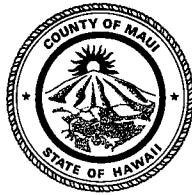


MICHAEL P. VICTORINO
Mayor

DAVID C. GOODE
Acting Director

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COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793

GLEN A. UENO, P.E., L.S.
Development Services Administration

RODRIGO "CHICO" R. RABARA, P.E.
Engineering Division

JOHN R. SMITH, P.E.
Highways Division

January 18, 2019

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

For Transmittal to:

Honorable Mike Molina, Chair
Governance, Ethics, and Transparency
Committee
Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 1/18/19

Mayor Date

Dear Chair Molina:

SUBJECT: NOMINATION AS DIRECTOR OF PUBLIC WORKS (GET-1(6))

This transmission is in response of the letter sent by Chair Kelly T. King dated January 10, 2019, requesting the following information be submitted to the Council's Government, Ethics, and Transparency Committee.

(1) Why did you apply to serve as the Director of Public Works?

I am humbled to have served the Department as either Deputy or Director now for over 15 years, serving four mayors. I truly enjoy the work the Department does and the positive benefits that the people of our County receive as a result of our work. The work here never ends, as there are always improvements to be made and new policies to carry out and I am confident I can continue to lead the department effectively while carrying out the policies of the Administration and Council.

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Honorable Michael P. Victorino
For Transmittal to:
Honorable Mike Molina, Chair
January 18, 2019

(2) *What do you perceive as the roles and responsibilities of the Director of Public Works?*

The Director helps the Department carry out the responsibilities enumerated the Charter, Section 8-5.3, as further codified in Maui County Code Titles 2, 9, 10, 12, 16 and 18. The main job of the Director is see that our responsibilities are carried out fairly, promptly, with professionalism, and within the law by hiring the best people, giving our staff the resources and training to do their job, to listen to the concerns of the public, staff, Council and the Mayor so that new policies, ordinances, rules, and tools can better serve the public in carrying out our responsibilities.

(3) *Given your understanding of the role and responsibilities of the Director of Public Works, why do you believe you are qualified for the position? Please include a brief statement of your skills, expertise, experiences, or knowledge that would aid in your decision-making ability as the Director of Public Works. Highlight three qualities you feel make you a highly qualified candidate.*

The minimum qualifications for the position were codified in ordinance 4803 on January 9, 2018. Clearly, I meet all those qualifications in this ordinance given my over fifteen years of experience in the Director's office – more than five years in an administrative capacity in both the public and private sector, more than three years in responsible managerial or budgetary experience, more than three years of experience in each of the three areas outlined in the Charter – building codes, subdivision plans, and highway design, construction and maintenance. The final qualification in the ordinance is a college degree in engineering or a related field – I graduated with a BS in Electrical Engineering from the University of California at Santa Barbara, with honors.

I also understand the private sector having built affordable and gap group housing throughout the County, and being a general contractor. This combined experience gives me insight in all matters relating to the department such as design and construction of roadways and bridges, the building codes under which all structures are designed, permitted, and constructed; and the road, bridge, and drainage structures' maintenance. Additionally, I understand the budget both in terms of expenditures, and also revenue for our Highway Fund and Building Permit Revolving Fund, and ensure that those funds are healthy so we can carry out our mission.

Honorable Michael P. Victorino
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Three qualities that I believe I have include 1) the ability to listen and engage others to draw out solutions, 2) an even tempered nature that keeps emotions in check to create a positive working environment, and 3) a complete (and growing) knowledge of the people, land, roads, and related infrastructure of Maui County that allows me resolve issues relatively quickly while leading others and drawing in potential partners to make positive change.

- (4) *Please identify one short- and one long-term goal you would have as the Director of Public Works and how you would accomplish these during your term of service.*

There are many goals to choose from, but one short term goal is to implement enforcement of illegal dumping into the storm sewer system, one of the components of the MS4 program. A draft bill will be put together for the Council's consideration and we expect to submit that bill during 2019.

One long term goal is to decrease our greenhouse gases (GHG) emissions from departmental activities. We have begun to internally understand where our sources of GHG are and what quantities of GHG we may be emitting, or capturing. From there, we would look for opportunities over the years to decrease our GHG emissions, while working with the overall programs within the County to meet the goals of the Hawaii Clean Energy Initiative particularly in regards to the transportation sector. To accomplish this, we will internally understand our GHG emissions and capture and develop programs over the years to decrease GHG net emissions, while working with the administration and Council to develop countywide goals for GHG emission reduction in the transportation sector.

- (5) *Please tell us your anticipated next steps on the parking action plan for Wailuku and Lahaina.*

We met with our consultants recently and at this stage need additional funds to begin to develop ordinance revisions, define the roll out of the program, and budget for transforming into paid parking for Lahaina. Wailuku is being handled by Erin Wade with the Maui Redevelopment Agency, but we will work together on common branding.

- (6) *What are your plans for implementing the recommendations contained in the Hawai'i Sea Level Rise Vulnerability Assessment and Adaptation Report?*

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The main recommendations from the Hawai'i Sea Level Rise Vulnerability Assessment and Adaptation Report (Report) is to start planning for the future now. In the Report, Recommendation 2.5 is to "Update capital improvement planning to incorporate sea level rise and prioritize infrastructure improvements for priority redevelopment areas". To this end we have already obtained commitments from the University of Hawaii College of Engineering for about \$550,000 as 80% matching funds to our Department to begin to analyze where County roads and related infrastructure are most immediately susceptible to sea level rise and do preliminary studies to determine best options to cope with sea level rise on these facilities. The matching \$150,000 or so in County funds were submitted as part of our department's Fiscal Year 2020 CIP.

- (7) *Can you foresee any possible conflicts of interests that could arise during your service in the Department of Public Works? How would you overcome any possible conflicts of interest?*

The foregoing response is provided with the assistance of corporation counsel as the question appears to involve the Code of Ethics, Article 10 of the Charter, Code of Ethics, Section 2.56 of the Maui County Code, and to Chapter 101 of the Administrative Rules for the Maui County Board of Ethics. Based on Section 04-101-3, Definitions, "conflict of interests" means:

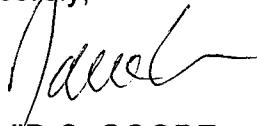
a real or seeming incompatibility between one's private interests and one's public or fiduciary duties; it also has meanings as explained in past board opinions, that involve a two-part test and require interpretation of section 10-4.1.c. of the Charter, that no officer or employee of the County shall engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the officer's or which may tend to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties.

As your question specifically asks about the foreseeability of any possible "conflicts of interests" that could arise, and if one does arise how it may be overcome, we must look to the body of the Code of Ethics referenced above, inclusive of past board opinions. In doing so, however, we humbly respond that we are unable to speculate absent specific facts. Rest assured that any possible consideration of "conflicts of interests" will be immediately submitted to the Board of Ethics for its review and guidance.

Honorable Michael P. Victorino
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January 18, 2019

Thank you for the opportunity to share my views and insights on the Director of Public Works' position. I look forward to participating in the Committee's Confirmation Process. Please feel free to contact me should you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Goode", with a stylized flourish at the end.

DAVID C. GOODE
Acting Director of Public Works

DCG:jso
Attachment
s:\david2\transmittals\response to chair king's questions re nomination as pw director