

GET Committee

From: David Dantes/Maui Tradewinds <ddantes4320@gmail.com>
Sent: Thursday, January 24, 2019 12:40 PM
To: GET Committee
Cc: Kelly King; Keani N. Rawlins; Tasha A. Kama; Riki Hokama; Alice L. Lee; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura
Subject: Written testimony - DD
Attachments: DD Written testimony GET1(8) 1-30-19.pdf

Aloha Shelly:

Please find attached my written testimony for the Jan. 30, 2019 meeting of the GET Committee. Kindly reply to acknowledge this was received.

Mahalo,
David Dantes, M.D.



DAVID DANTES, M.D.

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Jan. 24, 2019

Hon. Chair Mike Molina
Maui County Governance, Ethics & Transparency Committee
By Email to GET.Committee@mauicounty.us
cc: by Email to Committee Chair & Members

Re: Agenda Item GET1(8) for Jan. 30, 2019

Aloha Chair and Committee Members:

Please accept the following written testimony, in support of confirming Ms. Michele McLean as Maui County Planning Director.

My wife and I attended the morning session of the GET Committee meeting on Jan. 23, but we could not stay to provide public testimony in the afternoon. However, listening to public testimony in the morning, it was apparent that almost everyone, from all segments of our community – except persons who were affected by the Northshore Zip Line settlement – is strongly supportive of Ms. McLean's appointment. Testifiers specified many reasons for their support, including Michele's extensive experience, thorough comprehension of planning issues, dedication to public service, objectivity, integrity, leadership skills, and the ability to listen to all sides and develop meaningful, unifying strategies. My own observations parallel those testimonials.

In contrast to an estimated 80% of public testimony in support of her appointment, several property owners who have been adversely affected by the Northshore Zipline – and their attorney – urged that Ms. McLean's confirmation be "deferred" until her decision to reach a settlement with the zip line owner could be reconsidered by her. I'd like to begin by pointing out that the testimony by those homeowners contained some misinformation, and some flawed reasoning, along with some legitimate points.

Disputes over land use frequently involve complex issues, requiring extensive research and interdepartmental collaboration, and ultimately engaging the Planning Director's discretion. One or more of the parties may be dissatisfied with the outcome, and they may react emotionally. In the case of the zip line, the disappointed homeowners have two avenues of recourse: appeal to the Board of Variances and Appeals, and/or litigation. Asking the GET Committee to defer confirmation of Michele's appointment, unless she changes her mind about the settlement, does not seem like a legitimate suggestion. Committee members will have an opportunity to interview Ms. McLean, and inquire about the settlement, if they are so inclined. But an unpopular decision is not grounds to defer or withhold confirmation of the Director, especially when

taken in the context of hundreds – or thousands – of sound decisions, over years, which never gave rise to controversy.

The testifiers' claims that the settlement took them by surprise is valid, and I'm confident that Ms. McLean agrees that it was an unfortunate oversight. That kind of omission is not typical of Michele, who is known for keeping everyone in the loop, and it might be difficult to find any other instance of it.

However, the testifiers' claims that they have been kept in the dark about details of the settlement, which are "sealed", is not entirely accurate. After the settlement was reached, Michele spent time with the affected owners, and their attorney. They have been provided with the settlement agreement and other documents, except for the amounts of fines, which were redacted. Amounts of fines in a settlement are typically excluded from public information.

As a last point, I'd like to address the question of appointing "holdovers" from a previous administration. One testifier suggested that the presence of many new Council members amounts to a public mandate to "clean house", and replace all the department directors with "new blood". I don't agree that it makes sense to replace department directors, based on who appointed them. If an incumbent director has demonstrated a pattern of poor job performance, or unwillingness to embrace change, that could be grounds to withhold confirmation, on a case by case basis.

In contrast, in my experience, Ms. McLean has consistently demonstrated the highest degree of professionalism and good character. I hope you will agree that we're fortunate to have, in Michele, a competent and trustworthy public servant.

Mahalo for your kind consideration,

A handwritten signature in black ink that reads "David Dantes, M.D." The signature is written in a cursive, slightly stylized font.

David Dantes, M.D.