17.6%	11.8%	11.8%	17.6%	11.8%	23.5%	5.9%	41.2%	58.8%
Other (please state)	9.5%	28.6%	14.3%	16.7%	11.9%	9.5%	9.5%	52.4%	47.6%

Most applicant types responded to this survey question neutrally or positively. Only architects, developers, and members of the public responded more negatively to this question.

Segmentation by Application Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Building Permits	17.9%	15.6%	14.0%	11.7%	16.8%	14.5%	9.5%	47.5%	52.5%
Certificates of Occupancy	31.3%	21.9%	12.5%	6.3%	15.6%	6.3%	6.3%	65.6%	34.4%
Comprehensive Signage Plans	60.0%	0.0%	20.0%	0.0%	20.0%	0.0%	0.0%	80.0%	20.0%
Flood Development Permit	19.6%	26.1%	19.6%	10.9%	6.5%	13.0%	4.3%	65.2%	34.8%
Farm Plans	25.0%	27.3%	20.5%	6.8%	11.4%	9.1%	0.0%	72.7%	27.3%
Off-Site Approval	50.0%	16.7%	0.0%	33.3%	0.0%	0.0%	0.0%	66.7%	33.3%
Parking Waiver	50.0%	12.5%	0.0%	25.0%	12.5%	0.0%	0.0%	62.5%	37.5%
Sign Permits	25.0%	8.3%	0.0%	8.3%	16.7%	33.3%	8.3%	33.3%	66.7%
Special Management Area	17.5%	25.0%	16.3%	13.8%	11.3%	11.3%	5.0%	58.8%	41.3%
Subdivision	13.6%	27.3%	22.7%	13.6%	18.2%	4.5%	0.0%	63.6%	36.4%
Other (please state)	43.8%	25.0%	0.0%	18.8%	0.0%	6.3%	6.3%	68.8%	31.3%

Building permit and sign permit applicants responded more positively to this survey question. Applicants of all other permit types responded negatively.

“The policies and administrative rules are difficult to find for the applicant and staff reviewer or inspector. Sometimes it seems they are made up on the spot, resulting in inconsistent responses. Transparent and clear policy that is accessible would help applicants understand the expectations. An example is the new farm plan policy that is just an agreement and does not require a farm plan. When comes time for inspection, approval or non-approval depends on the inspector's or their supervisor's perception of a farm or ag. What should be a simple review takes months. There has to be a way to streamline the process. They've created so many layers and rules that there's a cry for more staff, when simplifying the rules and process, especially with the SMA.” – Customer comment

9. Please select the box below that best corresponds with your level of agreement in regard to the following statement: My application or complaint was promptly handled and processed, and within the timeframe communicated to me by ZAED.

(1=strongly disagree, 2=disagree, 3=somewhat disagree, 4=neither agree nor disagree, 5=somewhat agree, 6=agree, 7=strongly agree)

Segmentation by Applicant Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Small Landowner or Homeowner	28.9%	14.0%	8.8%	7.9%	10.5%	20.2%	9.6%	51.8%	48.2%
Architect	46.9%	12.5%	9.4%	18.8%	0.0%	9.4%	3.1%	68.8%	31.3%
Developer	41.2%	35.3%	11.8%	11.8%	0.0%	0.0%	0.0%	88.2%	11.8%
Attorney	33.3%	33.3%	0.0%	0.0%	0.0%	0.0%	33.3%	66.7%	33.3%
Neighbor	50.0%	16.7%	0.0%	16.7%	0.0%	0.0%	16.7%	66.7%	33.3%
Member of Public	33.3%	33.3%	6.7%	13.3%	0.0%	6.7%	6.7%	73.3%	26.7%
Management Company	25.0%	0.0%	0.0%	50.0%	0.0%	25.0%	0.0%	25.0%	75.0%
Contractor	31.3%	15.6%	12.5%	15.6%	6.3%	15.6%	3.1%	59.4%	40.6%
Other Company Representative	23.5%	17.6%	5.9%	17.6%	0.0%	23.5%	11.8%	47.1%	52.9%
Other (please state)	35.7%	14.3%	7.1%	19.0%	11.9%	7.1%	4.8%	57.1%	42.9%

Only management company applicants responded positively to this question while small landowners or homeowners, and other company representatives were somewhat neutral. Applicants for all other applicant types responded negatively to this survey question.

“Set a timeframe for review. And if it is not met, communicate to applicant. Make decisions and stick to those decisions as resources are spent on the processing of permits once those decisions are made. Changing those decisions are very time consuming and costly for applicants.” - Customer comment

Segmentation by Application Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Building Permits	31.8%	14.0%	8.4%	13.4%	7.8%	16.8%	7.8%	54.2%	45.8%
Certificates of Occupancy	50.0%	15.6%	0.0%	15.6%	6.3%	9.4%	3.1%	65.6%	34.4%
Comprehensive Signage Plans	80.0%	0.0%	0.0%	20.0%	0.0%	0.0%	0.0%	80.0%	20.0%
Flood Development Permit	45.7%	17.4%	13.0%	13.0%	2.2%	2.2%	6.5%	76.1%	23.9%
Farm Plans	38.6%	18.2%	11.4%	9.1%	6.8%	13.6%	2.3%	68.2%	31.8%
Off-Site Approval	50.0%	0.0%	16.7%	33.3%	0.0%	0.0%	0.0%	66.7%	33.3%
Parking Waiver	62.5%	0.0%	12.5%	25.0%	0.0%	0.0%	0.0%	75.0%	25.0%
Sign Permits	25.0%	8.3%	16.7%	16.7%	0.0%	8.3%	25.0%	50.0%	50.0%
Special Management Area	41.3%	12.5%	13.8%	15.0%	8.8%	2.5%	6.3%	67.5%	32.5%
Subdivision	27.3%	36.4%	4.5%	13.6%	9.1%	0.0%	9.1%	68.2%	31.8%
Other (please state)	56.3%	25.0%	6.3%	0.0%	0.0%	12.5%	0.0%	87.5%	12.5%

Only sign permit applicants responded positively to this survey question.
Applicants for all other application types responded negatively to this question.

10. On a scale of 1-7, how satisfied or dissatisfied were you with your overall experience with ZAED? (Please note this question does not pertain to your experience with other agencies or departments—it is specific to ZAED).

(1=extremely dissatisfied, 2= dissatisfied, 3=somewhat satisfied, 4= neither satisfied or dissatisfied, 5=somewhat satisfied, 6=satisfied, 7=extremely satisfied)

Segmentation by Applicant Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Small Landowner or Homeowner	21.1%	16.7%	12.3%	11.4%	7.9%	18.4%	12.3%	50.0%	50.0%
Architect	31.3%	21.9%	15.6%	15.6%	3.1%	9.4%	3.1%	68.8%	31.3%
Developer	35.3%	23.5%	17.6%	5.9%	17.6%	0.0%	0.0%	76.5%	23.5%
Attorney	33.3%	0.0%	0.0%	33.3%	0.0%	33.3%	0.0%	33.3%	66.7%
Neighbor	50.0%	16.7%	0.0%	16.7%	0.0%	0.0%	16.7%	66.7%	33.3%
Member of Public	26.7%	20.0%	13.3%	13.3%	20.0%	0.0%	6.7%	60.0%	40.0%
Management Company	0.0%	25.0%	0.0%	50.0%	0.0%	25.0%	0.0%	25.0%	75.0%
Contractor	15.6%	25.0%	3.1%	28.1%	12.5%	9.4%	6.3%	43.8%	56.3%
Other Company Representative	23.5%	17.6%	0.0%	17.6%	17.6%	11.8%	11.8%	41.2%	58.8%
Other (please state)	23.8%	26.2%	11.9%	2.4%	16.7%	9.5%	9.5%	61.9%	38.1%

Attorneys, management companies, contractors, and other company representatives responded positively to this question while small landowners or homeowners responded neutrally. Architects, developers, neighbors, members of the public, and other applicant types responded negatively.

Segmentation by Application Type

	1	2	3	4	5	6	7	Negative (0-3)	Neutral to Positive (4-7)
Building Permits	21.8%	16.8%	12.8%	14.0%	10.1%	15.1%	9.5%	51.4%	48.6%
Certificates of Occupancy	31.3%	28.1%	9.4%	12.5%	6.3%	3.1%	9.4%	68.8%	31.3%
Comprehensive Signage Plans	80.0%	0.0%	0.0%	20.0%	0.0%	0.0%	0.0%	80.0%	20.0%
Flood Development Permit	30.4%	26.1%	17.4%	2.2%	10.9%	6.5%	6.5%	73.9%	26.1%
Farm Plans	27.3%	36.4%	6.8%	13.6%	4.5%	6.8%	4.5%	70.5%	29.5%
Off-Site Approval	50.0%	0.0%	16.7%	0.0%	16.7%	16.7%	0.0%	66.7%	33.3%
Parking Waiver	50.0%	12.5%	0.0%	0.0%	25.0%	12.5%	0.0%	62.5%	37.5%
Sign Permits	25.0%	16.7%	0.0%	8.3%	16.7%	16.7%	16.7%	41.7%	58.3%
Special Management Area	28.8%	20.0%	15.0%	8.8%	10.0%	11.3%	6.3%	63.8%	36.3%
Subdivision	27.3%	22.7%	9.1%	13.6%	9.1%	13.6%	4.5%	59.1%	40.9%
Other (please state)	37.5%	37.5%	6.3%	0.0%	6.3%	0.0%	12.5%	81.3%	18.8%

Only sign permit applicants responded positively to this survey question. Building permit applicants responded somewhat neutrally. Applicants for all other application types responded negatively to this question.

General observations of survey questions segmented by applicant type

While architects, developers, and neighbors generally responded negatively to most questions, architects and developers responded positively to question 4, which asked whether the Division demonstrated a high level of relevant subject matter expertise. This indicates that to architects and developers, who could be considered subject matter experts, ZAED has technical expertise.

The most negative response to a survey question was in question 9 which referred to the prompt handling and processing of applications. This was followed by question 5 which referred to the level of care and consideration given to the applicant's personal situation and needs.

Applicants except for architects, developers, and members of the public responded neutrally or positively to question 6, which referred to the information the applicant needed to fulfill their needs as well as question 8 which asked about the information and guidance that was provided.

These results demonstrate that applicants generally felt that the Division had a grasp of the subject matter and generally provided the information and guidance needed. The results would mean applicants generally believe the Division has the aptitude for the subject. However, a large portion of the applicants did not believe the Division is able to promptly and timely process the permits or show a level of care and consideration for the applicant's needs.

General observations of survey questions segmented by application type

Most of the positive responses were from two application types: building and sign permits. They accounted for 191 total responses or 58 percent of total responses. The remaining application types generally had negative responses to the questions. The significance of these results is that of the many types of applications are referenced in the survey responses ZAED may be only partially involved or not involved at all in the processing of these applications. Therefore, whether the responses should be interpreted to apply only to ZAED should be considered before reaching any conclusions.

Over 72 percent of the survey responses reflected a myriad of reactions that involve other agencies in addition to ZAED. Only 27 percent of the respondents specifically directed responses at ZAED. The positive survey responses point to the knowledge and capability of the ZAED staff. Many of the negative responses and comments point to issues to staff empathy with customer issues, responsiveness and timeliness, inconsistencies, and varied interpretations within the application process. Although the survey results show reactions from applicants vary, it appears that the County could use these findings to discuss improvements that could be made to address problems in the application process in specific applicant categories.

The survey results show that more clarity and transparency are needed during the application process and applications should be directed to the correct agency with decision making authority. The results also emphasize the need to make improvements to the application process as well as improve quality and quantity of information needed by customers.

Recommendations

1. The Department and ZAED can use the analysis results of the customer survey segmentation by application type to focus the types of permits with the most negative responses such as comprehensive signage plans, flood development permits, and SMAs; and develop solutions to improve on the permit process and determine how those solutions can help those in ZAED. Addressing these application types could help identify where issues occurred, which agency the issue is addressing, and, more importantly, ZAED responsibilities or involvement in the issues.
2. The Department and ZAED should jointly meet and discuss with applicant types who responded more negatively to the survey to better understand their dissatisfaction with the current permitting process to gain further insight and determine if there are potential solutions. The feedback gained from these discussions could provide greater clarity of the applicant issues, determine with issues are valid or invalid, and provide a better basis for future solutions.

Finding 5: ZAED substantially completed its implementation of the Zucker recommendations within its jurisdiction and control.

Background

In March 2006, Zucker Systems, Strategica, and Lane Kendig Associates issued “A Review and Assessment of the Department of Planning County of Maui, Hawaii” (previously referred to as the Zucker Report”). According to the Zucker Report, the effort was an audit³⁵ initiated by the Maui County Council through the Office of Council with the objectives stated below:³⁶

1. Assess the Planning Department’s ability to effectively meet its goals, objectives, and performance measures as stated in the Mayor’s Budget Proposal for Fiscal Year (FY) 2005
2. Recommend a plan of action, including goals, measures of effectiveness, and timelines, to improve the operations of the Planning including possible changes to the Department’s table of organization
3. Assess the Department’s ability to effectively meet its goals, objectives, and performance measures as stated in the Mayor’s Budget Proposal for Fiscal Year (FY) 2005
4. Recommend a plan of action, including goals, measures of effectiveness, and timelines, to improve the operations of the Planning Department including possible changes to the Department’s table of organization

The specific questions addressed by the audit and associated findings by Zucker were:

- Did the Department do what the Mayor and Council asked and were the appropriations wisely spent? The overall answer to this question is “yes” but with problems noted. These problems include the enforcement program, performance standards, a shortage of staff, recruiting problems, lack of staff training, inconsistent policies and processes and inadequate management oversight, lack of a Molokai Planner, and meeting Council expectations regarding redevelopment.

³⁵ There is no indication that the work reflected in the Zucker Report was performed according to the Yellow Book or other professional standards for auditing.

³⁶ Zucker Report, page 1.

- Has the Department corrected its inability to address personnel problems, including the resignation of several planners, complaints regarding employee workload, and difficulties in recruiting qualified employees? The Department has made some progress on this issue since it was first raised. The County now allows recruiting for some planning positions on the mainland and allows appointment at the upper salary steps. This has resulted in the filling of most of the vacant planning positions. We see a major issue in that many newly recruited staff (new employees) often leave or are terminated before a full year of employment. This may be due to how applicants are screened. Additionally, national studies show that employees often leave their jobs because of heavy workload and poor supervision and management. Both of these issues exist within the Planning Department. To address the workload issue we recommend adding three planners. To address the management issues we suggest management training and more employee empowerment.
- Does the Department have delays in processing land use applications and various permits? There are major delays in processing land use applications. The Department does not meet its own performance standards as established in its budgets. To solve this we have recommended a program to remove the backlog of cases and numerous changes in procedures. Although the size of the staff has increased each year over the last three years, (37 in FY 03 to 57 in FY 06) there is still a shortage of staff in current planning and in enforcement. We suggest adding a planner to review subdivisions and building permits and two planners for processing Current Planning applications.
- Does the Department adequately enforce State and County zoning laws? The lack of a comprehensive and consistent enforcement program continues to be a major problem within the Department. The Department has problems in keeping this function well staffed and managed. In addition, there is a lack of an enforcement strategy that meets the desires of both citizens and elected officials. In addition to creating a clear enforcement strategy, we recommend hiring a supervision enforcement officer, assigning from the Department of Corporation Counsel, a dedicated attorney for code violations, using administrative liens and an enforcement.

The report included 128 recommendations for improving the Planning Department and addressing the audit issues. The Zucker Report identified seven key areas or groupings that need the highest priority.

1. Management: The report stated that the Department faces management challenges in the form of high staff turnover from new hires, formalizing policies and procedures is barely getting started, needed training of staff is just beginning, the Current Planning Division and ZAED continue to have problems in meeting customer expectations for both timelines and consistency, the Current Planning Division and ZAED need substantial management improvement, and management training is insufficient.
2. Timelines: The report states that timelines for most application processing in Maui are some of the slowest the consultants have experienced. They observed that timelines have been impacted by lack of staff, staff training, lack of clear policies and procedures, high staff turnover, and slow responses from the Water Department and State agencies. In this regard, the Zucker Report notes that: "...Deciding on reasonable timelines, in the final analysis, is a County policy decision...The first step is for the Mayor and Council to decide what priority they place on reducing timelines and meeting performance standards. If they are a high priority, additional resources will be necessary."³⁷
3. Ordinances, policies, and procedures: The study reported that there is duplication in some procedures between Planning and Development Services, lack of policy and procedure documents leading to different staff following different procedures and differences in ordinance.
4. Training: The finding for this item is that there has been virtually no consistent training program in the Department and that the lack of training affects productivity, consistency, and good customer service.
5. Technology: The finding is that while the Department has made substantial gains in technology much remains to be done. GIS work has been well received but the County is still below average in GIS utilization and sophistication for a county the size and significance of Maui.
6. Long range planning: What was found missing in long range planning is an easy-to-understand work program with labor allocations so policy makers can make decisions on the level of effort they desire.
7. Enforcement: The report noted that a County policy decision must be made to determine not only how much enforcement is desired, but also how it is carried out. It noted that without a good enforcement program, the major resources being used for planning and processing of applications could be called into question.

³⁷ Zucker Report, page 2.

ZAED'S Implementation of the Recommendations in the Zucker Report

ZAED was assigned to implement 25 of the 128 recommendations in the Zucker Report.³⁸

We conducted a follow-up of the status of the Zucker recommendations assigned to ZAED in our fieldwork in 2021. Of the 25 recommendations assigned to ZAED, seven were completed, two are pending and ongoing, five are not relevant and cannot be implemented, ten are either outside ZAED's jurisdiction or require action by other County entities, and the disposition of one is unknown. This table represents the results of our inquiry.

Completed:

Recommendation Number	Recommended Action
103	Implement over-the-counter plan check for simple projects
104	Hire additional planner for review of subdivisions and building permits
106	Consolidate completeness review in Planning (implemented as to ZAED)
114	Appoint a supervising enforcement officer
115	Purchase PDAs or lab tops for code enforcement inspectors
117	Issue Notice of Violation after only one Notice of Warning
118	Discontinue amnesty policy

Implementation of the following recommendations is pending and ongoing:

Recommendation Number	Recommended Action
108	Scan old case files
110	Prepare administrative rules and procedures for plan reviews

³⁸ Documentation provided by ZAED indicates that the Planning Department Administration was responsible for 57 recommendations, the Current Division was responsible for 98 recommendations, and the Long Range Division was responsible for 14 recommendations. Because some recommendations were assigned to multiple divisions, the total number of recommendations listed above add up to more than 125. Certain recommendations related to SMAs, such as undertaking an SMA study for area and process, developing an SMA screening checklist, and reviewing the State's Assessment Report for SMAs were assigned to the Current Division. Certain recommendations related to bed and breakfasts, such as allowing Planning staff and the Planning Commission to approve bed and breakfasts were assigned to the Current Division.

The following recommendations are no longer relevant or cannot be implemented:

Recommendation Number	Recommended Action
100	Conduct weekly review of Kiva application data (KIVA system to be replaced by MAPPS)
102	Purchase plan rack (Submittals will be electronic upon move to MAPPS)
105	Construct public counter for ZAED collocated with Public Works (Public Works has been relocated even further away from ZAED)
107	Check for flood zones at intake (no longer needed since applicants must submit zoning and flood confirmation request before submitting applications)
111	Eliminate duplicate sections of the Housing and Zoning Code (Housing Code no longer exists)

Implementation of these recommendations is either outside ZAED's jurisdiction or requires action by other County entities:

Recommendation Number	Recommended Action
109	Update relevant GIS overlays (ZAED does not update GIS)
112	Develop enforcement strategy (requires involvement or action by Director, Mayor, Council, and Corporation Counsel)
113	Transfer Beautification Code to Planning (Public Works jurisdiction)
116	Appoint dedicated attorney for code violations (Corporation Counsel jurisdiction-ZAED supports this recommendation since it receives advice from attorneys who give different opinions)
119	Implement administrative liens (requires involvement or action by Director, Mayor, Council, and Corporation Counsel)
120	Update zoning code regarding transient vacation rentals (requires involvement or action by the Director, Current, Mayor, Council, and Corporation Counsel)
121	Violations and fines to be heard by Hearing Officer (requires involvement or action by Director and Council)

122	Molokai planner should conduct inspections and complaint investigations (requires action by Director-ZAED supports this recommendation and proposes that the Molokai planner could take photographs and issue RFSs, with the investigation done by Maui staff)
123	Sign master agreements with hearing officers (requires action by Director)
124	Prepare administrative rules and procedures for hearing officers on zoning and enforcement cases (requires involvement or action by Director and Corporation Counsel-ZAED supports pursuing this recommendation with Recommendations 121 and 123)

There was no documentation provided that enables us to determine the status of Recommendation 127, which recommends that Zoning Administration have a retreat to discuss employee survey responses. This recommendation may be moot if the retreat was held.

Based on the data above, we find that ZAED has completed its implementation of all but three of the Zucker Report recommendations assigned to it. For the recommendations that are not completed, ZAED needs to continue to scan old case files (Recommendation 108) and prepare administrative rules and procedures for plan reviews (Recommendation 110). The challenges in implementing the latter are the same (or greater) than in 2012, when the Department noted in its April 16, 2012, letter to former Councilmember Donald G. Couch, Jr.

“This would involve preparing better process maps and accompanying text describing the required review steps. This is particularly important given the number of new staff in ZAED and the high turnover. Many of the key staff with institutional memory have already left the Department or will probably not return eliminating this source of training (110).”³⁹

Beyond the Zucker Report

Although our assessment was limited to reviewing the Zucker Report, we believe it is helpful to note that this is not the only expert review of the conditions that affect ZAED operations. In our fieldwork, we were made aware of two other reports that analyzed and made recommendations regarding planning matters. One of the reports is an audit of the Zoning Code by Orion Planning+Design entitled “Title 19 Zoning Code Audit, Final Report – March 2018.” The other is a “User fee Study, Department of Planning FY 2009-10; County of Maui, Hawaii; Final Results Dec 2, 2009” by the Matrix Consulting Group. The observations and recommendations of these reports appear pertinent to making the planning and

³⁹ April 16, 2012, letter to former Councilmember Donald G. Couch, Jr. from the former Planning Director, page 4.

permitting system more effectual and cost effective but have not been completely implemented years after the recommendations were made.

The Planning Department's Draft Strategic Plan contains steps toward implementation of the Title 19 report. However, it is important to note the cautions in the Title 19 Report, at page 27:

“Years of amendments have resulted in the location of definitions, administration, enforcement, and standards in many different parts of the code. Consequently, it is not feasible to find a good dividing line to facilitate phased updates. Updating Title 19 in phases would not save money or time. It would likely be very confusing for citizens and staff and could result in unintended conflict or dysfunction between code elements. For these reasons, the audit team maintains that the best approach for Maui is a single, comprehensive rewrite.”

Leadership in the Planning Department should consider these downsides, carefully review any risks inherent in its current approach, and provide the funding necessary for timely, effective revision of Title 19.

Recommendations:

1. For the recommendations that are not completed, ZAED needs to continue to scan old case files and prepare administrative rules and procedures for plan reviews, which will be difficult with the loss of key staff with institutional memory.
2. Planning and ZAED also need to review findings and recommendations made by two other reports and implement those that would improve the planning and permitting system. One of the reports is an audit of the Zoning Code by Orion Planning+Design entitled “Title 19 Zoning Code Audit, Final Report – March 2018.” The other is a “User Fee Study, Department of Planning FY 2009-10; County of Maui, Hawaii; Final Results Dec 2, 2009” by the Matrix Consulting Group. Although some time has passed since these reports were issued, their work should be leveraged to make the planning and permitting system more effectual and cost effective.

DEPARTMENT RESPONSE

A draft of the audit report was provided to the ZAED's department head, the Planning Director, for her response. The response expressed substantial agreement with four findings, and disagreement with one. Of the 17 recommendations, the Planning Director agreed with 12, partially agreed with two, and disagreed with three. The response also described efforts by the Department to address the findings. These efforts, along with the support of the majority of the Findings and Recommendations, are positive signs that the Department will address the findings. We now address the disagreements of the Department regarding certain findings and recommendations.

Finding 1 pertains to the application process. The Department agrees with the Finding and Recommendations 1, 3, and 5 relating to this Finding. The Department disagrees with Recommendation 4, stating that it is not feasible to accelerate implementation of the recommendations of the Title 19 Audit. We urge the Department to reconsider. It has been six years since the Title 19 Audit Report were made. Since the Department agrees that ZAED application processing is affected by inconsistencies, a higher priority might be placed on implementing these recommendations, many of which are intended to eliminate the causes of inconsistencies. The Department partially disagrees with Recommendation 2, stating that the technical review committee recommended in the Title 19 Audit will not reduce delays since ZAED's internal review is rarely affected by outside agency review. The purposes of the technical review committee go beyond ZAED delays as it can facilitate dialogue among County and State agencies that could improve the way applications are processed and reduce processing time. In the responses to the Recommendations for this finding, the Department states it is relying on the new MAPPS system to measure employee performance data, improve application review times, and reduce delays from incomplete applications through comprehensive checklists for permit applicants. Since MAPPS is a newly installed system that is not necessarily designed to address these needs, the Department should be cautious about viewing it as a silver bullet. Further, MAPPS implementation alone cannot measure employee performance and improve application review times, because there are performance standards that need to be set and underlying process issues that need addressing.

The Department agrees with Finding 2, which pertains to the enforcement process. The Department also agrees with all Recommendations pertaining to this Finding.

The Department disagrees with Finding 3, relating to the employee survey, stating that the negative results of the survey regarding Departmental leadership are because of a controversial project in Napili. The Department states "[h]ad this

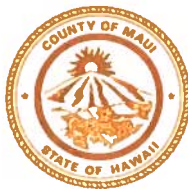
project never occurred, or had the survey been given to ZAED personnel prior to this project being scrutinized, we believe the survey results would have been quite different.” We will never know whether an earlier survey would have produced different results. What we can say is that the results identify current employee concerns that the Department should consider addressing. The Department agrees with Recommendations 1 and 2 relating to this finding. The Department questions the evidentiary basis for Recommendation 3, which states that the Council and departmental leadership should decide whether Departmental leadership should be tasked with establishing an objective and principle and policy-based operation or allow the Department to continue to be run in a manner in which objectivity is questioned by its employees. The evidence that led to this Recommendation are the responses from the employee and customer surveys, which reflect that the Department is not currently perceived as objective and principle and policy-based. The Department further questions whether the Council should be included in this recommendation. The Council is part of County leadership, and, with the Executive Branch, is responsible for maintaining an appropriate “tone at the top” for County government. The Department’s comment called our attention to our inadvertent omission of Executive Branch’s responsibilities in this Recommendation. We have amended the Recommendation to correct this omission. Finally, the Department objects to portions of Recommendations 4 and 5, which suggest changes to the ways the Department treats and interacts with ZAED compared to other divisions in the Department. We urge the Department to reconsider its objections and try these new approaches, so that the chances of meeting employees’ expectations for positive changes could be improved.

The Department agreed with Findings 4 and 5, and the recommendations associated with these Findings.

Other than the change noted in the commentary regarding Finding 3, above, no other significant amendments to the draft assessment report were required as a result of the Planning Department’s response. Technical, non-substantive changes were made for purposes of accuracy, clarity, style, and employee privacy.

We recommend reading the Planning Department’s response, which is attached to this report as Attachment 1. We thank the Planning Department for its positive and proactive responses to most of the findings and recommendations.

MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



Attachment 1



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

April 6, 2022

Mr. Tyler Kimura, Partner
Spire Hawaii LLP
700 Bishop Street, Suite 2001
Honolulu, Hawaii 96813

via email: tyler.kimura@spirehi.com

Dear Mr. Kimura,

SUBJECT: Zoning Administration and Enforcement Division Assessment Report Draft

Thank you for the opportunity to review and comment on your *Draft Assessment of the Zoning Administration and Enforcement Division, Department of Planning* (Assessment). We appreciate your objective analysis and recommendations for improvement.

The duties of the Zoning Administration and Enforcement Division (ZAED) are challenging in that they regularly include informing applicants that the use the applicant would like to pursue is not permitted, or that a structure cannot be located where it is desired; and enforcing land use regulations that could result in the demolition or removal of improvements and the assessing of significant fines. This information is often provided to individuals who were not previously aware of the regulations that apply to their properties, or may not have the finances to address potential fines. These factors, among others, contribute to the difficulty of engagement, communication, acceptance and cooperation between members of the public and ZAED staff.

That being said, maintaining compliance with applicable land use regulations is critical to the productive and enjoyable life experience of all residents, as it allows for the quiet enjoyment of each individual's private property, as well as their use and enjoyment of public property and resources.

While the Maui County Council authorized the ZAED audit in April 2021, thus resulting in your Assessment, we have been working on several of the issues identified in the Assessment for a few years. Below is an outline of priorities that were discussed with the prior ZAED Administrator and finalized for implementation in July 2020:

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Improving strength of violation cases:

- Create and administer timing policy – Notice of Warning (NOW) to Notice of Violation (NOV) to Corporation Counsel scheduling.
- Refresh group training on evidence gathering and investigation with Corporation Counsel, at least two times per year.
- Establish collaborative procedure for NOW language drafting internally, and with the Current Division when necessary.

Division Customer Service:

- Conduct division-wide customer service training at least two times per year.
- Verbally reiterate the importance of customer service at each division and section meeting
- Add a sign on the inside of the front door: *Would you like to provide feedback regarding your experience?*
- Make available the name, phone and email of each supervisors by section, ZAED Administrator and Deputy Director.

Plan Review, Timeliness and Experience of Applicants:

- Continue to press for a reduction in the types of building permits that are routed to the Department by the Department of Public Works. *Note: There has been a multi-year negotiation between Departments that Planning is routed many more application scope types than we have legitimate reason to review, continuing to this day.*
- Complete a stamp or template letter limiting review details to the building permit request. *Note: As a temporary solution to the building permit routing issue described above.*
- Establish process for the Floodplain Manager to verify Food Development Permit (FDP) triggers. *Note: The Floodplain Management Program is in the process of being relocated to the Department of Public Works which more appropriately suits its status and function.*

Staff:

- Ensure all performance evaluations remain current.
- Encourage Performance Improvement Plans (PIPs), when needed. Ensure supervisor adherence to PIP schedules.
- After the covid hiring freeze is lifted, target a three-month maximum to fill vacancies.

Streamlining Determinations:

- Expand Special Management Area "No Need" memo to include single-family dwelling interior renovation, and repair and maintain to exterior without expansion (as well as any other ZAED may propose).
- Identify three troublesome issues and initiate ordinance changes this year (choose based on number of individuals effected/occurrences).
- Start determination research by asking: how can the Department help this person do what they are trying to do, or as similar to it as possible?

We also note the ongoing effort to address responsiveness, which is outlined in the memorandum with subject line "*Timeframe for Returning Phone Calls and E-mails*" that is referenced on page

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34 of the Assessment. We have also conducted two instructional sessions with Corporation Counsel and the Enforcement Section on the gathering and preparation of evidence for enforcement cases. We have also outlined the need, purpose and general content for an inspection checklist and templates with Corporation Counsel. Progress on that will be resumed with the replacement of the Administrator and Supervising Zoning Inspector.

As the Assessment determined, many of these goals remain outstanding; however, we continue to work towards their implementation and welcome any specific guidance you may have based on the insights gained during your detailed evaluation of ZAED.

Pursuant to your request via letter on March 23, 2022, we provide the following responses to your findings and recommendations:

FINDING 1: The conditions under which ZAED is required to process applications contribute to lengthy permit review times and inconsistencies. ZAED does not have performance measures for reviewing applications. A backlog of permit applications exists.

RESPONSE: The Department agrees that the complexity of the County's land use regulatory system and procedural conditions (*e.g.*, County Code requirements and language) contribute to long review times and inconsistencies. We agree that ZAED's performance measures could be improved. We acknowledge that there is a backlog of applications.

Recommendation 1: The Department and ZAED should jointly create and adopt quantifiable performance measures that reflect good or poor performance. Further, the Department and ZAED should consider establishing a process where performance is monitored throughout the year and compared to goals. This would allow management to analyze why targets are not being met and address causes, such as reviewers having to deal with changes to laws or SOPs or the performance of individual reviewers.

RESPONSE: The Department agrees with the recommendation that the Department and ZAED create and adopt quantifiable performance measures, and that they be monitored throughout the year. Due to the partially subjective nature of discretionary review, the involvement of other agencies, and the requirement for resubmittals by applicants, simple quantifiable and objective measures have been a challenge to devise; however, we are open to any metric suggestions from the Assessment team. Reporting on existing metrics is already accomplished through the annual budget and each fiscal year's quarterly budget reports. The annual budget includes several measures that apply to ZAED, and quarterly reports are submitted to track these measures.

While we agree that some of these performance measures are "data" rather than indicators of good (or poor) performance, others are quantifiable measures if they are interpreted as such. Prior to each budget cycle, ZAED supervisors (as well as other division supervisors) are consulted for input on changes to any of the measures, and no changes to the ZAED metrics have been suggested over the past several years. We even discussed this with the Managing Director and Budget Office to

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see if they had any recommendations, and the result was the measures that are used today. While these metrics are not necessarily indicators of qualitative performance, the data reflects the diverse volume of work that ZAED performs and is valuable information for the County and the public, particularly when compared with other years and quarters.

An issue encountered in this pursuit has been the type of data that is currently tracked and its applicability to performance. We look forward to more effective metric tracking and reporting features with the County's upcoming MAPPS system. We also welcome any suggestions on different measures for ZAED that would better reflect and help track performance.

Recommendation 2: To address delays caused by a system that requires the involvement of multiple county and State agencies in the application review process, the County should consider implementing the recommendations in 2018 Title 19 Report and explore the formation of technical review committees that include State and County agencies to shorten review times.

RESPONSE: The Department agrees with the premise that delays are caused in part by the need for multiple agencies to review applications, but does not agree that a technical review committee comprised of these agencies will address the delay. It should be noted that other agencies conduct their reviews pursuant to the regulatory frameworks that they are responsible for administering. The new MAPPS platform is anticipated to improve on this problem.

It is rare for ZAED's internal work to be delayed by outside agency review, as ZAED is the final authority for only a handful of permits and reviews, most of which do not require the input of other agencies, and the completion of ZAED's internal reviews (of applications that are administered by other agencies) generally do not rely on the input of other agencies. For example, ZAED reviews (but is not the final authority for) building permits and subdivisions – that authority lies with the Department of Public Works. Improving peripheral agency review will certainly assist in this process but cannot be driven by ZAED or the Department.

Recommendation 3: To address delays caused by applicants' failure to respond to requests by the reviewing agencies to supplement or correct applications, the County could consider best practices for addressing delays from incomplete or defective applications including establishing response windows and issuing detailed "how-to" instructions and explanations that will help applicants understand the permitting process and requirements from the outset.

RESPONSE: The Department agrees with the recommendation to create "how to" instructions to aid applicants in submitting better applications; the Department's Strategic Plan makes a similar recommendation. We also note that the person-on-call or POC service is often used to ask procedural or application-specific questions; again, the MAPPS system will have comprehensive check lists that should accomplish some of this. Because ZAED handles such a diverse array of applications, the Department would address this concern by focusing on the application types where delays are the most common. ZAED also charges additional fees for re-reviews, as a

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disincentive for applicants to submit incomplete applications the first time, or as an incentive for consultation with ZAED during application preparation; this will continue.

Recommendation 4: To reduce risk to the County from inconsistency, the Department should consider accelerating the revisions to Title 19, County Plans, and other policies and documents governing land use collectively, as recommended in the Title 19 Report, to the extent relevant and feasible. When implemented together, the recommendations, would provide the clarity for plan reviewers in ZAED, provide clarity and consistency for zoning enforcement officers and encourage greater consistency within the division.

RESPONSE: The Department agrees that inconsistencies are a concern but it is not feasible to accelerate the Title 19 rewrite project because all of the steps, and the time they take, are needed for the project to be successful. ZAED has long been tasked with codifying policy memos, and has been successful in doing so, but it will take time to codify decades of policy memos. The Strategic Plan also calls for interpretations and policies to be formalized and made available to the public; a staff team is working on ideas to implement this recommendation.

Recommendation 5: To address its backlog and loss of institutional knowledge, the ZAED sections reviewing applications should quantify their personnel and resource needs and make them known to the Director, who determines what ZAED receives from the overall Planning budget. Given the limited availability of qualified persons to fill vacancies, the Department and ZAED should also develop retention strategies (including addressing issues in the employee survey, compensation plans, and succession plans) so that existing expertise is not lost prematurely.

RESPONSE: The Department agrees that retention strategies have been nonexistent throughout the Department and will be valuable to retain personnel longer. The Department disagrees that the lack of such strategies is the reason that ZAED has lost recent long-term employees with institutional knowledge. The Department's Strategic Plan calls for increasing career development and growth opportunities for staff, creating an onboarding structure for new employees, and improving staff morale; a staff team is working on ideas to implement this recommendation.

FINDING 2: ZAED's enforcement of land use and zoning regulation is hindered by a lack of training, forms, and processes. A backlog likely exists.

RESPONSE: The Department agrees and has been pursuing customer service training and identifying practices that could be improved. We have also established goals for forms and processes that are currently on hold pending staffing vacancies. We also agree that a backlog exists and have identified a number of approaches to address this.

Recommendation 1: The Department and ZAED should consider providing inspectors with additional tools to improve their ability to enforce, including training applicable to enforcing

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laws, clearer and more understandable forms and procedures, and more legal support from Corporation Counsel.

RESPONSE: The Department agrees that ZAED enforcement needs better training, tools and support from Corporation Counsel. We note that we have been pursuing these resources. We also note that each budget cycle, all supervisors are asked for their budget needs. Those requests are typically honored in the Department's proposed budget to the Mayor. We will work with the new Supervising Zoning Inspector and new ZAED Administrator to find appropriate training opportunities and to identify tools that will assist in enforcement efforts. A dialog with Corporation Counsel has already begun.

Recommendation 2: The Department and ZAED should jointly create and adopt quantifiable performance measures that reflect good or poor performance. Further, the Department and ZAED should consider establishing a process where performance is monitored throughout the year and compared to goals.

RESPONSE: We agree that a collaborative approach to establishing performance measures is needed. We note that a continuous process of performance evaluation does exist within the County employment framework and has been advocated for consistent implementation in ZAED. See also our response to Finding 1, Recommendation 1, above.

Recommendation 3: To address its backlog, the enforcement section should quantify its personnel and resource needs and make them known to the Director, who determines what ZAED receives from the overall Planning budget. Given the limited availability of qualified persons to fill vacancies, the Department and ZAED should also develop retention strategies (including addressing issues in the employee survey, compensation plans, and succession plans) so that existing expertise is not lost prematurely.

RESPONSE: The Department agrees. Department leadership relies on input from each division to make its needs known. As previously noted, budgetary needs are generally always honored in the Department's requested annual budget to the Mayor. It should also be noted that compensation plans are established through a collective process beyond the authority of the Department. See also our response to Finding 1, Recommendation 5, above.

FINDING 3: The employee survey had a high response rate, which usually indicates that employees have high expectations that the survey results may result in some positive outcome. The ratings and comments in the survey clearly indicate that employees have little confidence in Department leadership. Departmental leadership is described as heavily politicized, and unconcerned with the welfare of staff.

RESPONSE: A significantly controversial project (the approval of the Napili Beach House, LLC single-family residence) has resulted in public and Departmental concern. The County Council has had several meetings on the matter where testimony included allegations of improper and illegal

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conduct by Department staff (which were not found to be legitimate, but which were nonetheless harmful and concerning); the same allegations have been made through social media. It is difficult to evaluate the results of this survey and ZAED personnel's alleged lack of confidence in leadership separately from the events and repercussions of this single controversial project. The fact that Spire requested complete project files for this matter demonstrates its significance for ZAED. Had this project never occurred, or had the survey been given to ZAED personnel prior to this project being scrutinized, we believe the survey results would have been quite different.

The evaluation of actions taken on this project resulted in disciplinary action for one ZAED employee; given how tight-knit ZAED is, this clearly affected others in ZAED beyond the disciplined employee. As with any complicated and contentious issue, there are differing opinions on the correctness and effectiveness of decisions made and approaches taken. It is encouraging that a high response rate possibly indicates optimism for change, as Department leadership is committed to pursuing changes.

Recommendation 1: Survey data always portrays a limited perspective on any complex organizational situation. It is essential to seek out alternative views and information to balance and inform the survey data. This survey result portrays a very negative view of Departmental leadership and its relationship to political forces. It is important to evaluate and verify whether this is a valid view.

RESPONSE: We agree that Department leadership must have a clear idea of staff perspectives and must have staff's trust and confidence. The Strategic Plan calls for conducting annual or semi-annual employee engagement surveys to track morale and identify issues; this initiative is being pursued. We disagree that Department leadership is heavily politicized; however, leadership must be politically aware, given the nature of the work we do. Overall, we find this information to be helpful and will use it to continue to pursue improvement in ZAED, though we again note that the timing of the audit was partially motivated by, and sentiment of the survey was influenced by, events of the time (which continue to be the subject of public conversation).

Recommendation 2: Survey results indicate that the Division has many assets. The high response rate, and positive ratings on the Maslow factors, positive ratings, and comments about perceptions of other employees, supervisors, and managers other than Departmental leadership suggest that, with proper Departmental leadership, the morale and performance of the Division could be significantly improved.

RESPONSE: We agree that internal ZAED morale is high, and that this internal morale is a significant asset to the Department. We also agree that improved relationships with the Director and Deputy are a priority. Two of the Strategic Plan's broad goals are to enhance employee engagement and develop a high functioning management team, with numerous specific recommendations that are being pursued and that will help improve relationships with ZAED. Also, while there are currently vacancies, the new ZAED Administrator and Supervising Zoning Inspector will bring a fresh approach to ZAED leadership and its relationship with the Director and Deputy.

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Recommendation 3: The most fundamental aspect of any organization is its mission and the values it embraces. When a government entity that is tasked with a service and compliance mission that is heavily influenced by politics and the potential for financial gain, there is an inevitable crisis and test of the morality of the leadership involved, usually at the level of the County Council and the Departmental leadership. It appears that a decision must be made whether to task Departmental leadership with establishing an objective, principle, and policy-based operation, or allow the Department to continue to run in a manner in which that objectivity is questioned by its employees.

RESPONSE: It is not clear where Spire believes it has established the documentation to make this assertion, which we find to be insulting and counter-productive. The Department disagrees with the premise that the Department's or ZAED's mission is "heavily influenced" by politics and the potential for financial gain. We also disagree that Council leadership and its morality have a role here. While we agree that improvement has been needed in ZAED for some time, and that a controversial project and the resulting fallout have created a complicated and sensitive environment, the rhetoric chosen for this recommendation seems to be intended to be more inflammatory than instructive.

While we continue to pursue internal improvements and performance consistent with the needs and expectations of the public, we do not believe that the allusion to politics or financial gain have any legitimate place in this evaluation.

Recommendation 4: If the senior leadership referred to above does not opt to pursue an objective, principle-based operation, then it is best to just accept the current circumstances as inevitable and invest no further efforts in making improvements. Limited, band-aid approaches to such organizational situations seldom if ever produce any benefit. If, however there is a sincere motivation to create a viable, objective operation, the place to start is with an honest dialogue between Departmental leadership and key managers at other levels of the organization to develop a plan for addressing the most improvable factors in the organization which include:

- a. Clarification of the mission of ZAED and its relationship to the other divisions.**
- b. Improvement of the processes that are an impediment to positive morale and effective service to the public.**
- c. Enhancement of the training, information access, and materials required for staff to do their jobs properly.**

RESPONSE: Despite our disagreement with Recommendation 3, we certainly agree that improvement is needed in the Director's and Deputy's relationships with ZAED. Again, the choice of rhetoric and tone in this recommendation seems to be more inflammatory and counter-productive than informative. We point to the priority items that were identified at the introduction of this response letter and to the monthly meetings with the ZAED management team and Department management, as well as the weekly meetings between the Department management team (including the ZAED Administrator and ZAED Administrative Planning Officer) to identify,

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discuss and work through ongoing and emerging issues in a collaborative and cooperative setting, and on a continuous basis. See also our response to Finding 3, Recommendation 2, above.

Recommendation 5: Given the lack of trust that is evidenced in the survey feedback it is likely that a “guiding coalition” coordinating committee made up of leadership, management and staff level individuals should be formed to plan and execute the required changes in the Department and Division. For more information on the Guiding Coalition approach see the work of John Kotter.

RESPONSE: The Department is in the process of implementing our Strategic Plan. In the framework of the County system, execution of required changes will need to be performed by front line staff, under the supervision of section heads, division chief and Department management, rather than the “guiding coalition.” See also our response to Finding 3, Recommendation 2, above.

FINDING 4: The positive survey responses point to the knowledge and capability of the ZAED staff. Many of the negative responses and comments point to issues with staff empathy with customer issues, responsiveness and timeliness, inconsistencies, and varied interpretations within the application process.

We agree that ZAED staff are knowledgeable and capable, and that there are issues with timeliness, inconsistencies, etc.

Recommendation 1: The Department and ZAED can use the analysis results of the customer survey segmentation by application type to focus the types of permits with the most negative responses such as comprehensive signage plans, flood development permits, and SMAs; and develop solutions to improve on the permit process and determine how those solutions can help those in ZAED. Addressing these application types could help identify where issues occurred, which agency the issue is addressing, and, more importantly, ZAED responsibilities or involvement in the issues.

RESPONSE: We agree that the customer survey results can and will be used to develop solutions to improve the permit process. MAPPS is anticipated to facilitate improvement but will have limitations in terms of making changes to requirements.

For several years, the Department has been working with the Department of Public Works to transfer the Floodplain Management Program, as Public Works is a more suitable Department for the program and its permit processes. The transfer is anticipated to occur in the coming fiscal year and is anticipated to free time resources from ZAED’s Planning Section, Planning Section Supervisor and Administrator to further support other areas.

The information gathered through this audit is valuable and will be put to use by the new ZAED chief.

Recommendation 2: The Department and ZAED should jointly meet and discuss with applicant types who responded more negatively to the survey to better understand their dissatisfaction with the current permitting process to gain further insight and determine if there are potential solutions. The feedback gained from these discussions could provide greater clarity of the applicant issues, determine with issues are valid or invalid, and provide a better basis for future solutions

We agree that it will be valuable to engage with applicants who responded negatively to the survey to determine potential solutions to their concerns. The Strategic Plan also calls for ongoing processes to solicit community feedback and providing customer serving training and refreshers.

FINDING 5: ZAED substantially completed its implementation of the Zucker recommendations within its jurisdiction and control.

RESPONSE: The Department primarily agrees with this conclusion.

Recommendation 1: For the recommendations that are not completed, ZAED needs to continue to scan old case files and prepare administrative rules and procedures for plan reviews, which will be difficult with the loss of key staff with institutional memory.

RESPONSE: All case files have been scanned.

We are confident in the knowledge, experience and institutional memory of existing staff and their capacity to properly administer plans reviews; however, we do not agree that administrative rules are required for this process. However, the paperless review and routing process that is being established by MAPPS is anticipated to further address this issue.

Recommendation 2: Planning and ZAED also need to review findings and recommendations made by two other reports and implement those that would improve the planning and permitting system. One of the reports is an audit of the Zoning Code by Orion Planning+Design entitled “Title 19 Zoning Code Audit, Final Report – March 2018.” The other is a “User Fee Study, Department of Planning FY 2009-10; County of Maui, Hawaii; Final Results Dec 2, 2009” by the Matrix Consulting Group. Although some time has passed since these reports were issued, their work should be leveraged to make the planning and permitting system more effectual and cost effective.

RESPONSE: The Department is acting on the Title 19 “audit” and the Matrix fee study. The audit resulted in the project to rewrite Title 19, which was fully funded in FY19 and kicked-off in July 2019; it is estimated to be completed in 2024. We also note that a new fee structure is proposed in the Department’s FY23 budget, based on the Matrix study, which the Department had updated in March 2020.

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Again, thank you for the opportunity to provide comments and responses to the Assessment and its recommendations. If you have any questions or require additional information, please feel free to contact me.

Sincerely, .

A handwritten signature in black ink, appearing to read 'Michele McLean', with a stylized, cursive script.

MICHELE MCLEAN, AICP
Planning Director

xc: Jordan Hart, Deputy Director
MCM:JH
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