



Testimony on a County Manager Form of Governance to the
County Council's Policy & Intergovernmental Affairs Committee
June 27, 2016

Dear Chair Victorino, Vice Chair Couch &
Members of the Committee,

Aloha and Mahalo for providing the opportunity to ring in on this proposal.

With the idea coming forward, we appreciate the Council engaging a Special Committee on County Governance (Special Committee) to:

- Consider whether establishing a County Manager form of government for the County of Maui would improve management and operation of County government;
- Make written recommendations to the Council on whether the Charter should be amended to establish a County Manager form of government and, if so, how the form should be structured; and
- If a County Manager form of government is the Special Committee's recommendation, prepare a proposed Charter amendment.

We appreciate the work of the Special Committee and the research and review that they did on this issue. From their research, we understand that:

- Our current Mayor-Council form of government was established in 1969, transitioning from a Board of Supervisors.
- The Revised Charter of the County of Maui, as amended (1983), provides a Charter amendment may be initiated by resolution of the Council, adopted after two readings on separate days, and passed by a vote of six or more Councilmembers. If the resolution is adopted, voters will have the opportunity to vote on the proposed Charter amendment via a ballot question at the November 8, 2016 general election.
- Concerns with the current system included: (1) cronyism; (2) mass turnover of directors with each new Administration; (3) need for stronger directors' qualifications; (4) insufficient transparency of governmental processes; (5) failure to provide timely annual department reports to the Council; (6) lack of annual department performance reviews and accountability; (7) high cost of staffing the Mayor's office; (8) communication barriers between the executive and legislative branches; and (9) hiring of directors and staff based upon political influence.
- That the average tenure of a County Manager is seven years per a presentation from Dave Mora, International City/ County Management Association State Liaison and Senior Advisor, who provided an overview of various forms of municipal governance, including the County Manager form.
- That changing from a an elected position can present challenges based on the 2015 journal Public Administration Review published article by Professor Jered B. Carr entitled, "What Have We Learned about the Performance of CouncilManager Government? A Review and Synthesis of the Research." Professor Carr chairs the Department of Public Administration at the University of Illinois at Chicago. Key findings include:
 - A decrease in voter turnout when the municipality's chief executive is not an elected position.

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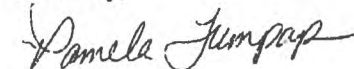
- Effectiveness in municipal government is based on the performance of professional administrators, regardless of whether the chief executive is elected or appointed.
 - Though politically influential interests are powerful in both Strong Mayor and County Manager governments, the absence of elections allows a County Manager the freedom to foster innovation, concentrate on management instead of political activities, and invest in long-term, community-wide solutions.
 - Generally, a County Manager is more likely to adopt comprehensive policies.
 - Generally, a Strong Mayor is more likely to adopt policies directing visible benefits to particular segments of the community.
- The Cost of Government Commission, summarizing its draft 2015-2016 Annual Report, recommended the Council not propose to change the form of governance. The summary recommends: (1) updating department-level performance measures to make them more operational, accessible, frequent, and commensurate with countywide plans; (2) empowering the Council with the right to vet mayoral appointments; and (3) utilizing the Charter Commission to propose any change in form of governance for the County.
- The Special Committee noted, while presenting three possible forms of County Manager governance, that the Temporary Investigative Group (TIG) stated a preference for a form of governance wherein a Managing Director would function as the chief operating officer and an elected Mayor would represent the County in intergovernmental relations, have veto power, nominate members of board and commissions, and could declare a County emergency or disaster. The TIG reasoned this option would "put the right person with the required skills and experience in the position to manage the County's operations, while retaining a Mayor with significant responsibilities and maintain checks and balances between the legislative and executive branches." Your Special Committee further noted concerns that: (1) changing the form of governance to a County Manager structure would not necessarily result in improved County management or continuity of leadership; (2) there does not appear to be a strong correlation between effectiveness in core functions and form of governance; and (3) objective parameters, such as bond ratings, indicate the County of Maui is currently working well.
- The Special Committee voted 6-4 to adopt the Temporary Investigative Group's preferred option. Special Committee Vice-Chair Schaefer and members Filimoe-atu, Haynes, Paltin, Phillips, and Starr voted "aye." Special Committee Chair Takitani and members Canto, DeLeon, and Friel voted "no." Special Committee member Okamoto was excused.
- The Special Committee is proposing a resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO PROVIDE THAT THE MANAGING DIRECTOR SHALL BE APPOINTED BY THE COUNTY COUNCIL TO FUNCTION AS THE COUNTY'S CHIEF OPERATING OFFICER, WITH THE ELECTED MAYOR RETAINING THE POWER TO REPRESENT THE COUNTY IN INTERGOVERNMENTAL RELATIONS, APPROVE OR VETO BILLS, AND NOMINATE MEMBERS OF BOARDS AND COMMISSIONS." The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the form of governance in the County of Maui should be changed from a Council-Mayor form to a County Manager form, with a Managing Director as the chief operating officer instead of an elected Mayor. The proposed resolution includes a ballot question.
- The Special Committee proposes a ballot question in the proposed resolution to read as follows: Shall the Charter be amended to establish a revised structure of governance for the County of Maui wherein: A Managing Director, appointed by the County Council, shall be responsible for the County's daily operations, the appointment and removal of department heads, and the implementation of County policy; and an elected Mayor shall be responsible for representing the County in intergovernmental affairs, with the authority to approve or veto bills, and nominate board and commission members? The Special Committee voted 6-3 to recommend adoption of the proposed resolution and filing of the correspondence.

Here are our findings.

- The majority of Chamber members and leadership we have spoken with feel more public education is needed on this issue and there are concerns with a ballot question on the November ballot given the timeframe, yet, there is some support for a ballot question.
- On a County Manager system, the majority of Chamber members and leadership we have spoken with:
 - Do not support moving from an elected Mayor to a council-manager system.
 - Do think it would increase the costs of county government.
 - Do not feel it will remove the element of politics.
 - Do not think it will create better management and more efficiency within county government.
 - Do not feel the system will be better than the current system where all directors must resign with each new mayor's term. However, most agree with improved job descriptions, qualifications and reporting.
- Yet, given the above, there are Chamber members and leaders who do feel that a change may be warranted and that it is an important question to put on the ballot, but, they also note that more public education is needed.

Therefore, our recommendation is to better inform the public on all sides of this issue before moving any ballot question forward.

Sincerely,



Pamela Tumpap
President