

COUNCIL OF THE COUNTY OF MAUI
GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE

July 10, 2020

Committee
Report No. _____

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

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on February 4, 2020, June 23, 2020, and June 30, 2020 (reconvene), makes reference to County Communication 19-28, from Council Chair Kelly T. King, relating to proposed amendments to the Revised Charter of the County of Maui (1983), as amended (“Charter”).

By correspondence dated September 24, 2019, your Committee Chair transmitted a proposed resolution entitled “PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, CHANGING THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS TO THE DEPARTMENT OF HOUSING AND ESTABLISHING A DEPARTMENT OF HUMAN CONCERNS.”

The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Articles 6 and 8 of the Charter should be amended, effective July 1, 2021, to require the Department of Housing and Human Concerns be divided to form two separate departments, a Department of Housing and a Department of Human Concerns.

By correspondence dated June 16, 2020, your Committee Chair transmitted a revised proposed resolution extending the effective date of the amendment to December 30, 2021.

Your Committee notes Article 14 of the Charter sets procedures related to amending the Charter. The Council, by resolution adopted after two readings on separate days and passed by a vote of six or more members, may place a Charter amendment question on the ballot at the next General Election.

COUNCIL OF THE COUNTY OF MAUI
GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE

Page 2

Committee
Report No. _____

Your Committee discussed the need to separate the Department of Housing and Human Concerns into two separate departments to allow for a greater focus on the County's housing needs. Your Committee pointed to other Hawaii counties as examples of having separate departments or agencies in charge of housing.

Your Committee further discussed the additional costs related to operations, staff, and equipment if a new department were established, including the need to hire a director, deputy director, private secretary, and administrative assistant. The Director of Housing and Human Concerns estimated personnel costs for these positions to be approximately \$368,924.

Your Committee agreed that funding needed to support the new department would be proposed in the Fiscal Year 2022 Budget.

Your Committee notes the proposed Charter amendment's revised effective date, December 30, 2021, would allow ample time for the departments to make the transition.

The Director of Housing and Human Concerns said although the Department's divisions have physically separate locations, in addition to a shared budget, there are overlapping functions between the two.

The Managing Director said while an increased focus on housing is important, it remains unclear whether a separate department is needed. He said funding support and the creation of additional housing positions are a better use of County resources in the short term.

Your Committee expressed the need to instill change and implement a multi-pronged approach to address the County's housing issue. Your Committee noted the public has clearly expressed that the County needs to focus on the expansion of housing opportunities for local residents. A new Department of Housing would provide a focal point for the promotion of affordable housing within County government.

COUNCIL OF THE COUNTY OF MAUI
**GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE**

Page 3

Committee
Report No. _____

In addition, your Committee notes the Countywide Policy Plan establishes the following core theme for Maui County: "Expand Housing Opportunities for Residents."

Your Committee further notes the Countywide Policy Plan, adopted ten years ago by Ordinance 3732, stated: "A majority of Maui County residents pay an unsustainably high proportion of their income towards housing." The problem has only worsened in the ensuing decade.

Your Committee voted 7-2 to recommend passage of the revised proposed resolution on first reading. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, King, Lee, Paltin, and Sinenci voted "aye." Committee members Hokama and Sugimura voted "no."

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions, including those necessary to avoid potential inconsistency with the Charter amendment proposed by Resolution 20-60, Draft 1.

Your Governance, Ethics, and Transparency Committee **RECOMMENDS** that Resolution _____, attached hereto, entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, CHANGING THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS TO THE DEPARTMENT OF HOUSING AND ESTABLISHING A DEPARTMENT OF HUMAN CONCERNS," be **PASSED ON FIRST READING** and be **ORDERED TO PRINT**.

COUNCIL OF THE COUNTY OF MAUI
**GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE**

Page 4

Committee
Report No. _____

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



MICHAEL J. MOLINA, Chair

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Resolution

No. _____

PROPOSING AMENDMENTS TO THE REVISED
CHARTER OF THE COUNTY OF MAUI (1983),
AS AMENDED, CHANGING THE DEPARTMENT
OF HOUSING AND HUMAN CONCERNS TO THE
DEPARTMENT OF HOUSING AND
ESTABLISHING A DEPARTMENT OF HUMAN
CONCERNS

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

1. That, pursuant to Section 14-1(1), Revised Charter of the County of Maui (1983), as amended ("Charter"), it hereby proposes that Article 8, Chapter 10, of the Charter, pertaining to the Department of Housing and Human Concerns, be amended as follows:

**"CHAPTER 10
DEPARTMENT OF HOUSING [AND HUMAN CONCERNS]**

Section 8-10.1. Organization. There shall be a department of housing, [and human concerns] which shall consist of a director and the necessary staff.

Section 8-10.2. Director of Housing [and Human Concerns]. The director of housing [and human concerns] shall be appointed [by the mayor with the approval of the council] and may be removed [by the mayor] in the same manner as the director of water supply. The director of housing [and human concerns] shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

Section 8-10.3. Powers, Duties and Functions. The director of housing [and human concerns] shall:

1. Develop a comprehensive approach to the effective administration and coordination of programs and plans of action designed to meet [human] housing needs in the county.

2. Develop, supervise and coordinate such programs and projects as shall be assigned by the mayor.

[3. Perform such other duties and functions as may be assigned by the mayor.]

3. Initiate the creation of affordable housing units.

4. Develop and implement a comprehensive housing plan for the county.

5. Administer and implement existing housing programs, such as community development block grants, HOME and housing trust fund, the affordable housing fund, and the consolidated annual performance evaluation report.

6. Promote and expand new housing opportunities for homeless and needy families throughout the county.

7. Increase affordable housing stock for homeless and very low to gap group individuals and families.

8. Perform such other duties and functions as may be assigned by the mayor or managing director.”

2. That, pursuant to Section 14-1(1), of the Charter, it hereby proposes that the Charter be amended by adding a new Chapter under Article 8 to read as follows:

**“CHAPTER 18
DEPARTMENT OF HUMAN CONCERNS**

Section 8-18.1. Organization. There shall be a department of human concerns which shall consist of a director and the necessary staff.

Section 8-18.2. Director of Human Concerns. The director of human concerns shall be and may be removed in the same manner as the director of water supply. The director of human concerns shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

Section 8-18.3. Powers, Duties and Functions. The director of human concerns shall:

1. Develop a comprehensive approach to the effective administration and coordination of programs and plans of action designed to meet human needs in the county.

2. Develop a comprehensive plan for addressing early childhood programs, grants management, immigrant services, and senior services.

3. Coordinate an office on aging and volunteer services to address community needs.

4. Participate and coordinate with community and social services organizations and agencies to develop programs to assist needy families within the county.

5. Develop, supervise, and coordinate such programs and projects as shall be assigned by the mayor.

6. Perform such other duties and functions as may be assigned by the mayor or managing director.”

3. That it does hereby propose that the following question be placed on the 2020 General Election ballot:

"Should the Department of Housing and Human Concerns be divided to form two separate departments, a Department of Housing and a Department of Human Concerns, and should the provisions of the Charter be modified by non-substantive 'housekeeping' measures related to this amendment?"

4. That material to be repealed is bracketed. New material is underscored; and

5. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

6. That the County Clerk prepare the necessary ballot for presentation to the voters at the 2020 General Election; and

7. That, upon approval by the majority of the voters as indicated by the number of votes cast and upon official certification of such result, the amendment proposed herein take effect on December 30, 2021; and

8. That certified copies of this resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND
LEGALITY:



Digitally signed by Gary Murai
DN: cn=Gary Murai, o=Corp.Counsel,
ou=C & D,
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Date: 2020.07.01 12:49:49 -10'00'

Department of the Corporation Counsel
County of Maui
2019-1368
2019-08-23 Resolution