

SPECIAL COMMITTEE ON COUNTY GOVERNANCE
Council of the County of Maui

MINUTES

March 31, 2016

Planning Department Conference Room

CONVENE: 1:05 p.m.

PRESENT: Tony Takitani, Chair
Madge Schaefer, Vice-Chair
Pua Canto, Member
Dave DeLeon, Member
Kehau Filimoe`atu, Member (out 5:15 p.m.)
Paula Friel, Member (in 1:08 p.m.)
Kimo Haynes, Member
Kay Okamoto, Member (out 5:14 p.m.)
Tamara Paltin, Member
Ray Phillips, Member
Jonathan Starr, Member

FACILITATOR: Lori Teragawachi

STAFF: Kimberley Willenbrink, Legislative Analyst
Sharon Brooks, Legislative Attorney
Clarita Balala, Committee Secretary

David Raatz, Director

Seated in the gallery:

Chancy Hopper, Supervising Legislative Analyst

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel (out 4:35 p.m.)
Edward S. Kushi, First Deputy Corporation Counsel, Department of the Corporation Counsel (in 4:35 p.m.)

OTHERS: Charmaine Tavares
Michele McLean
Michael Moran, President, Kihei Community Association
Rosemary Robbins
(5) additional attendees

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

PRESS: *Akaku: Maui Community Television, Inc.*

CHAIR TAKITANI: . . . *(gavel)*. . . I'd like to call the meeting to order. It's 1:05. Ask could you please all remember to turn off your cell phone. I'd like to introduce our Committee members to you; Madge Schaefer, our Vice-Chair; Pua Canto; Dave DeLeon; Renee Kehau Filimoe`atu; Paula Friel is on her way; Kay Okamoto; Tamara Paltin; Ray Phillips; Jonathan Starr; and Kimo Haynes. My name is Tony Takitani. Our Facilitator today is Lori Teragawachi; Deputy Corporation Counsel, James Giroux; our Committee Staff is Kim Willenbrink.

MS. WILLENBRINK: We have to speak really directly into the mics in this room for Akaku to pick it up.

CHAIR TAKITANI: Sorry about that. Legislative Attorney is Sharon Brooks and our Committee Secretary is Clarita Balala. Our Office Staff is Dawn Lono in Hana, Denise Fernandez in Lanai, Ella Alcon from Molokai. At this time we'd like to proceed with public testimony. Ms. Willenbrink?

MS. WILLENBRINK: Thank you, Chair. For...Denise Fernandez is excused today from the Lanai Office. For individuals who will be testifying here at the Planning Department Conference Room, please sign up at the desk. If you will be testifying from one of the remote testimony locations specified on the meeting agenda except for Lanai, please sign up with District Office Staff at that location. Testimony is limited to 3 minutes. At 2½ minutes, I will let you know that you have 30 seconds to conclude. When you begin your testimony, please state your name and the name of any organization you are representing. We kind of have established a connection to the District Offices by cell phone. It may or may not work and we'll give it a try. And to be fair, we will rotate between the offices. Hana Office, is there anyone wishing to testify?

MS. LONO: Good afternoon. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

MS. WILLENBRINK: Thank you, Dawn. There is no one waiting to testify in Hana. Molokai Office, is there anyone wishing to testify?

MS. ALCON: Good afternoon, Chair. This Ella Alcon on Molokai and there is no one here waiting to testify.

MS. WILLENBRINK: Thank you, Ella. Ladies, I will check in with you one more time before we close testimony. In the Chamber, our first person to testify is Charmaine Tavares.

CHAIR TAKITANI: For the record, Paula Friel is here with us. We are complete.

. . . BEGIN PUBLIC TESTIMONY. . .

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. TAVARES: Sorry I thought I was the fourth person to sign up. Somehow I got there, I'm the first person. I came through the back door that's why. Good afternoon, Chair Takitani and members of the Committee. I'm here before you to speak on your arduous task of trying to figure out what to do with our form of government and governance of County of Maui. Back when I testified before, I had a little handout and in that handout, I talked about what it specifically states in the Charter as far as the duties and responsibilities of each of the department or directors. And also, a chart that showed how directors were appointed, confirmed, not confirmed and whatever. I think it is clear from what I've been hearing and I haven't watched every meeting that there is some sort of problem. And I still am not clear as to what specifically that problem is. I have an idea but I'm not...I don't think it's ever been stated. If the public were not receiving what they call essential services, they would be yelling and screaming; the Fire Department didn't respond to a fire; if the Police Department didn't report to an accident site; if you turned on your water, take a shower this morning and it didn't come out, you'd be up in arms. If your trash doesn't get picked up, you're sort of up in arms but they do pick it up the next day. They've been pretty good about that. So those are the kinds of things that our community really, really cares about. It's called essential services. And then you have other services that are sort of behind the scenes like Personnel Services, Finance, et cetera. But you need those departments and you need qualified people to run those departments so that everything flows well. Now obviously the flow has been interrupted here. And I believe and I'll call it like I see it, it's with the Planning Department and the community plans and the General Plan, okay. The other area of contention is the relationship between the Council and the Mayor, and the Council and other administrations. And that is something that has to be worked on by both parties, the Council as well as the Mayor. You folks I think can remember that I was a department head for seven years as the Parks Director under two different mayors and then I became a Councilmember for ten years and then I was Mayor for four. So I think I have a unique perspective to bring to this Committee.

MS. WILLENBRINK: Thirty seconds.

MS. TAVARES: As department head, one of the things that I was told by both of the mayors I worked under was to meet with the Chair of the Parks Committee of the Council. And we met every two weeks to discuss what things were important to them, what things were ready to be discussed and resolved and what things that I need more time to work on. And the Staff, Committee Staff, was there also and we worked in concert. So what happened to those days? When did it become so arduous to try to talk to a director or anybody in the department? And I know the fear is that you don't want the Councilmembers micromanaging administrative departments and I can understand that. But you know, one of the ones who tried to manage the department as a Councilmember is now our Mayor. So he understands very well what can happen in that situation. But the whole idea of working in concert and cooperatively with all the branches of the government is key. You know, I'd be happy to answer any questions but I'll leave you with one thought. Don't use a hatchet to cut an apple when you could use a paring knife. Thank you.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yeah. And thank you, Mayor, for coming and sharing with us. I have a question which is the Managing Director is in charge of all the different departments and the operations of the County, yeah? What was your process when you interviewed candidates for your Managing Director and what were the selection criteria and what were the qualifications that your Managing Director had that convinced you to select your Managing Director to serve running the County?

MS. TAVARES: Well, as some of you may remember when I became Mayor, I had an open application process and I advertised to the Star Advertiser or the Advertiser at that time not realizing that they have an online classified so I got applicants from Minnesota and New York. Those cold places because it's of course it's November that I'm seeking applications so we ended up with like 374 applications for the appointed director positions. We had screening committees that went through the different ones and they picked about 12 and then I interviewed the top 4 or 5 of them. And what I was looking for in a managing director was someone, first of all, who understood government. Secondly, someone who had worked in government in an administrative position. And you know, different things have different weights. The education was important, the experience in managing programs or managing people was important. And those are the kinds of criteria I used to pick my Managing Director, knowing well that that Managing Director's position was one heck of a position.

MEMBER STARR: Do you remember specifically what job experience and qualifications the person you selected for Managing Director had?

MS. TAVARES: Yeah. Well actually she had several years' experience in running a migrant farmer program in upper, Upstate New York even though she was a resident of Hawaii. And she worked in different jobs, not different jobs but one of the jobs where she had to coordinate different organizations within communities in order to improve their community. So she had that experience, the relationships as well as organizational skills.

MEMBER STARR: Do you feel that that is adequate qualification and job description for running a half-a-billion-dollar County with all of the complexity and all the technical --

MS. TAVARES: Well...

MEMBER STARR: --management skills required for the different departments?

MS. TAVARES: Yeah, and I think this person possesses the skills to become a professional manager. She was at that time. She worked for Mayor Lingle as her, one of her chief people in the Administration so she was very familiar. She's also an MBA in...from Cornell and a masters in Psychology. She's got a bunch of other degrees but the personal skills are very important in here as well as the experience. And because she

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

has such knowledge of the budget and numbers and those kinds of things, that was a huge benefit to the Administration that she worked for, both Lingle's and mine.

CHAIR TAKITANI: Tamara?

MEMBER PALTIN: I had a question about, you know, the continuity and things like park credits and affordable housing credits and things like that. I'm not a 100 percent maa to the concept of park credits and I just briefly know like a layperson view but I had a friend on the West Side who's trying to track down all like, you know, the affordable housing and been trying to get in touch with the Department Head of Housing and Human --

MS. TAVARES: Concerns.

MEMBER PALTIN: --Concerns. And he hasn't been able to nail down like how many housing credits are owed to us that haven't been built and things like that and I was wondering your perspective about like how continuity of department heads relate to, you know, how many park credits we should be getting and if an incoming and outgoing department head keeps track of that and how is that information known as administrations change if you have any insight on those issues.

MS. TAVARES: Yeah, first of all, the kinds of information you're looking for, doesn't necessarily rest with the director or the deputy. The park credits you're talking about, you're talking to the Finance Department. Finance Department is charged with keeping track of all of these different funds. So park assessment, housing credits and those things are by districts and if you wanna talk to somebody in the department, you talk to the person who's head of the Housing Division in the Department of Housing and Human Concerns. And in the Parks Department, it's usually your CIP Coordinator who knows about that. The other way to get that information is to actually talk to your Councilmember and have them formally request that information from, through, from the Administration. And I know we looked at that very well, very much all the time because a lot of people, and I'm familiar with the parks assessment especially, and in my day it was only me and somebody else. There was no other divisions. The park assessment was on the books. It was antiquated. It was in 1973 that it was formulated so during my time on the Council I had the...oh no...I think I was still Parks Director. I submitted a change for parks credits and park assessment. And we...from then we build it up, but the developer usually, not all, but usually the developer wants to pay cash, especially back in the day when they were under the 1973 guidelines. It was so cheap to just buy your park assessment. They paid for them. And there's a formula for every district based on real property values, et cetera, et cetera. There's a lot of criteria in order for them to come up with a dollar amount per square foot that is required to be paid if it's gonna be cash. So it could be cash payment, land donation or a combination. If you are a private, you don't wanna lecture on this anyway. If you are private developer and you have a recreation facility within your complex like a swimming pool, a rec room, things like that, 50 percent of that can be applied to your park assessment. So there's all these different criteria and

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

rules that also applied to housing but I'm not real familiar with the housing one but I am familiar with the parks' one.

MEMBER PALTIN: So in your opinion, it's not a continuity factor because --

MS. TAVARES: No.

MEMBER PALTIN: --it's not the department...

MS. TAVARES: No. It's the civil service workers that provide the continuity in the County. I mean let's face it. Your directors and your deputies, they got so much to worry about and they come and go but your civil service workers, especially your division heads in each of the departments, they're the ones who know the stuff inside and out and they're the ones that are usually career people in those departments.

MEMBER PALTIN: Okay. Thank you.

MS. TAVARES: Yeah. Thank you.

CHAIR TAKITANI: Any other questions? I have a quick question. When you said don't take a hatchet, do a paring knife, are you recommending that we not go to a county manager form of government at this point?

MS. TAVARES: Not...kinda. I'm asking you folks to look at ways short of doing a professional County Manager. Because that in itself is gonna be a can of worms. It sounds really good and I really appreciate that members of the public have come out to point out the benefits of having a professional County Manager. But there is so much to work out between the form of government with a County Manager that's a professional that it's gonna take more than two years. It really is. You know, the Charter is...can be amended at every election. It's not like it hasn't been amended since it was adopted back in '06 or whenever it was. And every ten years, there's required to be a Charter Commission, which comes up with things, and we've all been through several of those Charter Commission meetings. So it's not like we can't change things from year to, election year to election, election to election 'cause that's possible. But what I'm saying is that if...and I'm just blurt it out and say it. The problem seems to be with the Planning Department, okay. And I didn't hear anybody say that specifically but they're talking about reports that by Charter should be submitted. Every director was to submit a report. How many of you have been directors of a department in the County of Maui in here? None. And for good...well, you gotta be a really special kind of person to put up with that but with all the requirements that are in the Charter plus the requirements of the day-to-day thing, I know that it's very difficult to put out a report that you're talking about, a report for accountability. I think the accountability part is what you see. So if your water doesn't come out of the pipe, you know it's something's wrong. If your trash doesn't get picked up, if the Fire Department doesn't respond, et cetera, et cetera. Those things that you're particularly focused on have to do with planning. And if the planning is the problem, then attack the planning problem. Don't attack the entire

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

County of Maui. Let's start there. I would attack two places if I were sitting on this Committee. One is the Managing Director's job description, which I've pointed out before is horrendous. If physically and mentally and whatever, I don't care how much education experience you have. You cannot run that job, do that job well with all the requirements that are presently in the Charter as belonging to the Managing Director. You know, and I'm not, you know, in love with the Managing Director. I am just speaking generically but it has to be something reasonable that somebody can accomplish. You do not want to set people up for failure. And that's what happens a lot of times. So they do the best they can in the areas they feel comfortable in. So you've got to look at that and say what areas are really important? And I think I mentioned before, I wanted to do a Department of Administrative Services that would take all of those other *eh-eh-eh* things away from the Managing Director so he can actually manage the County departments. Right now, I mean we spent two years with Civil Defense. I mean, when I say we, the Managing Director and I spent two years with Civil Defense trying to get that brought up to speed so that when we had a disaster, we were there. Maui was pretty good but we weren't as good as we could have been. So we spent two years doing that and that took a long time and it wasn't an easy process. But that's just one of the other responsibilities that the Managing Director has.

CHAIR TAKITANI: You said there were two things, what was the second one?

MS. TAVARES: I forgot already.

MEMBER PALTIN: Planning Department.

CHAIR TAKITANI: Was it Planning or was it something...

MS. TAVARES: Yeah with Planning. Okay, the two things you can do in Planning is number one, you can require through a Charter Amendment that the Planning Director be confirmed by the Council. That's number one. And the second thing, and you probably should do it concurrently, is to look at the requirements of the Planning Director, which you have to be a planner in order to be a Planning Director, which is already great. You're not bringing somebody in from outside that knows nothing about planning. They know something about planning when they're applying. So look at those requirements and beef that up. Start there. That's where I would start.

CHAIR TAKITANI: There is presently something floating at the County Council now to allow or to require or to amend the Charter requiring that all appointed department heads are confirmed by the Council.

MS. TAVARES: Confirmed, yeah. I know I talked about that the other time too.

CHAIR TAKITANI: Is that still hatchet or is that paring knife?

MS. TAVARES: Well, that I think is sort of a good checks and balance for between, you know, administrative and legislative branches.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

CHAIR TAKITANI: From your perspective having been Mayor, Councilperson and Director, how does that open up...does it open up communication?

MS. TAVARES: Well I think it opens up communication but sometimes because they're...as long as they are confirmed by the Council and not hired and fired by the Council, then it's a lot better. 'Cause when you're hired and fired by the Council, you got nine bosses of equal stature and that's, I mean it's bad enough sometimes working with just one. But if it's...and there are departments that people figured were more, important enough that they did make it a requirement that there be confirmation. So there can be confirmation for every department head and that would be kinda up to the body how much they wanted to put into a Charter amendment but I don't see a problem with that. I would certainly put up every single one of my deputies and directors that I had into a situation where they get turned up or down by the Council 'cause I believed in their qualifications.

CHAIR TAKITANI: Paula, followed by Dave, followed by Jonathan.

MEMBER FRIEL: I'm sorry to ask you to repeat yourself. Good afternoon.

MS. TAVARES: Good afternoon.

MEMBER FRIEL: I just wanna make sure I was clear in hearing 'cause we were told, I was told otherwise. But at every election, amendments can be made to the Charter --

MS. TAVARES: Yes.

MEMBER FRIEL: --to incorporate some of the suggestions that were brought forth or that we decide could help be solutions to the identified problems.

MS. TAVARES: Or anybody 'cause there's several ways to get a Charter amendment on the ballot and one is by petition and the other one is by a Council action. So there are two ways. I think there's two ways. I forget now if there's another. But yeah, it's possible to amend it every election.

MEMBER FRIEL: Thank you very much.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: Charmaine, would you include the Managing Director in that, the Council approval?

MS. TAVARES: Yes, I would.

MEMBER DeLEON: Okay. Thank you.

MS. TAVARES: Yeah.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

CHAIR TAKITANI: Jonathan?

MEMBER STARR: Yeah. Could you let us know either now or maybe before the next meeting which of your department directors and deputies and including the Managing Director worked as volunteers on your two campaigns or were contributors to your campaign?

MS. TAVARES: Oh let me tell me you this part of it. When I ran for Mayor, the first meeting I had with all the volunteers, I made it very clear that just because you work on my campaign, doesn't mean you get a job in my Administration. And at the end, after I'd won, I had two people come up to me and they said, oh we saw your ad in the paper. Can we apply or we still can't apply? And I said no, you can apply. Unfortunately, you know, you have to have qualified people to work on your campaign, for sure. So there were people who worked on my campaign and there were people, I think I mentioned the last time, a few of my directors and deputies, I never met until the interview. I didn't know who they were. They didn't...don't need any money or anything like that. I do have a problem with the active campaigning that goes on during the cycle when somebody is in office. I think there's been some unnecessary and almost abusive kinds of actions but that's for the Ethics Commission to decide what's right and what's not right.

MEMBER STARR: Would you provide what I asked?

MS. TAVARES: As far as who worked on my campaign? Yeah, I can do that. And I can tell you in what capacity they worked on my campaign.

MEMBER STARR: Okay. Thank you.

MS. TAVARES: I did not require any of my people who worked for me or the directors or deputies to buy tickets to my events if I had them. It was all voluntary. I tried to keep the campaign part separate from the, you know, the actual running of the County.

CHAIR TAKITANI: Tamara, followed by Ray.

MEMBER PALTIN: My question is in regards to when you went over the Managing Director. Would you have a problem with, you know, the Managing Director being kind of like we were talking about like having a headhunter, narrow it down to three and then have the Council select it or were you thinking that the Managing Director should still be hired and fired by the Mayor? And when you talk about beefing up the requirements, could we do it something like what we've been discussing for a professional manager, create the Managing Director to have the same requirements and the same headhunter type thing and have the Managing Director be hired by the Council?

MS. TAVARES: Yeah. I think so. You have to remember now, the Managing...we don't have a deputy mayor, so the Managing Director has a lot of duties and responsibilities

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

related to being almost a deputy mayor. So I believe that the Mayor and the Managing Director should be people that are on the same page, for sure. 'Cause if not, you've got these banging of heads. It's as if the President and the Vice-President didn't agree and they fought all the time. That wouldn't help us or anybody who's in that kind of position, that relationship. So I do believe the Mayor should still appoint the Managing Director but you folks, or the voters, can decide just what kind of qualifications are needed. You know the qualifications for Managing Director are pretty sketchy. Three...I think it's three to five years of supervisory...no, five years' experience, three of which must be in a supervisory capacity. Oh I think you need to put some years in there of how many people they supervise. You know, if I have an office of two and I worked there ten years, does that qualify me for the job? Yes. Does that qualify me to do this Managing Director's job? Not necessarily.

MEMBER PALTIN: So in other words, you still want the Mayor to appoint the Managing Director rather than...

MS. TAVARES: I think that's only fair because that...those two people have to work very, very closely together 'cause when the Mayor is not here, the Managing Director is the acting Mayor. If both are not here, the Finance Director is the acting Mayor.

MEMBER PALTIN: So and then confirmed by the Council?

MS. TAVARES: I have no problem with it being confirmed by the Council. I think the Council needs to know who that person is that's the Managing Director, you know, backwards and forwards.

MEMBER PALTIN: Thank you.

MS. TAVARES: Okay.

MEMBER PHILLIPS: Thanks for coming to testify today, Charmaine. Thank you. I think one of the issues that folks have is politics that's going on within our government. And when you come down to Administration, often politics gets in the way such as you were talking about having the obligation of contributing to somebody's campaign. I think what we're looking to do is having that type of situation where we have basically the skills and the necessities and the professionalism that are able to run the administrative aspect of it. So, when, you give me a little...I have a little concern when you say that our Managing Director or County Director could be somebody...County Manager...could be somebody who definitely reports to the Mayor 'cause that sort of obligates him politically --

MS. TAVARES: Well...

MEMBER PHILLIPS: --to be involved.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. TAVARES: Yeah. I mean you could fix that though. You could pass another law that says any appointed or elected official may not participate in any political campaign in any way.

MEMBER PHILLIPS: Yeah, but nevertheless, still, I mean he does work for a...the Mayor --

MS. TAVARES: Yeah.

MEMBER PHILLIPS: --instead of possibly a group of Mayor and County Council where possibly there's a relationship between the three and there's an ability for everybody to...

MS. TAVARES: Well, you know, it's...when you're talking about something like that, if you're gonna apply it to the goose; you have to apply it to the gander. Okay. The Council is not gonna like that kind of a situation. If they themselves could not have their people that they appoint participate in their campaigns, actively. And you've been to them. You've seen them all there. Okay, so just be...sometimes just be careful what you wish for but some of this stuff, it...you know, you're looking at...actually the electorate has to be more involved than they are in choosing who are their leaders for their County. And if they know someone is like that and is willing to make promises that they don't fill, willing to hire people that aren't qualified, willing to do just about anything so they can get elected, that's the problem. That's...and that is politics. You cannot, I'm sorry, but you cannot take politics out of everything. That's just not how the world goes around. Your family is made up of politics. Okay, this is not just government. It hits all levels. It's about relationships and about expectations. And if the person who's elected is honorable in their relationship and not let things sway them one way or another because of money to a campaign or things like that, that's why there's a campaign-spending limit. It's an attempt to get a fair or the more level playing ground. So, you know, there's a point at which you're gonna look at, what does the individual, what individual rights does that person have. Because I work for so and so that means I can't express my political views or I can't help who I want in a campaign? You're stepping on those kind of toes so I would be very careful about that kind of thing. But I understand what you're saying. I really do. My stomach turns a lot of times when I hear of things that are going on or have gone on or I see it and it's just...it's sort of sickening. And it doesn't directly affect the people but it indirectly affects the people. You're getting less production out of a person who is...less production for the community for a person who is just learning something at the same time they're in the job. That is hard.

MEMBER PHILLIPS: Well, it does affect because the priorities of the individual who is making that decision are altered by the relationship.

MS. TAVARES: Oh, it could be but ultimately the priorities are determined by the Council. The County Council through the budget and through the legislation that they pass, they set the policies and the direction for the County. And it...the...it's who they are. Administration is administering somebody else's stuff. Now the Mayor Office has always been where you want a Mayor who also has vision, who also sees the problems

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

in the community. And hopefully that person can work with the Council in order to make the community better. Hopefully, okay. Now this problem has...did not occur in the other two administrations that I worked under and as far I know, did not really occur in administrations prior to when I was around but it seems to have been a focus of late. And I'm sorry that this has happened because this community deserves a lot better. It really does. And, you know, while I'm speaking about the Council and the Mayor and their relationship, the Council also, I mean there's all this finger pointing, you know, this person did this, this person did that, blah blah blah. Yeah, everything has its little reasons why but the Council is also responsible for a lot of what happens. And the cooperativeness between the Council and the Administration is a must because you just can't have something function that's just fighting with each other. It's like your kids. If your sons and daughters don't get along with each other, fighting all the time, what kind of family do you have? A dysfunctional one is what they call it. Okay, so we don't wanna have a dysfunctional form of government for our County that we love so dearly. So let's find ways to make sure that the Council does their job and the Administration does their job. I wanna give you one little example. It's just a little one. Unless the laws have changed and the Corp. Counsel people for...I mean the Council Attorney for Council, geez, can help me with this. There used to be a requirement that every contract that was signed by someone in the County Administration that it was available for the Council to review. That's still a thing?

MS. WILLENBRINK: I...sorry I didn't hear the question.

MS. TAVARES: You folks still have the copies or you have access to the copies of all contracts on a monthly basis signed by anybody in the Administration that the Council can review?

MS. WILLENBRINK: If there...if the contracts are done, yes.

MS. TAVARES: Yes.

MS. WILLENBRINK: Yes, we do.

MS. TAVARES: That's the process for a contract. It's not like somebody does a contract in midair. I'm glad they haven't changed that. But you know what that means for the Council? That means that somebody has to go and look at every single one of those contracts, on a monthly basis that report comes out. And you look through pages of contracts that come out for all kinds of things. Now if those contracts...and it's an arduous job, and, you know, basically nobody wants to do it. I mean I happened to do it when I was a Councilmember 'cause I had a person in my office who was very good at that kind of stuff. So I would highlight certain ones and we'd go through them, we'd get copies of those contracts and if I felt something was screwy about it, we brought it up in the Council meeting and have the Administration explain why is this contract and what is it for, whatever, how does that make? The Finance Director has the responsibility to assure that whatever monies are being spent through a contract especially or by anybody, is budgeted and that there are funds available for whatever that is. And that the intent and purpose of the budget item has been met so we got a

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

break down over there too and this is why we had that fiasco with that post office across the street. And there are other contracts that have slipped through. I mean that waste-to-energy project, that's the other thing people need to look at, particularly the Council, and that they're saying that because there was no cost involved, the contract didn't have to go to the Council. Well I'm saying you guys, or the Council should change that law, any contract that encumbers or obligates the County of Maui to anything, needs to be reviewed by the Council. That's how you can stop some of these crazy things that are going on. And before, we didn't seem to have to do those kinds of things because it was kinda automatic. We had a good relationship. But when you get two bodies contentious, in a contentious relationship, you got troubles all over the place. And I'm not just saying in the Planning Department. They're all over.

CHAIR TAKITANI: Thank you, Mayor Tavares. Appreciate --

MS. TAVARES: Yeah.

CHAIR TAKITANI: --you sharing all that.

MS. TAVARES: I appreciate you folks, by the way, Chair, for the work that you're doing in trying to bring about some positive change. One last thing if I may, is that you have people that come and testify that care passionately about this particular issue but please remember that you are...have to take into consideration everybody who's not here. There's a lot of people working and I know 'cause I went through thousands of hours, probably millions of testimony when I sat on the Council. And you will have hundreds and hundreds of people come out to talk about something but still you have to remember what will be best for the entire community. And the people who come out to testify, I applaud them because they bring to the forefront what some of these problems are, that need to be addressed. Just like you folks are addressing them now. Thank you very much.

CHAIR TAKITANI: Thank you. Next.

MS. WILLENBRINK: The next person signed up to testify is Michele McLean.

CHAIR TAKITANI: Hang on. Yes?

MEMBER STARR: Yeah. I had one more question.

CHAIR TAKITANI: Of who? Of the Mayor?

MEMBER STARR: Yes. Mayor, which administrations were you a director or deputy director under?

MS. TAVARES: Well, oddly enough the first Administration was my dad's when he was Mayor. You talk about rumors that went around for that. You probably have a law against that now but it was Mayor Tavares and Mayor Lingle.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER STARR: Do you think that there...you know, being appointed a director under, you know, a close family member or someone, you know, in your household is something that that could create the perception of, you know, of impropriety? I felt you were a great Parks Director by the way. I don't...I have no issue with that. You did really well, but I'm just wondering whether that creates a perception that might be part of the problem.

MS. TAVARES: No, it did create a perception of nepotism. In fact it made the evening news and Joe Moore, you know, raked me over the coals. That lasted about two weeks. Because I had told my father when he first became Mayor that I said you don't know anybody who would be a good Parks Director. I should be your Parks Director. I have the most experience. I know what I'm doing and I've been dadada. I gave him everything. And he said well I can't do that. That's nepotism, you know. And I said even if I were the best person for the job, he couldn't hire me so there was a reverse discrimination in that case. So I said I don't care about the relationship. I care about the qualifications and how the people can...how that person can relate to the community. That...those are the important things. And having a vision doesn't hurt either. And so, yeah thank you for that question.

CHAIR TAKITANI: Would you have sued if he didn't appoint you?

MS. TAVARES: I was on the verge of that. It was funny because everybody in my family was against him for not hiring me in the beginning but I understand why he didn't and why he couldn't. That's just unheard of, the community wasn't ready for that.

CHAIR TAKITANI: Thank you.

MS. TAVARES: All right. Thanks.

CHAIR TAKITANI: Sorry, next.

MS. WILLENBRINK: Michele McLean?

MS. McLEAN: Good afternoon, Committee Members. My name is Michele McLean. I'm the Deputy Planning Director. Thank you for this...for your service on this Special Committee. I'm actually not here to talk about the Planning Department but if you do have questions, I'll do my best to answer them. I would actually just like to share some thoughts with you based on my background. I've previously worked for the United States House of Representatives and the U.S. Senate, the State Department of Land and Natural Resources, Kahoolawe Island Reserve Commission and the County's Office of Council Services. That means I've worked for the Federal Legislative Branch, the State Executive Branch and the County's Legislative and Executive Branches plus I have a degree from Vassar College in Political Science, which is the study of systems of government and analysis of political activity and power. There are three points that I wish to convey. First, when you think about our current mayor system in the proposed manager system, you need to look at both with a very pessimistic eye.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

Either system would work well with great people and both systems would work poorly with lousy people. It seems that the manager system is envisioned only with great people while the mayor system is portrayed with only lousy people. Of course, neither of these is true but that's what you need to keep in mind when you're analyzing these systems. I've seen great councils and great mayors and not so good councils and not so good mayors; councils who I would trust to oversee a manager and mayors that I would trust as well as councils and mayors who, perhaps shouldn't bear such responsibility. So you need to determine which system would work best for Maui County when it's run and staffed by our average citizens, people like us, not the greatest, not the worst. Second, I would encourage you to talk to current and former administrators and legislators to get their input on how a mayor and manager systems could work. Their experience and knowledge could be very insightful. Before making a decision on running our government structure, talk to those who have run the government. I'm sure they would be happy to help identify problems and find solutions, you know, just as Mayor Tavares has done. And third, if continuity is anticipated as a benefit of a manager system, you might wanna think about that not occurring until there's a change in the terms of the Councilmembers. 'Cause if the problem is that senior staff are subject to changes in mayoral administrations and you want continuity, Council terms are for two years and you could see a change in the --

MS. WILLENBRINK: Thirty seconds.

MS. McLEAN: --leadership of Council every two years. So that means the leadership of the Council and the boss of the manager could change twice as frequently as the Mayor currently does with four years. So a manager system could have less continuity than a mayor system unless Council terms are increased. So just in closing, before you decide on the current mayor system or a new manager system, as Mayor Tavares said, identify the structural systemic problems of the current system and determine if a new system could solve those problems. Otherwise, we'll just have a new system with old problems. Thank you.

CHAIR TAKITANI: Thank you. Any questions? Jonathan, followed by Kimo.

MEMBER STARR: Yeah. You're one of the people in County government that I really do appreciate and have appreciated working with you. Apart from your qualifications, you work hard. I sometimes feel that one of the problems that we have is, under the current system, is inertia. That there's no mechanism for evaluating the function of a department and a department head or the Managing Director and management on a regular basis. And I've seen, in my opinion, a number of directors who stayed long past the time when they should have been gone, you know, both in the current Administration and in virtually all the previous ones that there's...tends to be dead wood. They're, you know, even people who are directors who don't come in to work and don't really serve a function. You know, meanwhile there may be a deputy under them that's really good or there may be plenty of people who could really take that department to the next level. Could you give any comments on that? Because as far I see it that one of the problems is there's no real incentive for people at the top of the departments to really do well and to, you know, evaluate well and then to have a, you

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

know, a place to go or a reason to be kept past the end of an administration or, you know, be a director maybe even rise up in that, to a Managing Director or run for office because of their skills. Could you give some comments on it 'cause I think maybe you've had some experience with that?

MS. McLEAN: I feel like my job is on the line every day. I can be terminated by the Mayor if I fail to perform as the Mayor demands of me. And that would be true for any director or deputy. In terms of there being some sort of evaluation of directors and deputies, that, under the current system that would vary from mayor to mayor, how they evaluate their senior staff. Certainly, if directors were...had to be confirmed by Council as you've talked about, that might be a step in that direction. If a mayor is reelected then perhaps those appointees would have to come back for reconfirmation. But in terms of a, you know, a midterm or annual type of evaluation that's really up to the Mayor to decide how he wants to evaluate the performance of his cabinet.

MEMBER STARR: In the administrations you've worked under, have you ever seen any rational arms-length evaluation process that's undertaken on directors on a regular basis in Maui County?

MS. McLEAN: When I worked for the State, there was...

MS. WILLENBRINK: Excuse me, Michele.

MS. McLEAN: Sorry.

MS. WILLENBRINK: Could you speak a little louder?

MS. McLEAN: Sorry, Kim. When I worked for the State there was an annual evaluation of the executive director of the agency connected...

MEMBER STARR: But not, never, not in the County?

MS. McLEAN: The Planning Director is, does have an annual evaluation with the Managing Director.

MEMBER STARR: Does that occur?

MS. McLEAN: Yes.

MEMBER STARR: I know I've never seen it. How would we be able to see that?

MS. McLEAN: Oh, I don't know if it's a written evaluation. They've met in person to discuss his performance. And I don't know the details of it. I don't know if there's anything in writing. I just see it on my boss' calendar, I know that it takes place.

MEMBER STARR: Thank you.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

CHAIR TAKITANI: Kimo?

MEMBER HAYNES: So you came in, you started with this Administration? Is that correct?

MS. McLEAN: I did, yes.

MEMBER HAYNES: And so when this Administration is over, do you anticipate that you will continue on in your position?

MS. McLEAN: I have no idea.

MEMBER HAYNES: It all depends on?

MS. McLEAN: It all depends on the next...

MEMBER HAYNES: Go through the same process.

MS. McLEAN: It all depends on the next Mayor.

MEMBER HAYNES: So it would be just starting over again. And is that the best solution for our County, for the people of Maui to have to, you know, someone like you that's very experienced and has a lot of qualifications, I would think would be a good candidate, a good person to continue on but it's all dependent on I guess one person who's elected, right?

MS. McLEAN: Right. And, you know, in speaking as an analyst, not so much someone in this Administration but the people of Maui County will elect a mayor and wanting to see that mayor's vision. And if that mayor feels that I'm someone who could contribute to the direction he or she wants to go, then I would imagine I could be considered as a candidate.

MEMBER HAYNES: So what...so as long as you agree with what they wanna do, not necessarily your performance? And another question, going back to performance and reviews. I mean, we can agree there's a best practices for doing reviews and getting the most out of 'em and a verbal evaluation is not on that list. If that's what's happening.

MS. McLEAN: I don't know. I...like I said I see it on my boss' calendar and I don't ask.

MEMBER HAYNES: And we haven't heard or seen or known of anything that's really structured either. Thanks.

CHAIR TAKITANI: Dave?

MEMBER DeLEON: Hi, Michelle. Earlier we've had this recurring concern expressed from the public about the failure of the Department to respond to a Charter requirement. In Section 8-8, 8.5-3, are you familiar with that?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. McLEAN: Is that relating to the implementation rules?

MEMBER DeLEON: The general plans. Yeah, right.

MS. McLEAN: Yes.

MEMBER DeLEON: Could you speak to that at all, why that happens? And, you know, I'd like to that get that clearly on the record which way it goes, as far as from your perspective that somebody has to deal with it?

MS. McLEAN: Okay. I believe that that provision in the Charter was added in 2003 if I'm not mistaken. You can confirm that. To the best of my knowledge, those reports have never been prepared. I don't know why, you'd need to ask prior Planning directors why those reports haven't been prepared. With this Administration, in 2012, so we came in January of 2011. In 2012, we started a very long process to reorganize the structure of our Department and we created a new division called the Plan Implementation Division. One of our concerns is that we create all these plans. We adopted this huge Maui Island Plan. We have these community plans. We have a Countywide Policy Plan and there's no method for tracking their implementation and even being proactive in their implementation. And so we created a new division, it's a small division. The reorganization was completed in 2005 I believe so it took a couple years.

MEMBER DeLEON: 2005?

MS. McLEAN: Excuse me, 2015.

MEMBER DeLEON: Okay.

MS. McLEAN: It took a couple of years with the union, with Personnel, with all of that to create this new division. And one of their top tasks is to prepare those reports. So they've been working on the reports. There are hundreds and hundreds of implementing actions in our community plans, in the Countywide Policy Plan and in the Maui island plan. And those involve, not only County agencies, but State and Federal as well as other organizations. So they have been contacting all of those agencies, putting together these huge matrices of each of the plans, each of the departments and the status of implementation of those hundreds and hundreds of actions. And we should have the very first version of these reports issued within, I would say within a month.

MEMBER DeLEON: Quick follow, in your perspective, do you think we have too many plans?

MS. McLEAN: I wouldn't say we have too many plans because the community plans are really really important to each of those communities. I think that...and what we're doing now is we're starting the process to update them. They haven't been updated for...some of them 20 years. We're trying to focus them much more on County

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

responsibilities. So rather than having the State and Federal and other agencies, which we have no control of, focusing on the County's role and trying to make them realistic. So that when we do these implementation reports in subsequent years, now that we have this first report coming out they're just gonna need to be updated. It's gonna be a lot easier to do these reports in future years. We'll have fewer implementing actions and they'll be more realistic. So I wouldn't say we have too many plans but we have some unrealistic plans that are...they're a pie in the sky and it seems like it's a failure to that community because they're not implemented but it was never practical for some of those things in the first place.

MEMBER DeLEON: Thank you. That was very helpful.

MS. McLEAN: Thank you.

CHAIR TAKITANI: Tamara, followed by Ray.

MEMBER PALTIN: Thank you for coming. Based on your testimony too and your answers to some of the questions, I had two questions about...first one being when you said you have that fear of losing your job if what you do or doesn't meet the Mayor because he appointed you or...has the Mayor's opinion or desires ever caused you or anyone you know in a appointed position to allow his knowledge or wants to supersede your professional knowledge? I mean when you listed all of your credentials, I was very impressed and obviously, an elected official, or not obviously but most likely an elected official wouldn't have those types of credentials and yet they're the boss of you. So would their desire for things to be done a certain way supersede your professional knowledge of how it always is done? Like for example, like the Montana Beach House or the Mala Property and things like that. Like how do situations like that arise and is it...would it also happen under a continuity professional manager setup?

MS. McLEAN: Let me say a couple of things. First, I don't think I said I fear for my job. I don't fear for my job. My job is on the line everyday but I don't fear for it because I'm confident in how I'm performing. So maybe that's just word choice but I have no fear for my job at all because I'm...I work hard and I think I do my job well. I can't recall an occasion where the Mayor has asked us to take a certain action or go a certain direction that was contrary to what we thought was a better course of action. I can't recall that happening. When we have contentious issues...well let me also say, the vast majority of what the Planning Department does, we handle ourselves on a day-to-day basis. It's really only big controversial issues that rise to the point where the Mayor needs to get involved. A lot of our stuff is routine. But when those case, when those occasions do arise, we're able to have very thoughtful discussion with him and, you know, lay out all the issues and discuss the way we're gonna move forward. And again I can't recall any situation where he has said go this way when we've been saying we think we need to go that way. I can't think of any. That doesn't mean it doesn't happen. I just can't think of any. And with a County Manager, I would imagine it would be the same. It could happen with the County Manager or not if the County Manager allows their staff to have the same input and the same dialogue to choose a path together.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER PALTIN: Thank you. The second part, when you mentioned that it was a long process to reorganize the Department, was that...couple questions on that, was it initiated by the Administration? Was it top-down or bottom-up?

MS. McLEAN: The Planning Director and I came up with the idea and presented it to the Administration and they supported it.

MEMBER PALTIN: And essentially the next Mayor and the next Director and...could go through the same long process in reorganize it back or in a different direction as well?

MS. McLEAN: Sure. They could. They could propose that.

MEMBER PALTIN: Okay. Thank you.

MS. McLEAN: Yeah. You're welcome.

CHAIR TAKITANI: Ray?

MEMBER PHILLIPS: Thank you, Ms. McLean for coming to testify. Of the three subjects that, or three items that you said are very important in your presentation, first one was, it has a lot to do with the individuals that run it so we could have a professional manager that wasn't good or we could have a Mayor that --

MS. McLEAN: Right.

MEMBER PHILLIPS: --isn't as qualified as he might have been. In this case, what I think to try and get...to try and remove the individual out of the situation and bring in more professionalism in the running of the government, I think is what we are all trying to achieve. So in that matter, particularly since we're talking about the administration of the government and to divorce the politics from the situation, would you say that one of the types of government might be better than the other?

MS. McLEAN: I prefer the idea of the checks and balances of two branches. I think that even though we're a relatively small County, the level of responsibility that is handled by the County government, you know, water supply, solid waste disposal, roads, some really basic essential services, those are important enough that to have really the venue for that kind of dialogue I think is valuable.

MEMBER PHILLIPS: I'm not sure I received an answer on that. So I understand the checks and balances, that have a mayor and a, you know, a county council --

MS. McLEAN: Right.

MEMBER PHILLIPS: --as well. But when we're talking about professionalism in the administration, when we're talking about an individual who might be a professional in

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

that administrative capacity, is that something in your mind that might have credibility?

MS. McLEAN: I think that could be accomplished as you discussed with Mayor Tavares by having...taking those professional qualifications and applying them to the Managing Director position. Certainly, I think there is value to having that professional level in a leadership position. I don't know that you need to eliminate the Mayor in order for that to be accomplished, but whether it's a County Manager or the Managing Director having high-level qualifications, I do think would be valuable.

MEMBER PHILLIPS: Thank you.

CHAIR TAKITANI: Pua, followed by Madge.

MEMBER CANTO: Chair, I'm good. I believe she answered my question...

VICE-CHAIR SCHAEFER: Thank you for being here. Regarding the checks and balances --

MS. WILLENBRINK: Madge, microphone.

VICE-CHAIR SCHAEFER: --you've testified that the Council makes the policy, confirms the budget and the Administration carries out that, those policies and the financial requirements and ordinances and all that. The balance comes in the Mayor having a veto. And the checks go back to the Council with the override. If there was a professional manager, there will still be those same checks and balances. You think that's accurate?

MS. McLEAN: When I said checks and balances, I didn't go into the detail that you just described. Checks and balances to me in a more general term is accountability to the public in two different forms. One being an Executive Branch and one being the Legislative Branch where, if you look at the Council as one entity which, you know, which is how it functions, that to have only one governing entity rather than two relatively equal entities, you...I think there's more accountability to the public because you have elected positions in both. You know, those individuals receive the majority of votes from the community, they're up for reelection. They are answerable to the public. And to just have the one entity responsible for that doesn't seem as solid to me as having two.

VICE-CHAIR SCHAEFER: So I'm confused. You still have an elected mayor. You still have an elected council. You have a county manager whose title or whose qualifications have changed. The qualifications are that they're professionally qualified. How does that change the checks and balances?

MS. McLEAN: I don't think it does. I'm...

VICE-CHAIR SCHAEFER: That's my point. You're saying that you're concerned about checks and balances but when the change is simply a job description and...

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. McLEAN: Oh, okay. I'm sorry then. My misunderstanding. I was...when I entered the previous question that was assuming that there would no longer be a mayor.

VICE-CHAIR SCHAEFER: No and I --

MS. McLEAN: Okay.

VICE-CHAIR SCHAEFER: --think that was why I ask --

MS. McLEAN: Okay.

VICE-CHAIR SCHAEFER: --for the further clarification.

MS. McLEAN: Right.

VICE-CHAIR SCHAEFER: So you would agree that if there was an elected mayor, who still had veto power and there was an elected council and there was an appointed county manager who met professional qualifications and for...let's call them a professional versus I don't wanna say non-professional because --

MS. McLEAN: Right.

VICE-CHAIR SCHAEFER: --you know what I'm saying versus one that doesn't meet all the qualifications. There really wouldn't be a change, would there?

MS. McLEAN: Right. If all we're all talking about is having what we now call the Managing Director being the professional manager instead, I think that's fine. I think that's a very good solution to a lot of the issues that I've heard come before you.

VICE-CHAIR SCHAEFER: Could I ask you one other thing? Little bit different direction. Do you think that if there were...I'm gonna use the word permanent, department heads, were appointed, do you think it would be an incentive to the staff, to the deputy director, to the upper-level staff, let's say in the Planning Department, do you think it would be an incentive for them to first of all, stay in the positions because even though I know they're, upper management, I guess is protected by the unions but the two top positions would stay there because the opportunity for advancement was there and within the Department, people could move up. Do you think that would be an incentive for employees?

MS. McLEAN: In general, sure. Yeah. Yeah. You'd still wanna have the mechanism by which those positions would be evaluated --

VICE-CHAIR SCHAEFER: Oh sure.

MS. McLEAN: --and could be terminated for cause. But, yes.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

VICE-CHAIR SCHAEFER: Okay. So, one last question. Do you think that department heads should be accessible to the public?

MS. McLEAN: Yes.

VICE-CHAIR SCHAEFER: Thank you.

CHAIR TAKITANI: Thank you very much. We appreciate it.

MS. McLEAN: Thank you.

MS. WILLENBRINK: Chair, our final testifier to sign up at, here in the room is Michael Moran.

MR. MORAN: Aloha, Chair Takitani and Committee members. Thank you for your volunteer service to the community. My name is Mike Moran. I'm the president of the Kihei Community Association and I am speaking for the association. While I was not personally able to attend your first evening meeting, which was a stellar idea to do with, you could see all the turn out that you achieved, I did receive lots of reports from some of our directors, committee members and general members who did and testified. One distressing report I received numerous times was a comment made by a commission member that you had not heard from any community associations in any of your meetings. So please let me remind you that you did in fact as I personally testified for KCA at your third meeting on January 14th in Council Chambers, and when I concluded, Chair, you asked me if I was speaking for the association, which I confirmed. So to ensure you do not forget KCA again, we have offered you a detailed position paper which we...where we stand on your task on this issue, which we have distributed to you. Rather than read the verbiage to you, since our understanding is the written submission make it part of the record, may I explain how we arrived at this. We secure input from our membership as well as members of the community via our interactive website, our Facebook page, e-mail, phone calls as well as in-person conversations around town or at our community meeting. Shortly after we testified at your third meeting, our community meeting hosted Mayor Arakawa and Mr. Mark Hyde in Kihei to present their views on the "governance issue." The community questions addressed to both guests and the follow-up offer a good portion of our overall community input. All of these data was discussed by our planning committee who developed a draft position paper which was approved by the board, posted on our website and delivered here to you today. In summation, our position is the community would be better served by moving to some form of professional council-manager system from our current one. Thus, we ask that the public be allowed to vote on it --

MS. WILLENBRINK: Thirty seconds.

MR. MORAN: --in our upcoming November election. We are unable to offer all the detailed specifics, for example do we still have an elected Mayor? If so, what part such a Mayor play in the overall government process? But hope based on your research and in

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

point, you'll be able to offer such detail to the Council at the conclusion of your voluntary duty in this special commission. We thank you all for your service.

CHAIR TAKITANI: Thank you, Mr. Moran. Any questions? Jonathan?

MEMBER STARR: Yeah, Mike, we had testimony a little while ago from a former Mayor who said that even if we're receiving testimony that may be running very strongly in favor of a change, we have to listen to the silent majority who really feel differently. And since you're out in the community and have put this before a public meeting, I'm wondering if you have any comments on this and whether you think that that feeling is...creates an obligation by this Committee to go out to more public meetings in the communities if there is a feeling that what testimony we've had so far is not really indicative of what the community has to say.

MR. MORAN: Well, I think that's always a challenge. I know sometimes with our community association over the years and we've testified to Council. Some Councilmember who may not agree with our point of view says, how many people do you have that you're speaking for? And my answer is, we look at quality rather than quantity. Every one of our members, not that we require it but because their concerned citizens, they're all registered voters. And a lot of the naysayers who tell us, oh and we'll say to them, are you wanna get involved, would you wanna join, we waive membership fees. I haven't got time for that. These are the folks who don't even want to register to vote. So yeah, there's a lot of silent community out there but they're just people who don't participate. And yes it is a challenge to get out, to testify at anything. And that's why I commend you when you had that evening meeting, you could see the volume went up, how many people came out and testified. But it's a challenge for you folks too like just like with the Council. Budget time is coming up now so they go around, or is here. They go around to the different communities and have an evening meeting. But from my perspective, it's challenging because the evening meeting, when everybody can come from the community, it's on the budget. And, you know, there's this big, big thing where it's probably more effective to look at when you're having that specific item discussed that day in Council Chambers where folks have to take time off from work, spend a few hours and you get three minutes to talk but it's a few hours to drive down, parking, wait in line and so forth. But in general, would I encourage more getting out into the community, evening? If at all possible, yes, but I know it's a challenge.

CHAIR TAKITANI: Paula, followed by Madge.

MEMBER FRIEL: Good afternoon.

MR. MORAN: Hi, Paula.

MEMBER FRIEL: Could you go over again your description of quantity versus quality of citizen input please? And how one weighs more than the other?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MR. MORAN: Well, I think, you know, you have a general concept of...sometimes the question comes up, does a elected official get the majority of the community? Unfortunately in our community, they don't because there are so many people who are part of the community. They live there. They work there but they don't even register to vote. If they register, they don't vote. So that's a silent majority we don't hear from in quantity numbers, but in quality numbers these are people who don't want to participate. They just want to grumble and not participate. Where people who are active and will take the time, will, especially for volunteer efforts like you guys are doing, I think that gets a higher quality of input. How are you gonna get the input from the people who won't participate? You guess. You know, I don't see how you could bring that in and say, well, gee, are there are a lot more people? Sure there are but they don't...they're not willing to participate. So that's where I use the quality-quantity term.

CHAIR TAKITANI: Madge?

VICE-CHAIR SCHAEFER: Thank you, Mike.

MR. MORAN: Sure.

VICE-CHAIR SCHAEFER: I just wanted to let you know, I take, try and take pretty extensive notes of public testimony. I just went back and looked at my notes from the last meeting. I didn't note anyone that spoke about community associations not being involved. So, I'm not...it may have happened but it wasn't notable enough for me to note and I think the Chair or someone else on this Committee would have pointed out that the Kihei Community Association has been active from the beginning.

MR. MORAN: Yeah and of course, I don't know, Madge, that because of the circumstances that was not a live televised one, and I did get various people told me. So it seemed like it probably happened but no, I certainly couldn't verify it. And I say that half in jest because, you know, most times when I testify, most people remember me 'cause I got a very big mouth. Some like me, a lot dislike me but very few forget me and say, I never heard from that guy.

UNIDENTIFIED SPEAKER: That's true.

MR. MORAN: But good point, I have no verification that that actually occurred.

CHAIR TAKITANI: We appreciate it. Thank you very much, Mr. Moran.

MR. MORAN: Thank you very much, Chair. Aloha.

MS. WILLENBRINK: Chair, there is no one further signed up to testify here in the...I wanna say Chamber, here in the room.

CHAIR TAKITANI: We do?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. WILLENBRINK: We do have one more testifier with no name.

CHAIR TAKITANI: Could you please state your name?

MS. ROBBINS: I can help out with that. Thank you. Rosemary Robbins, concerned citizen. I'd like to thank all of you for the work that you've been doing on this, bless your hearts. I would also like a big word of thanks going out to other concerned citizens that somehow seem to find me when I'm at the hardware store or Foodland or wherever. And particularly please devote having initials identified, what they stand for. So when I do this, you know, there's a reason. On that, and I thank you for the 7th floor Staff, they've been wonderful through all of my affiliations here, public librarians and Akaku. The list goes on of concerned citizens that are out there. Neither I nor anybody in my family has ever been nor is an employee of the County of Maui. Not on anybody's payroll or any of this. But I would like to particularly speak to Item 4 on our agenda for today that talks about other cities that have evolved into having a system different from the one that we have here. I'm not recommending any of those but I did think it was interesting to discover that Granicus is an outfit that a bunch of bright, young computer-oriented people who want to have an opportunity to get rid of any paperwork, to have everything be only in the cloud. Kind of a curious term for that as it turns out. And that the County Council has opted for one particular such variety of people but that the Administration has selected another such outfit for that and the Newark, New Jersey format that has come out says there always has to be a copy of, hard copy, that yes, let's do all the cloud stuff with it. So my recommendation would be that it'd be not only another copy but two other copies, hard copy, one in this depository and one elsewhere. Remember we had that close out of this place because there was supposedly an Akaku problem a few months ago.

MS. WILLENBRINK: Thirty seconds.

MS. ROBBINS: Scary. So, also, I attended a commission on salary years ago, a meeting, I had never been to one of those and the format said that this person for this capacity to be reimbursed in this amount and the only thing that wasn't filled in was an auditor. Apparently we never had one. When we've gotten one and that has been materials coming in, it turns out that we are deficient in internal controls including reporting and including how we deal with Federal awards. I would like to clarify a definition that was in view of the water report that came in...

CHAIR TAKITANI: You might have the wrong meeting.

MS. ROBBINS: Say it again.

CHAIR TAKITANI: This is the...is there another meeting going?

MS. WILLENBRINK: Yes. Thank you, Chair. The Budget and Finance Committee meeting is meeting in the Council Chamber. This meeting is about changing the form of government from Council Mayor to County Manager.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. ROBBINS: I understand that. That's why I'm reading from this agenda.

CHAIR TAKITANI: What is Item 4?

MS. ROBBINS: Over on the back, on Page 2. Take a look at the...

CHAIR TAKITANI: You can continue.

MS. ROBBINS: Okay. So when we ended up getting an auditor and then having the auditor's findings reviewed by professional attorneys coming in on this, it turns out that we need to clarify what qualified and unqualified opinion means. If we're gonna be going back to those records. Unqualified means that it's okay. We didn't have any reservation, not we, the folks who did this didn't have any reservations on it. So unqualified means, good opinion. When it's qualified, it means, whoa there are some snags in here but it's not all bad. All right. Those are sort of some legally used stuff that has been misinterpreted by the community so hopefully this will be helpful for them when they're going over this. We need to...education is my forte. I've been teaching for over a half century. When we talk about professionalism, that doesn't just mean a degree. When you have BS, there are people in the education field who say that's exactly what it says. MS, more of same. PhD, there's another set of descriptions for that. If people don't have integrity, pono, which our community at large, voted in in 2012 election right here, we're sunk. We are on foundations of sands that are shifting and it's pathetic because there are people being hurt in that. So I would ask you to just be alert so what's out in the newspaper today and yesterday as far as the system on one of our neighbor islands. And that's now been decided by a grand jury, which means people in the community, that there is felonious behavior in there and some of that is akin to some of what has been brought up recently in the last two weeks here about records and wanting to not have thorough records. That would definitely be a mistake. I'm pleased to say that the 7th floor here assured me that there would always be one hard copy. I'm recommending two. One in two different places going back on that. So, thank you everybody for that and just don't get locked into and neither should I nor anybody else get locked into the personal and the particular behaviors that have gone on by particular people in the last particular time frame. The picture is bigger than that. We take a look at special opportunities, if you will, that have been made in terms of education. We all know what red shirting is. We all know what happens when we ignore changes that need to be recognized. You go to alumni things now, alumni things, and you see people being wheeled out for the multiple concussions they've had in athletics and yet you always had appeal on for the athletics. God spare us. Okay, we can do better, so let's. Thank you.

CHAIR TAKITANI: Thank you very much, Ms. Robbins. Any questions? Thank you.

MS. ROBBINS: You're welcome.

CHAIR TAKITANI: Should we take a break now for car moving and stuff? Why don't we take a...

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. WILLENBRINK: We could close testimony probably.

CHAIR TAKITANI: Why don't we do that?

MS. WILLENBRINK: Okay. Hana Office, is there anyone wishing to testify?

MS. LONO: Hana Office, there's no one waiting to testify.

MS. WILLENBRINK: Thank you, Hana Office. There is no one waiting to testify in Hana. Molokai Office, is there anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

MS. WILLENBRINK: Thank you, Ella. Is there anyone else in the Chamber wishing to testify? There is no one waiting to testify.

. . .END OF PUBLIC TESTIMONY. . .

CHAIR TAKITANI: Thank you very much. If there's no objections, I'd like to now close public testimony. We'll come back in 15 minutes. So 20 'til 3:00. Thank you. . . .(gavel). . .

RECESS: 2:27 p.m.

RECONVENE: 2:42 p.m.

CHAIR TAKITANI: . . .(gavel). . . Okay, will the meeting come back to order.

CG-1(1) RESOLUTION 15-155: ESTABLISHING A SPECIAL COMMITTEE ON COUNTY GOVERNANCE

CG-1(3) FORMS OF COUNTY GOVERNANCE

MS. WILLENBRINK: Microphone.

CHAIR TAKITANI: We have some letters on your desk and if you notice we have some boxes...

MS. WILLENBRINK: Chair?

CHAIR TAKITANI: Yeah?

MS. WILLENBRINK: Microphone, please.

CHAIR TAKITANI: I'm sorry.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. WILLENBRINK: Microphone.

CHAIR TAKITANI: Michael who? Sorry. We have some letters on your desk from the Mayor's Office. We have some boxes here from the Mayor's Office. There's quite a bit of them. Apparently, we're gonna have, they'll be scanned.

MS. WILLENBRINK: Yes, sir.

CHAIR TAKITANI: Until then, the...we do have the hard copies. You're welcome to make an appointment with our Secretary to review 'em if you want to.

MEMBER DeLEON: Seriously, you're gonna scan 'em all?

CHAIR TAKITANI: I think they have to.

MS. WILLENBRINK: Yes.

MEMBER DeLEON: Oh, my God.

MEMBER PHILLIPS: It's a storage issue.

MEMBER HAYNES: Is this for real? This is because we requested performance? Performance evaluations of the individual department heads and this is what we got. It's a waste of the County's time to scan this stuff. I think it's ridiculous.

MEMBER PHILLIPS: How are we gonna review these?

CHAIR TAKITANI: We're not gonna review it as a group. If any individual wants to --

UNIDENTIFIED SPEAKER: Volunteer.

VICE-CHAIR SCHAEFER: Would they have...

CHAIR TAKITANI: --go through it.

VICE-CHAIR SCHAEFER: Would they have to be scanned if they were returned? That we...it was not the documents we asked for?

MEMBER PHILLIPS: We don't accept it.

MS. WILLENBRINK: I don't believe returning them is an option.

VICE-CHAIR SCHAEFER: Can we ask Corp. Counsel over there?

MR. GIROUX: What do you want to ask Corp. Counsel?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

CHAIR TAKITANI: James...

MEMBER STARR: What should we do with all that paper, James?

VICE-CHAIR SCHAEFER: So let me know, my...this is a serious question. We have...

CHAIR TAKITANI: Run it through me. James, can we return it without accepting it?

MR. GIROUX: Chair, I think that would be a Sunshine Law issue...oh, I think that would be a Sunshine Law issue. You know, whether or not you have to scan it is a policy issue. The fact is that you've received documents. By this time...

CHAIR TAKITANI: Whose policy issue is it? Is it our policy?

MR. GIROUX: Well, I read in the paper that this Committee has been designated the first paperless...but that was from *The Maui News*, I think. But no, my understanding is that the Council, and you can ask Council Services, they probably have better information than I do but the issue of going paperless is a policy issue. I believe that came out of the Council Chair.

CHAIR TAKITANI: Let me put it this way. I will entertain a motion --

VICE-CHAIR SCHAEFER: And I'll make it.

CHAIR TAKITANI: --to not...to direct our Staff to not scan this. And we'll keep it someplace if we want to look at it.

MEMBER HAYNES: Second.

VICE-CHAIR SCHAEFER: How about discussion?

CHAIR TAKITANI: Yeah, go ahead.

VICE-CHAIR SCHAEFER: So, if the policy is and the Staff has complied with the policy that we be paperless, documents that are submitted from the Mayor's Office should be scanned by the Mayor's Office and submitted to us paperless.

MEMBER HAYNES: These...all these documents come from some sort of word processor. They could have been scanned and...they don't have be scanned. They'd just be sent PDF to us. This is...I think it's absurd that we're wasting the County's valuable time on trying to scan this stuff back into the system.

MEMBER DeLEON: Mr. Chair, I think we're wasting our time. Call for the motion.

CHAIR TAKITANI: I called for the motion, yeah. And are we ready for the question?

VICE-CHAIR SCHAEFER: The question is?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

CHAIR TAKITANI: All in favor...to not scan, to direct Staff not to scan this.

MEMBERS: Aye.

CHAIR TAKITANI: Any opposed? Motion carries.

**VOTE: AYES: Chair Takitani, Vice-Chair Schaefer, and Members
 Canto, DeLeon, Filimoe`atu, Friel, Haynes, Okamoto,
 Paltin, Phillips, and Starr.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

**ACTION: Recommending reports from the Mayor's Office not
 be scanned.**

CHAIR TAKITANI: Okay. What we kinda wanted to do today...well I hope what we will accomplish today is to have some open discussion that will be led by our Facilitator for as long as we want to, but at the end, I would like to get to a point where we try to do a binding vote on whether or not we are going to...well, what I would like for the vote to be is to whether or not the Charter should be amended to establish a county manager form of government. Should the vote turn out as a yes for that form of government, at some point I would probably suggest that we form a TIG to come up with some examples or actual structures of maybe three forms and take that out to the public. If it's no, I would suggest that we have further discussion on other amendments that possibly were suggested by others in previous discussions and/or the former, or not the former but what's presently before the County Council today. Now, not today. So that's kinda my thinking on this but you can just keep that in the back of your heads and I'd like to turn this over to Lori to facilitate a discussion. Yes?

MEMBER PHILLIPS: One comment, before we turn it over to Lori. There are a myriad of forms of...

CHAIR TAKITANI: Understood.

MEMBER PHILLIPS: Right, right, right. With a mayor or without a mayor, or what have you.

CHAIR TAKITANI: I get it.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER PHILLIPS: So I think the question is really to have a professional manager or not a professional manager.

CHAIR TAKITANI: I appreciate, you know, I actually think the question is do we wanna take the power from the Mayor and give it to the Council but I'm not gonna say that because the wording --

MEMBER PHILLIPS: No, I disagree with that.

CHAIR TAKITANI: -- is such that...all I'm doing is mirroring the wording from the resolution that created us. Hang on a second. And the wording that created us is whether the Charter should be amended to establish a County Manager form of government. And so I think that's what the question is.

MEMBER HAYNES: Can I...

MEMBER PHILLIPS: But there's so many different forms of County Manager.

CHAIR TAKITANI: I understand but there's...

MEMBER FILIMOE`ATU: That's not our kuleana.

CHAIR TAKITANI: That's the question.

MEMBER PHILLIPS: Yes.

CHAIR TAKITANI: Yeah, okay, Jonathan?

MEMBER STARR: Yeah, I think you're kinda side loading the issue as, you know, taking away power or something like that. The issue before us is whether we want to let the voters decide whether a change can be instituted if they wish. Remember that all we're doing is we're moving it to the Council and then the Council gets to take their cut and amend and then ultimately if they do then it would go to the voters. So what we're doing is empowering the voters to be able to have their say. It's not to be taking powers away from the Mayor. It's to be empowering the voters.

CHAIR TAKITANI: Well as I understand the resolution, the resolution asks us to make a recommendation on whether or not we should amend the Charter to establish it.

MEMBER STARR: Whether the voters should amend.

CHAIR TAKITANI: That's not what it says.

MEMBER FRIEL: I have a question. Can I ask?

CHAIR TAKITANI: That's not what it says.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER FRIEL: Am I right to understand our task was to do research-based?

CHAIR TAKITANI: No, it's to make a recommendation to the Council.

MEMBER FRIEL: But based on research, right? Not --

CHAIR TAKITANI: Oh, yeah.

MEMBER FRIEL: -- to take it to the vote.

CHAIR TAKITANI: Based on what you normally do.

UNIDENTIFIED SPEAKER: Yeah.

MEMBER HAYNES: Just two comments.

CHAIR TAKITANI: Go ahead.

MEMBER HAYNES: The second piece says for us to give recommendations, written recommendations only related to a County Manager form of government so we can't really give recommendations to other kinds.

CHAIR TAKITANI: Technically you're correct.

MEMBER HAYNES: And two, we are proposing changes that we're submitting to the County so we're not actually voting on it or doing anything other than just giving a proposal. So we're not actually making any decision other than just giving a proposal.

CHAIR TAKITANI: Correct. Not...I mean what we do does not become law.

MEMBER HAYNES: Right.

CHAIR TAKITANI: Yeah, we got that. Jonathan?

MEMBER STARR: And I would like to say that I came to this meeting with a possible framework and I'm happy to hand it out now or later. Some of it may...

CHAIR TAKITANI: During our discussion, you're more than welcome to...it's up to the Facilitator how she wants to handle that.

UNIDENTIFIED SPEAKER: Okay.

MEMBER STARR: You know and I...

CHAIR TAKITANI: Kay?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER OKAMOTO: Well, as I read the...what we're supposed to do is not only decide whether the...we want to go with the County Manager form but would it improve management and operation? To me, that's the question. We're answering if yes, we think it would then we make the recommendations, how do we institute it. If no, we say it's not gonna make that much difference. I think we could make some additional recommendations. I agree with Kimo that it doesn't say that. It says that our recommendations would be in the line of the County Manager. But I think even if we say no, we don't want a change the total type of government, but there are other recommendations we would like to make. That's what I think we should look at.

MEMBER DeLEON: We're not letting Lori get a word in edgewise.

CHAIR TAKITANI: Yeah. So at this point, if I may, I'd like to turn it over to Lori.

MEMBER FILIMOE`ATU: Yeah.

MS. TERAGAWACHI: Yes. Okay.

CHAIR TAKITANI: Is that okay? Okay.

MS. TERAGAWACHI: All right. So given the task...we'll do that for later, yeah. Given the task we face this afternoon, we must decide, let me repeat, whether establishing a County Manager form of government for Maui County would improve management and operations. We have received a lot of research and we have heard testimony regarding people's viewpoints on problems that exist. Everything from not having the trash picked up to the lack of transparency and lack of professionalism. And this is a complex issue. And I think the reason it's been so difficult for this Committee to make a recommendation is because there's no research findings that indicate that changing the form of government creates more effectiveness. And I...

MEMBER HAYNES: I don't necessarily agree with that. I don't agree with that.

MS. TERAGAWACHI: Okay. All right, just let me finish, and then you'll have your chance. I reread a lot of the research and if you recall, the research documented...document done last year, March 2015 for Cincinnati states on Page 15 of the report that there's been considerable amount of research on the form of government and its relationship to various aspects of local government performance. And although researchers have been attempting to reach a definitive finding of what form of government is best, there is still little conclusive evidence that...

MEMBER STARR: Excuse me. I have a problem here, and I would like to be able to speak about this because we have a Facilitator who's not been doing the job of facilitating, and now is giving us a single opinion that's obviously hers instead of allowing us to do a facilitated process, which is what --

MS. TERAGAWACHI: Let me finish, Jonathan.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER STARR: --I understood we were going to do today.

MS. TERAGAWACHI: We are.

MEMBER DeLEON: Point of order. Point of order.

CHAIR TAKITANI: Jonathan, let her finish.

MS. TERAGAWACHI: Let me finish.

CHAIR TAKITANI: Let's see where it's gonna go. I don't...

MS. TERAGAWACHI: Yeah. Let me finish the process, okay? All right. So, and I catch up.

MEMBER STARR: But you're lecturing us, you're not ...

MS. TERAGAWACHI: I'm not lecturing. I'm not.

MEMBER DeLEON: Let her finish, Jon.

MS. TERAGAWACHI: I'm not lecturing. All right. Okay. I share this because this is a complex issue and it's tough because there's a lot of difference of opinions in this Committee, and so I'm just gonna give you the opportunity. I've come up with a process, okay. But before I even start with that process I wanna talk about the ground rules, and I passed it around.

MS. FILIMOE`ATU: Right.

MS. TERAGAWACHI: All right, ground rules, be respectful with each other and seek to understand their viewpoint. Think of what would be best for our County not just for the current Administration but for the future of Maui County, and think win-win and strive for recommendations that all Committee members could support. Be willing to find solutions that you may not currently have in mind, okay. Any other ground rules you wanna add at this time? Okay, so here is the process.

MEMBER FRIEL: Can we try to do it with an intellectual approach and do our best to keep our emotions out of it, which seems to have been playing a lot in people's approach for questioning witnesses as well as approaching each other?

MS. TERAGAWACHI: I agree. I agree. Can we all agree to those ground rules? Okay. All right so here's the process. So that we can start the discussions and the dialogue, I'm asking you to share the thoughts you currently have and this is the time when, Jonathan, you would be able to share what your framework is, right? And you'll have three options, and try to focus the discussion to the three options and you have that handout in front of you. You can pick one of three.

MEMBER PALTIN: This one?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. TERAGAWACHI: Yeah.

MEMBER FILIMOE`ATU: Yeah, that one.

MS. TERAGAWACHI: Indicate if you believe and support that the County Manager form of government would improve management and operations of Maui County government and why. And this is understanding, utilizing the ICMA definition where the Council selects the County Manager and that person reports to the Council. Okay? Two, indicate reasons why you believe and support the current form of government where a Mayor is elected and selects a Managing Director and the Director reports to the Mayor. Or three, if you have feelings of uncertainty with regards to which form of government would be best, what are some ideas or concepts that you would like to share that could be incorporated to increase more effectiveness in management and operations. Okay? Questions?

VICE-CHAIR SCHAEFER: Yes. Is there...it seems like one and two are...could there be a fourth choice? And that would be that the County Manager form of government where the Mayor is elected?

MS. TERAGAWACHI: And who selects the County Manager?

VICE-CHAIR SCHAEFER: The Council selects the County Manager.

MS. TERAGAWACHI: Yeah. That...

VICE-CHAIR SCHAEFER: Can that be a fourth?

MS. TERAGAWACHI: That would be the one.

MEMBER FILIMOE`ATU: Yeah, that would be the one.

MEMBER HAYNES: That would be number three where we express our opinions.

MS. TERAGAWACHI: That would be number...

MEMBER PALTIN: That would be the number one or number two?

VICE-CHAIR SCHAEFER: No, because number one doesn't say anything about the Mayor.

MS. TERAGAWACHI: But it talks about the County Manager being selected by the Council.

VICE-CHAIR SCHAEFER: What I'm saying is the hybrid is...the Mayor should be included in that.

MS. TERAGAWACHI: Okay, so...

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

VICE-CHAIR SCHAEFER: We would have to pick one and two, if you wanted a mayor, an elected mayor. So what I'm suggesting is that there be a fourth.

MEMBER PALTIN: A hybrid.

MS. TERAGAWACHI: That would be a three.

VICE-CHAIR SCHAEFER: Well, Ray says...

MEMBER HAYNES: Or one could be with or without a mayor. Right?

MEMBERS: Yeah.

MEMBER PHILLIPS: So do you drop a line utilizing the ICMA?

MS. TERAGAWACHI: So the important thing --

MEMBER FILIMOE`ATU: Right, the ICMA.

MS. TERAGAWACHI: --about the one, number one is that the Council selects the county manger versus the Mayor. The two would be the Mayor would select what we call the Managing Director, okay?

MS. FILIMOE`ATU: Right.

MS. TERAGAWACHI: And that Managing Director reports to the Mayor. Now, it could...you could have confirmation in number two where the Mayor selects the County Manager but is...that person is confirmed by the Council. Right? We're trying to...

MEMBER STARR: I think that we're going backwards here and where we have our Facilitator who is telling us what the options are instead of getting us to start at the bottom and build something up through a process. I always thought a facilitated process allows us to talk about those things, which should be a priority and those things which should be eliminated and list them, and then prioritize them. And out of that, put together a package. What we're doing is we're having a Facilitator who's telling us what the end results are and is saying, well you can decide between one, two or three from these things that I've come up with, and, you know, and then giving us --

MS. TERAGAWACHI: That's not what I'm saying, Jonathan.

MEMBER STARR: --examples, you know, of three or four things that were dug up --

MS. TERAGAWACHI: No.

MEMBER STARR: --by the, you know, Staff, six...four months ago. I think we need to start at the bottom and work up.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. TERAGAWACHI: Okay, the initial request as stated in the resolution states that...where's my paper? We must decide whether establishing a County Manager form of government for Maui County would improve management operations. Okay. That's so...that's, you know, you make a decision there. So what we're talking about...what we've been talking about for months is the fact that everyone wants a hybrid. So if we wanna talk about a hybrid, let's talk about the issues or the areas that you wanna address, and that would come...that would have come with number three. So you can't make...last time we tried to push for a decision, the decision wasn't...or you don't wanna do that because you weren't ready to make a decision so we got more research, we got more input and we may still not be ready to make a decision with its...with it being either one or two, but number three would allow you to talk about what are some of the common things that we all agree upon. You know, maybe confirmation is something you all agree upon. That would be something we would state. We would look at it. We would then ask ourselves, will that truly improve the effectiveness and efficiencies of our government and do we really need to change the form of government? Yes or no? And if it's yes then we move into the TIG. If it's no, then we look at other recommendations.

CHAIR TAKITANI: The order will be Dave...

MEMBER DeLEON: I'm respecting with the process you're posting, I think it's a good process. It's meaningful because we have to come to a conclusion on this. On the question of mayor's...I was just reading that ICMA report from North Carolina and well there's all kinds I mean it's all over the board. And, you know, you put, slap a label on something, you know, people think it's a mayor. And it's really a figurehead or it's the chair of the council or it's, you know, it's a legislator of some form and not really a mayor. Well, I think our public in this community thinks is a mayor, so I don't think we should be splitting hairs on the mayor issue at this point. It's a fundamental question whether we're gonna do a County Manager or whether we're gonna do a strong mayor. And we move...make that choice. I think we've digested enough already to be able to make an intelligent choice among the eleven of us. Let's say yes or no. Where are we? And if we're fundamentally disagreed then we're fundamentally disagreed. If there's consensus going one direction, we're done. We go that direction, do the TIG and do the other part, but let's move on. Thank you very much.

MEMBER OKAMOTO: Some of us have not spoken as much as others and I like, you know, we do have to make decisions. In other committees I've been in, instead of having people raise their hands and get...is we go around and everybody has a certain amount of time. Give their opinion, we go around the room. Everybody speaks, if you want to speak, and then there can be questions and answers but otherwise, I think we get, you know, some of us do have opinions and are trying to kinda hold them back and maybe we shouldn't be but I think if we just went around, everybody has an equal opportunity to give their opinion then we get into more question and answer.

MEMBER HAYNES: I don't need to say the same thing.

MS. TERAGAWACHI: Which is the process...

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER HAYNES: Let's just get the process going.

MS. TERAGAWACHI: Okay. Which is the process you have in front of you, all right. So who would like to begin and share their thoughts?

MEMBER PALTIN: Is there a time limit?

MEMBER PHILLIPS: Yeah, three minutes like a testifier.

MEMBER OKAMOTO: Yeah.

MEMBER STARR: No, we need a lot more than that.

UNIDENTIFIED SPEAKER: Five...

MS. TERAGAWACHI: Well...

MEMBER DeLEON: Filibuster.

MS. TERAGAWACHI: Try to make your point --

UNIDENTIFIED SPEAKER: Well, come on guys.

MS. TERAGAWACHI: --in concise...

CHAIR TAKITANI: I would suggest you let them speak as long as they need to speak --

MS. TERAGAWACHI: Yeah. Try to be concise.

CHAIR TAKITANI: --but we should try to...

MEMBER DeLEON: Respect everybody else.

MEMBERS: Yeah.

MS. TERAGAWACHI: Did you wanna start?

MEMBER FILIMOE`ATU: It's my pleasure.

MS. TERAGAWACHI: Okay.

MEMBER FILIMOE`ATU: What I would like to have is a conversation. Not three minutes for you, three minutes for you, okay, you pau. You pau, you pau, cannot talk again. Can we do that?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. TERAGAWACHI: Yeah. That...I wasn't planning on putting a time limit on anything but I ask that you be respectful of everyone's time and be concise and thoughtful in what you say and try not to ramble on and...yeah?

MEMBER CANTO: So, Lori. Let me understand. So if the vote is yes, then we move into that temporary investigative group, the TIG? Is that what you said?

MS. TERAGAWACHI: Yeah, but let's not go there yet.

MEMBER CANTO: Okay.

MS. TERAGAWACHI: Yeah.

MEMBER CANTO: But I just wanna be clear on that --

MS. TERAGAWACHI: Yes.

MEMBER CANTO: --so that is right? All right. Thank you. No, I don't wanna go first.

MEMBER OKAMOTO: Okay, then I'll go first. I know that Dave and I both had passed something out. And so, I'll just try to go over that. Mine is the, it's a two-sided page, a single page, two sides. I think everyone got. As you know the last meeting I was unable to attend because of the boat and so I watched the meeting on my computer, which was an interesting experience. I do not have Akaku on my TV so I had to watch it on the computer. That's not a good way but it does give you a different view. You're listening to people, you can't say anything except to your husband who's trying to eat dinner. And so it gave me a very different, you know, view. When I started on the Committee I really had no preconceived ideas one way or the other, which I thought was good or bad. I was a little surprised because I thought some people did have already a preconceived idea. But I felt I had to read a lot of things, which was good. I, you know, I did go read. I did some research and...so I did get a lot more information that way. And we listen to a lot of testimony, but to me the more important was the lack of testimony from the majority of the community. And I know that in my lifetime, in our lifetime, we're never gonna get everybody to come out and testify. That's just a fact of life. It doesn't mean they don't have opinions but frequently, they will testify if it's really meaningful to them. So if you get something that hits a hot spot, people will come out and say something. It tells me that maybe this is not a hot spot for a lot of our people. And I know some of you are gonna disagree and that's fine. The other thing I notice that there were letters to the editor in *The Maui News*. Many of them were people who testified and that's fine. There were a few that came from people who had an opposite view and they seemed to get attacked the next day in the letter to the editor. And I thought no wonder people don't come and testify. If you're gonna be attacked for your opinions. And so I can see why some people, you know, do not testify. It is a problem. It's a problem for all of us. We can have night meetings. We can have anything. We're still not gonna get, you know, a real good feeling from that. And I did, the questioning by some of the Committee members I found is a little touchy. I think we're asking for things that are personnel evaluations. I don't think

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

those should be public. I mean, I think that's maybe at your highest level but I think there are some things that are a little bit more sacred and I'm a little upset with some of those things that the questioning that, you know, that went on. And I'm sure that I'm gonna be attacked in *Maui News* tomorrow and I don't care. We're tasked with one job and that's to decide whether establishing a County Manager form of government would improve management and operation in the County. And in the research that's been done for us, I don't see a clear cut, right or wrong. It...it's the people that make things happen. To change our entire system, I personally don't see is the way to go. I was very interested in looking at the Cost of Government Commission information. I believe we had the assistant or the second chair at our first meeting and...but we never heard back anything else. I went through the last two minutes of their meetings. They still don't seem to have a formal report on what they've done but in both of those minutes, and they were some of the same people that testified here. They seem to say that they found no clear cut, one way or the other, what was better and what wasn't. And consequently, and even with saving money and efficiency, from their minutes, it seems to say that they would not see the...a change in the kind of government was what we need to do. That's just from my reading of their minutes. I personally have had many dealings with various departments and I have to admit, I'm happy when some of the directors do change. I'm happy when there's a new mayor and we get rid of some of the departments. Most of the department heads are very professional. We keep using the term professional and I think that there's a few that aren't and that's like in anything, it's the bad apple. I think that many of our people are very professional. Most of the people you deal with are deputies. And those deputies and the lower levels, they're not gonna change anyway. So, I'm not sure that changing the department...the directors is gonna make that big a difference. I've heard a lot of talk about evaluations, code of ethics, professional membership. I'm currently the member of I consider a fairly professional organization. We have a very strict code of ethics but does that mean everybody follows it? No, it doesn't. I, as a former teacher, again we had a professional organization. Did that mean everybody followed the code? No. We had regular evaluations. I was evaluated every year. Did that make a difference in teaching and I know those of you who have seen the teachers and so forth find that, no, it doesn't always make the difference. Yes we have evaluations and everybody should have. We need to be evaluated. In the, the one testimony that really stuck out for me was one woman who testified, maybe two or three meetings ago and she was in favor of the County Manager form of government. Her comment however really got to me that it used to be different. It used to work and now it doesn't. Then it's not the form of government, it's the people. If it used to work and we haven't changed the form, then we've got a problem with the people. And I don't see changing the form is gonna change all of the people. It's...you always are gonna have different people that will work well and others that won't. I, personally, would not really wanna see the Council, themselves, choose a manager. I think that's a...that really dilutes what you're doing. Having professionalism, you can write things into the Charter and more...sorry. . . .*(adjusts microphone closer)*. . . Thank you. You can write things into the Charter requiring more professionalism but degrees do not make people professional. We heard from one person who was a county manager somewhere and he admitted when he first started, he really had no experience and he...it was more on-the-job training and some of those are the best people you find.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

So having written requirements, yes, we could beef those up but it won't necessarily make for the best people. And that's my humble opinion. Thank you.

MS. TERAGAWACHI: Thanks, Kay. Do you wanna address questions now or everybody first and then...up to me, all right. Do you want any specifics because you...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MS. TERAGAWACHI: Okay. All right. All right. Who wants to go next? So if you have questions for Kay, write it down so you don't forget.

MEMBER CANTO: I have a question for Kay.

MS. TERAGAWACHI: No, later.

MEMBER CANTO: I'm sorry. I wasn't listening. But I'll go.

MS. TERAGAWACHI: Okay.

MEMBER CANTO: Okay, so, I did have a bad experience at our last meeting and I took that experience to be a little personal so I wanna address that today because we're all here but it doesn't change how I feel about the issue that we're tasked to do. I know that at one time, I...our current Mayor had made a comment about it takes people with basic common sense to run any establishment, any business. And that stayed within my heart. I felt that was true to my heart, you know. And having heard and having read and having deliberated with all that we've been given to read and comprehend, I truly don't believe that the time is now to come up with such a change. There are good reasons why we should and there are good reasons that we shouldn't. You know, I agree with Kay and I agree with what she's stated. I am basically wanting to say we know that the system is broken if that's the proper verbiage. But to what degree is it broken? It can be fixed, you know, and I wanna be able to give our Administration that opportunity to fix what's...what everyone seems to think is broken. And when I say to what degree is it broken, let them get together and let them work it out because now they've heard from many of us and they've heard from the community as to what they feel is not right. I mean, let's get the politics out of all this but let's make it right. The end run at the end of the day, the Mayor is still the face of the community and he's not a bad looking face but he represents us well when he does and so I respect that. We need a mayor to be that face of who we are as Maui island, Molokai and Lanai. And I'm gonna keep my statement short and sweet 'cause we've been through a lot and I don't wanna say that this is a popular Committee to belong to because it really isn't. We've developed differences and it is what it is but I come from a community that's very vocal, and but I wanna end by saying that I have my own opinions as well and I wanna also say that I respect everyone here. I do. That's who I am, but I just wanna say, Lori, that more than anything entrust in you to take this to the level where we can make a sound decision based on fact and what we've been given. But I also want to say that some of these written testimonies play a major role in my decision as well. I wanna see change definitely. There needs to be change but it

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES

Council of the County of Maui

March 31, 2016

needs to come from parties that are involved to work together and make it work. You don't have to go through this drastic change of...we can't afford it. The County cannot afford to bring this kind of high level of professionalism into our community. We just can't afford it, not in today's time, not in having to deal with all the issues that we are faced to deal with. So I will keep my manao simple and plain, I'm just not ready for this kind of movement. You know, in a couple of years we'll be seeing a new Mayor, two of our Councilmembers will be just getting off of their first two years and so they're still learning the system. And so, I wanna end with that so you both have a feel of how I feel.

MS. TERAGAWACHI: Thank you.

MEMBER CANTO: The way I'm taking my little vote in there so thank you.

MS. TERAGAWACHI: Kimo?

MR. HAYNES: I'll go. I like being on this Committee. It's very interesting, Pua. I am in favor of a council-manager form of government. And I look at it from the perspective of what's best for the residents of Maui. And I think what's best for the residents of Maui is not the politics, not, you know, having an efficient system that delivers the services and what's needed to Maui County efficiently and effectively. Some of the reasons behind it I think is, you know, I look at this as best practices. You know if 80 percent or 4 out 5 counties, cities our size are doing this, there has to be something behind it. It's...you know I know there's a lot of inconclusive research on which is better, which is not but, you know, there's an overwhelming amount of counties and cities that are under this form of government. Probably the biggest issue to me and it has to do with operational continuity before, during and after mayoral elections. I think the Mayor mentioned it that when he took over, he can...he's responsible for 24 deputies and directors. And of those, 23 were replaced not because of whether they're good or bad. You know, you get a Mayor and sometimes you lose good people, sometimes you lose bad people but it was purely because of what the election brought and not how these people were performing. And first hand, I've seen it is, there's a huge disruption in delivery of services. I mean I've dealt with it from a permitting standpoint. It's very typical. And I don't think you can discount that...I mean there's good people that'll work but you do need leaders and you do need someone who's gonna drive the train. And I think going through that process is very difficult. And I think, you know, there's statistics that we were given that the average turnover is 7 years whether it's a mayor, a strong mayor or a council-manager structure but what's not...what wasn't discussed was that 23 out of 24 happen at one time. You may have the same longevity but you don't have this mass exodus every time. I mean attrition's gonna happen but it doesn't have to happen all at once. And people should be in their positions because of how they perform not who elected them or who was elected. I think it would also allow for some long-term succession planning because you can't plan if you don't know who's gonna be there or why. And you would...it would be great to be able to plan and bring deputies up to department heads, bring people from within the organization up through the ranks but that just can't happen under today's structure. And I think what happens too is you have a lot of lost institutional knowledge. You have people in

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

charge and every time there's a change, it just goes and so you lose it. I think also management's focus will be on the County, on Maui County and its residents rather than an individual because we've seen that the people that are appointed, they are, you know, they are...how should I say this? Their longevity is dependent on the Mayor. I think there'd also be less pressure on department heads for financial contributions. I believe it'd be a more collaborative structure and I think that would be...collaborative structures are usually better for getting things done. You know, we talk about a check and balance. What we've seen is this...you got a Mayor with a vision and you got a Council with a vision and sometimes they're in line and sometimes they're not. I think, personally, Council should be strategic, should be long term, should be focused on what's the big picture. Managers should be tactical, should be looking at execution and achieving those strategic plans. And I think that's not necessarily set up as well as it could be under the current form of government. I think there would be increased accountability. I think the...right now I think...and I, first hand I've gone to this where you can talk to the Council and say, hey, here's the problem and they go well, I can't do anything about it 'cause I don't run the County. Or you go to the County and they can't do anything because the Council controls the budget. I think if you have more collaboration and more alignment, they're all responsible for the process. And I think the Council is more accountable to the public because they're elected every two years. So I guess I see a structure where we have a manager, a council-manager with an elected mayor. I don't necessarily think the Mayor needs to sit on the Council or have a vote but I'm open to listening to options. I think we could modify their...his duties under Section 7 in 7.5 or 7-5, eliminate some of the administrative duties and maybe expand some of his other roles, more interaction with State, Federal, you know, we could put a bunch of stuff in there. They could be...he could be the point person for the County in terms of advocacy for the County and its residents. But again I wanna remind everybody that we're not making a decision here. All we're doing is putting a proposal together and offering it up for the County and its residents to vote on. That's it. So that's my two cents.

MS. TERAGAWACHI: And the County Manager is selected by the Council?

MEMBER HAYNES: Yes.

MS. TERAGAWACHI: Okay.

MEMBER PHILLIPS: Okay. All of us have been on this island and this County for a long time. And personally, I've been here since '71 so I can hardly remember all the way back then. But there were a lot less people here then than there are now. And when we take a look at what's going to be happening in the future, we're taking a look at a population expanding at maybe possibly a greater rate than we're all hoping for. If I was to take a relationship between a growing population situation and a growth of a corporation for instance, when it starts up from a mom and pop, it's a small group easily managed. When it gets into a larger group, you need to bring in more expertise, more understanding, more division of labor, more of the people who are capable of doing and expressing themselves and cooperatively working together. But what we have going on here now is, we're at a transition point, we're at a flex point and we are

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

at 150,000 or 160,000 people looking to be I think in 2050, they're projecting going close to 200,000 people. We're becoming big-time stuff. We're walking into a billion-dollar budget, a billion dollars. It's a lot of scratch, okay, lot of money. So we're talking about giving people responsibility of managing a billion dollars that know what they're doing, that are professionally knowing what to do, professional auditors, professional managers, professional people. So in my mind, that's what we need is professionalism to govern the kind of money that we're talking about and the kind of expansion we're talking about. Now, in the form of government that we could have, I'm certainly not opposed to having an elected mayor. I think having an elected mayor is a great thing to have. I think having elected council is a great thing to have. I think to have an appointed administrator who's a professional is a great thing to have. If that administrator was to report to say Council Chair, the Mayor and Corp. Counsel for his direction, those three people would certainly, in a nonpolitical sense, be able to direct this manager's activities in running the fundamental aspects of this government. But that's the way I look at it and I say, you know what, we got a lot of money. We got a lot of people. We got a lot of services. We have a lot of problems. And we got...and we have three islands to handle. It's a lot of work. We need a professional to be able to do it. That's why I wanna see it. But I do wanna see a balance of power and I do wanna see an impartiality and a lack of political, you know, pull on what happens to this professional. And I do want this professional to be able to be let go if he doesn't really have the capability and capacity to do the job he needs to have and to be responsive to County Council, the Mayor and our legal side for our government. So, that's my...

MS. TERAGAWACHI: And who would make that selection? Will all three entities make that selection for that managing or...

MEMBER PHILLIPS: Yeah. I think you'd go out...thank you for asking me that, Lori. I think what you would do is you go out here and get a professional headhunter, listen I've put together a business from 3 people into 1,500 and that's what I eventually had to do. These people were a lot brighter than I was. Thank God. And you go out, you get a professional headhunter. They bring him in and they assist you to interview these people. I didn't have the expertise to be able to do it. And they assisted me. I made great choices. I was very happy to do that. That happens. Those people are then brought forth; maybe they're five, six, seven people, whatever it is. They're brought forth, the credentials, their credibility, they're interviewed by the Council, the Mayor and a decision is come to, a collaborative decision is come to. And that person is hired. And everybody is happy. It's a collaborative decision. Now, it's a panacea, maybe. Maybe not. But if we don't try a panacea, I don't...I'm sick and tired of individuals. I don't want more individuals. I want less individuals. I want...I don't wanna be responsible to politics. I'm tired of it. We listen to it every day on CNN. God forbid. Anyway, that's a...any other questions? Thank you.

MS. TERAGAWACHI: I've...let me ask for...I got a burning question. So are you saying that we can keep the current form of government but modify via Charter amendments to get this managing or County Manager to be selected by three entities and report to three entities? Would that just take a...

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER PHILLIPS: No. Here's my thought. You could call him managing director. You can call him, you know professional manager. Just call him professional manager. This person is selected by Chair of the Council, the Mayor and these two folks together, okay. They put together a little committee. Now whether the Mayor sits on the County Council or doesn't seat on the County Council, that's for further discussion. But these two people come together. They make a decision. They have all the resumes sitting in front of them. They go through it. Now, who runs this guy? Who runs this guy is Chair of Council, the Mayor and Corp. Counsel. He reports to these three people who form a nucleus of a small committee. They represent...the Chair of Council represents the County Council. The Mayor represents the administrative aspect, and Corp. Counsel sees that everything is done according to Hoyle.

MS. TERAGAWACHI: So when I'm looking at my three choices, you're doing number three, right?

MEMBER PHILLIPS: I guess I'm a three.

MS. TERAGAWACHI: Yeah. Okay. All right.

MEMBER PHILLIPS: Neither of above.

MS. TERAGAWACHI: Thanks for the clarity. All right. Who's next?

MEMBER DeLEON: My turn. So I've really appreciated the public hearing we had the other night. That was really helpful. I've thought that the Mayor of Simi Valley was interesting because it offered a comparison. If you actually look at Simi Valley's 42 square miles and Maui County it's actually 1,162 which is only like 5...50 short of being the same size as Rhode Island. So it's a little more, you know, the contrast there is pretty broad so I won't go too much into that detail. It's pretty obvious. At that meeting that we got two reports from a lady, Maile Kekona Tsurusato. One was about the...actually the nature of the progressive movement over a 100 years of...and very enlightening to me. And also the other one was about a study of the mayors in county manager systems in North Carolina. Again, very enlightening. If you haven't read them, I'd really recommend them. The first study, I call the TCs...T-3 study because the title's too long to go back to, provided an excellent overview of the national perspective. And it kinda confirmed for me that what we're talking about here is a tradeoff. It still comes down to a continuum between democracy and efficiency. You got democracy on one side and you got efficiency on the other and you're moving that bar in the middle but you're making adjustments. And if you feel like you need more efficiency, then you have to sacrifice a little democracy to get there. The study pointed out that, you know, the progressive move was strictly county manager, no mayor, in the original form. And it was much more efficient and that's what it was aimed at but as a communities got more complex they went into a more democratic form. They looked for other kind of democratic forms. So like district Councilmember election for the Council for instance or some form of mayor. Those are add-ons that are...or have

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES

Council of the County of Maui

March 31, 2016

been happening since the 1970s. According to the study, only about 20 percent of the existing county manager systems are still pure county manager systems, without mayors. The other report on mayors, on North Carolina mayors was also, kind of...they offered an opportunity for seeing how a mayor in this context could work. And they give a whole gradation of possibilities from figure head through a real political leader who works behind the scenes and facilitates the functions of the council, create...helps creating policy, is out there in the public and connecting with the community. And really, really a real facilitator not in the same form of mayor that we have now. And the way I'm looking at it, and watch...with reading between the lines, I'm wondering how the heck that person would operate in the context of Hawaii's Sunshine Law. I have no idea. Because you'd have to be meeting with councilmembers individually and, you know, working deals and get this going, and going, that going. I don't know if that's gonna work in Sunshine Law. The caution I got out of this though was that that structure is kind of reliant on the individual to work. It depends on the individual 'cause there's no real structure per se in these charters to create that functionality where this...that mayor can be that much of a political leader. And the study itself called the nature of that position ambiguous. And it's just like, it's really, really comes down to the individual and the capacity of the individual to see that. The problem also becomes is how the heck the voters are gonna figure out which individuals are gonna best fit that spot. And it's not that...it's not an easy match. It's not like you're having a...you know, having a committee of experts examining these individuals. It's the voters who have to make that choice. And, you know, often, you get the loudest guy. So I'll cut to the chase on this. So, you know, there's questions about comparing us to Simi Valley. It's sort of like I call that an apple to guava kind of comparison. On the larger question of, you know, should we do this or not? I wanna make a little analogy and that is your car is acting up so you take it to your mechanic, Mark. And Mark opens up the hood and takes a good look inside and he sees the problem right away. He tells you, you need an engine transplant. You know, this gas guzzler is just inefficient. You need a modern diesel that's gonna be very efficient. You know and I probably, in my situation, I'm still open to the concept of a nice new diesel at some point in my life or, you know, somewhere along the line. And I think it would might work well and, you know, I need the time to be able to put it together and get it together to be able to...so I can afford that. In the meantime, I want a tune up. And the tune up I would propose is pretty much what we're talking about today, Council approval of all department heads including the Managing Director, tightening up the requirements for department appointments. Something the Chair brought up earlier is amending the language in the Charter so requiring better communications between the Council and the Mayor so the Mayor is not in a position to strangle communications if he gets even justly upset with the Council, what they're doing with the communications. And the last thing is something's not in the Charter but something the Council did recently would be rescinding that the grossly inefficient budget restriction the Council just placed on the Council...on the Mayor's office last year where every adjustments in the budget during the middle of the year has to come back to the Council. So if you need a new Xerox machine in your office, you gotta prepare for three weeks just to get, you know, and to get into the Council to do it. To get them to sign off on it even though you have the money in the budget to do it. Last thought on this is history's shown that Maui

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

County voters tend to be very conservative in these kind of issues when it comes to governance. On five different occasions, there have been valid proposals to change the term of the Council office from two to four years, five times. I remember one very specific when it had everybody lined up, *The Maui News*, the Chamber of Commerce, the unions...everybody was lined up. This thing was going down. It went down in flames. Five times, the last time was the last Charter Commission in 2012. So, I think there's a consistency and an intelligence there in the voters that you need to consider when you do this because they're gonna take...they're gonna wanna see something that's gonna work for them. And I don't think you got enough time to be able to solve that between now and then. I really don't. I think it's not a bad concept in the long term with, you know, take your time and roll it out appropriately. Trying to jam it out in this kind of context, it's just gonna be another one of those kind of votes. Mahalo. Chair, I'm pau.

MS. TERAGAWACHI: Yes.

MEMBER DeLEON: Okay. Thank you.

MEMBER OKAMOTO: . . . *(inaudible)* . . .

CHAIR TAKITANI: He can work on his campaign

MEMBER OKAMOTO: Yeah.

MS. TERAGAWACHI: Okay. Who's next? Okay, Tamara?

MEMBER PALTIN: When I was appointed to this Committee, I did have a idea in my head that a professional manager would be more efficient but I wasn't, you know, I was willing to come in with an open mind and hear everyone out. But having worked under the current structure, my idea was that a professional manager would be better, and I'm very grateful for the opportunity to be on this Committee and I feel that I did learn a lot. I think Kimo has articulated a lot of my concerns and my feelings very well. I pretty much agree with him a 100 percent. What I would like to add on is, you know, having worked under...for the County, not necessarily only Maui but also County of Hawaii. I worked under about six or seven administrations for County of Hawaii and County of Maui and I do not think that's an efficient way to run a county. The transitions are a big issue for me with the massive rollout like Kimo said. The other thing that I'm concerned with, you know, having been on Maui and a County employee from the Apana Administration and noticing how politics and elections go. No mayor that I've worked under has won by over 60 percent and yet when they come in, they act as though they won by about 80 to 90 percent, you know, and I think that it's important to realize that maybe 50 or 55 percent of the people voted for you but 50 or 45 percent didn't vote for you. And, you know, one of the things that Ms. McLean pointed out was, you know, how she reorganized the Department and it was a top down process. I've seen something similar in Department of Parks and Recreation. In fact, our reorganization had been going on since I started and it just recently finished and so that was a 15-year reorganization, which isn't very efficient. But like I said, the

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

last time I think the leaders set the vision and the managers get it done. And I think, you know, although in my heart I feel that a professional manager would be more efficient, I know that everyone on this Committee I feel really does have the best governance of Maui County in mind. I don't think anybody on this Committee wants anything bad for Maui County. I think we all want the best for our future and so, you know, I'm willing to go to the hybrid route, and I think that what Ray had brought up about having the Council Chair and the Mayor select and a headhunter agency select the professional manager, I'm not opposed to that if that is a compromise. I think that when former Mayor Tavares said that we are able to change the Charter every election, that's a great thing but we don't change the Charter every election. We have a Charter Commission every ten years and yet so much of our Charter is outdated and that's the reason why we're here. And I think if we are to narrow down the things with a paring knife instead of a hatchet, that can be the County Manager. If we will know it's over and there's no way that we're sure that someone will take the initiative to fix things with a paring knife. It could just be the end of it, and if we specify in our county manager form of government exactly what needs to be fixed as the hybrid model, I think we would be doing a good service to Maui County for future generations and take this opportunity to paring knife fix it as a County Manager form of government. I think, you know, a lot of the 700-plus billion [sic] budget...it was brought to my attention, a lot of it is CIP projects. And I have a confusion as to, you know, how mayors and administrations can plan 20 years in advance on Capital Improvement Projects, obviously they can't get it done in four to eight years and yet, the next mayor could come in and take that CIP money and just blow it all, you know, on whatever they want, possibly. So I think, you know, to me I do believe in an elected mayor and I think that, you know, that person can be also involved in choosing the professional manager and like...I forget who said it but as the face of Maui County, we do need a leader that sets the vision and is responsive to the public. Maybe he's not the person that the buck stops with but he knows who those people are and can direct you in that direction and, you know, I'm open to this question. Is basically the way I feel that a professional manager would be more efficient. I don't wanna sacrifice democracy so I think we should have the conversation on how we can fix things in this Committee and not pass the buck on to the Charter Commission or not pass the buck on down the line to the Council and come up with a form of government where, you know, all of our concerns about the problem are addressed and make that recommendation so that it's easy for the Council. I'm sure they have a lot on their plate, and I just wanna make it easy for solutions to be identified. Thank you.

MS. TERAGAWACHI: Thanks, Tamara.

VICE-CHAIR SCHAEFER: I would like to hear from the other members first.

MEMBER FILIMOE`ATU: I can go next. Aloha. My name is Kehau Filimoe`atu, born and raised here on this island. I plan to die on this same island, you know...*(inaudible)*... You know, and I've been looking at this and this Committee. I enjoy and thank you and mahalo nui for all the information we have been able...you have been able to garner 'cause certainly, I don't have the time to go look at all of these things, ICM [sic] and everybody else. So it's interesting when it comes to us like

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

that. This Committee has been very interesting and talk about passing the buck. I thought the County Council passed the buck to us because...

UNIDENTIFIED SPEAKER: That's right.

MEMBER FILIMOE`ATU: And also, that the Charter Commission said, hey yeah, you guys go do that too and the cost of County...the cost of, the commission too, did the same thing. So I looked at this as very interesting and when you look at how we discuss and what we talked about, some of the things that come up, we were, we're talking about a mayor and we're talking about a managing director. Both of those titles sit on the --

MEMBER DeLEON: Letterhead.

MEMBER FILIMOE`ATU: --letterhead, yes, of our County. So when you go out and I want to tell you that this is a Committee that I was interested in but not really interested in serving on, but what happens is that when the kuleana is given to you, and as a Hawaiian, then you have to take that kuleana. So for me, being from the Ninth District, that is where my kuleana lies. And although I may have specifics, and I'll tell I think I should go this way, we should do this, I really have to think many times about those people that are not telling me how to go or where to go. I believe what Charmaine said is warranted that we need to malama and remember that we are meshed just one here but we represent thousands maybe, yeah? So the other thing that I always am concerned about being born, raised and gonna be here is the comparisons that we seek out. He said what, mango and guava? Okay.

MEMBER DeLEON: No, no, no...apple and guava.

MEMBER FILIMOE`ATU: Oh, apple and guava. Okay.

MEMBER DeLEON: Gotta be haole on one side, yeah.

MEMBER FILIMOE`ATU: Well, and the thing about it is that then you look at people who are so far away in the middle of no ocean. They cannot see the ocean from their bedroom and/or go down to the ocean, and we compare that. Or we compare people with billions of dollars that they can spend and compare that. Or we compare the 42 square miles of a place and we compare that to us. That's not fair. We're not like them and in more ways than just what you can see, feel and taste. We're very, very unique. When you look at Hawaii in the middle of the Pacific, I take offense to being compared with some place in the middle of the Mojave Desert or wherever that is. And that is just me. The other thing that we have been talking about is professionalism. I take offense only because we're looking for that. You cannot see that here so we have to look somewhere else. The other thing that's coming up is that, okay, well, we can't do this 'cause we can't afford it. How dare you say our people are not worth it? If it has to be done, then we're gonna find a way to do it. And there's talking of...this talk about communications. Look the boxes over there, some communication. I'm in communications where it makes...in splits seconds, we have to say the right thing or

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

not do the right thing. So when somebody says we want these copies and we get sent those boxes, and we have to tell somebody else they have to go make more paper by scanning or whatever it is, it's a lack of communication. And when we talk about who are we? What's broken and where is it broken? And who told us broken? Because one segment is not talking to the other, or one segment has brought a directive that says, you cannot talk to this side and you cannot talk to that side. So when we're looking at communications, then we have to realize part of the problem is a lack thereof. And that's why sometimes, you know, and how we perceive each other, yeah. So professionalism, 'cause they were talking about, well, no grumbles so grumble means...no grumble means good. So professionalism means perfect. So those are the things that we have to think about when we're looking at that. I think you don't want to take away access of our people to engage, whether or not they take advantage of that opportunity is many times up to them. At many times, some of the social injustices and ills that we are encountering. People have to go work, they cannot come 1 o'clock to 4 o'clock. People have to do their, you know, whatever it is they have to do before they come and take care this kuleana. So for me the collaborative issues that I think I want to...I am willing to do a lot of what we all talking about, yeah. 'Cause remember, we're looking and we talk about vision, yeah, visionaries, vision. The Mayor gotta have the vision. The Council gotta have the vision. Well, we really need joint visioning, yeah because we all know that we all can be looking at the same thing but the vision we have may be all line up as different ones, yeah. And many times, you have to kinda talk it out and maybe touch, taste together the same item you're looking at to really feel the same way about that item. So, I don't have a problem. I think we want to be more efficient but we have...and we are talking about personalities, politics. Politics are personalities, you know that. And all of those things that we want to divest ourselves of but it will be hard because politicians, hopefully are humans whether they have a mental attitude or not, and politicians can be family like our past Mayor said and the perception of wanting to do good by your family because that's the kuleana you must protect is going to be something that in this time, perhaps is not totally understand. I will just leave with a olelo no'eau. And what we usually say when we're trying to start a project, I do a lot of nonprofit stuff so whenever we're looking to do a project, you always ask yourself why you doing this? And usually there's a need to do it. And in this respect, we're trying to make it better. We're trying to be more proficient, efficient and professional. Why? 'Cause we don't have efficiency, we don't have proficiency and we're not professional. And sometimes when we do the projects, the smallest scale, the olelo no'eau is i ka wa mamua, i ka wa mahope. And for Hawaiians here, we always say to see the future, turn around look back and think of what your tutu or kupuna told you and then you have to pick up that kuleana. And that's why for me, you know, I work full time like some of you do and so and I'm on a shift so it's really kinda hard to be there all the time but the kuleana that you, you've accept when we come on this Committee is I think a very heavy one. It's a grave one and it's one that perhaps we need to go deeper to search out for the exact number. I'm trying...I'm looking at more of a hybrid. I don't think...I would...I don't think you can tell your people now 'cause a lot of the kupuna out there asking, what you guys doing? We already get one Mayor and we get one Managing Director. You don't like them work together? Those are the questions because that's what's coming out in the newspaper. And they said, wow so...and when the Mayor

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

says he acts like he had a 100 or 90 percent of the votage [sic] even if he never, he is responsible for the entire constituency base. So he better think like that 'cause any one of them...he needs to know that although only 50 percent went vote for him, he is responsible for a 100 percent of the community. And it's just like us, even though only get nine of us here, we're really responsible for all the rest of those who are not here. So I appreciate Charmaine reminding us about that. I like the thing about the hatchet, and the kind, the paring, you know the stuff. It's like us, you know, when we're going to peel the mango. You can either go with the mouth or you get one nice paring knife. So I appreciate all of you and the manao that we have. That would be my take on that. And I really am slighted that they felt that we could give birth to something in less than eight months or nine months. They only give us six, you know, and that is...and it's...

MEMBER PHILLIPS: But there's nine of us.

MS. TERAGAWACHI: Eleven.

MEMBER FILIMOE`ATU: So I feel not...I don't feel savvy enough but that's why I'm glad we have Corp. Counsel. We've got the commission that's gonna write this up and we've got Lori here that's gonna figure this out as what hybrid we're gonna come up with it. And that's my two cents. Aloha.

MEMBER DeLEON: That's a hard act to follow.

MS. TERAGAWACHI: Yes. Yes. Okay, who's left?

MEMBER PALTIN: Jonathan..

MS. TERAGAWACHI: Jonathan?

MEMBER STARR: Yeah. First I wanna pass out some...everybody here, some of you may have already seen this.

MEMBER FILIMOE`ATU: Yeah, it was hard time looking at it.

MEMBER STARR: In the newspaper. And, you know, I take the responsibility of being here as something I feel is very important. I feel there's a reason why this is happening at this time and, you know, I take...I feel there's a movement of people who'd like to see some change and improvement. And talking with people in the community, I'm hearing mostly that people are interested in seeing how we can do things better. And, you know, if I tend to be passionate about it, I apologize for it but that's me. I've spend a lot of time thinking about this stuff and do tend to be passionate about it. But I feel that there is a lot of ways that we can do what we're doing in Maui County better. Although the people involved are for the most part really good, I like our Mayor. I like our Managing Director. They work hard. I like our Council guys. I don't feel that we're living up to our potential. Some of the Departments do work well and some of them do go through periods of months and years when they don't function.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

We've had directors who've not even come into work for many months at a time and just the departments become dysfunctional and there's very little push to make that change 'cause when that change happens, it becomes kind of a personal embarrassment for the administration. And that's not really right. Do you need to do some housekeeping, Chair? Okay. Part of this comes from a lack of communication and a lack of teamwork so if we are going to rearrange the way the system potentially works, I think that at the top of that needs to be, how do we create a structure where people talk and work as a team. And I feel like part of the problem is that the Mayor is being put into a position where he or she has to do two completely different functions with two different skill sets. And maybe they lived a life and came to do one of them but I think it's very, very rare that they are really set up to do both. You know, and in my view, the mayor is kind of the coach and the cheerleader and the person who's the face of the County and gives everyone confidence and aloha and gets all of the different people to work together. And then, in a business you always need a manager who's got a slightly different skill set. They're taking the policies and the budget that's been set out for them and doing what needs to be done to accomplish set goals and then at the end of the day or the end of the year, they should live and die on how well they've done that. And they should be evaluated and it's kinda of a technical, you know, almost an engineering type of job. Where the...where a mayor is a person, that's the person you want to be able to talk to. That's the person whose face you want to be able to come on the TV or come to the community meeting where...when there's a problem. And these are very often different skill sets and I think that we've increased in size and complexity to where we really need to have these, the two individual people with different skills. Now, you know, I know that I read an editorial in *The Maui News* this morning, which was the second one calling for Maui County not to have any mayor at all. And, you know, I don't think I like that first from a human element but I also know that that's not something that we can do simply because under HRS statute, there are a number of functions that require a mayor and those primarily pertain to when things go bad. Under emergency declaration, there are powers that devolve to the Mayor and I don't think there's any practical way of changing that nor do I think there should be because I think there needs to be one person speaking for the County when those times of crisis come along. So, if we have a managing, a County Manager, which I feel we should, we should also have a mayor. The Mayor should be elected at large. I also feel in the future that County should investigate district voting for Councilmembers. Some or all of them but I feel that's a bridge way too far for this time. I do feel it's the time to act. I feel that there's a reason we've been set here and I feel there is a momentum in the community for it. But if we're going to act, we need to do only that which we can accomplish and not try to do that which cannot be accomplished. I think that dividing the job of the what's now the Mayor into the portion, which is the political and human side and leadership side, would create a person, an entity that is the face of the County. And if I were to write the job description, I would say that the Mayor brings everyone together. The Mayor fosters harmony and communications and gets people to envision their goals and works with the rest of the Council to create the policy and then the Managing Director makes it so. And I think that if we move forward that way we would really be much better off. The Managing Director should be chosen. There should be a search consultant as some of our fellow Committee members have suggested. But I also feel

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

that there should be a committee, some kinda special committee that functions as this one to work with the search consultant and they should set the parameters of the County Manager. They should also set the goals and performance standards for the department directors. They should be laid out so they know what they need to do. They could help advise on what salary range and find a set of candidates, the committee could vet them, give an opinion and then the Council could make the choice, a selection from a list. And that way, it doesn't create a feeling that the Council is going to do this based on the spoil system, that seems to be a perception that people have that directors and deputy directors are put in because of friends, favors and I know that very often or most of the time or almost all the time, it's not the case but there is still that perception, and we need to break that perception by creating a process, we help do that. And creating evaluation criteria and process for the department heads, for the department functions, for the entire administration and the managing, the County Manager would help us go a long ways in that direction. I believe that that is doable. I believe that in two years or four years or six years, we'll learn things that can help us fine tune it. It'll get us away from the change of administration every four years where everything stops for months at a time and then we end up with a dysfunctional startup as if someone is building a corporation completely, you know, out of thin air and trying to get all the different things that it does to learn how to do that and be able to do them all at once. Rather we would have continuity. People in the departments would have a reason to try harder, to improve their skills, to get training. Direct...deputies would look to have success in their tasks and become directors or directors would want to be able to have longevity. We would be successful. If we do a change and if in 20 years, we found that directors have been in place longer, that Managing Director has been in place for 10-15 years instead of 4 years, I really would like to see us try to move forward in this direction. There's a bunch more detail of stuff that I've thought up in this paper I gave you but I'm willing to evolve this. I don't think this is the end but just some thoughts that I've put together, and, you know, I thank everyone for the time we're putting in. I really appreciate being on this and being with all of us. I think this is a great Committee. Let's move forward.

MS. TERAGAWACHI: I have a question.

MEMBER STARR: Sure.

MS. TERAGAWACHI: You talked about having a search consultant and a search committee and then having the Council select that Managing Director. Would you...what if you had the search committee and the search consultant but had the Mayor select the County Manager?

MEMBER STARR: I...well, I feel the Mayor should be part of the Council. I don't feel the Mayor should have a committee and I feel that the Mayor should...since that would make ten members of the Council, the Mayor should have, say a vote and a half, which would be a tiebreaker. So in effect, I feel that the Mayor as part of the Council should be doing the selection. And the Mayor would have slightly more say in it than any of the other Councilmembers under that basis.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. TERAGAWACHI: Okay. Thanks for that clarity.

MEMBER CANTO: So I think...

MEMBER DeLEON: We're not having questions . . . *(inaudible)* . . .

MEMBER CANTO: I can ask Lori.

MEMBER DeLEON: Oh, Lori, okay.

MEMBER STARR: I'll take question too.

MEMBER CANTO: So would that give the Mayor veto powers? No?

MS. TERAGAWACHI: No.

MEMBER STARR: No. I mean I'm willing to look at that. I just don't want the position where there's five and five. You know, perhaps in the future, maybe if we go to district voting then that obviates that need but if we would add more one Councilmember, we'd have ten, and ten is not a good number for that.

MEMBER DeLEON: Jonathan, in North Carolina, the method is he's the presiding officer and he is not voting.

MEMBER STARR: I would be willing to look at that, too.

UNIDENTIFIED SPEAKER: Yeah.

MEMBER STARR: You know, and I think that's something we could even change over time.

MS. TERAGAWACHI: Okay. You wanna go? Paula?

MEMBER FRIEL: I deferred from going first since I went in the beginning last time and now my brain has become like the worst traffic congestion that there's so much things going on in there. When I came to this Committee, I had no prior judgment as someone opened up with, and I really had no knowledge of practically anything. So I learned a lot and I really did come with an open mind. In addition to learning a lot, I tried to do research on my own. It wasn't easy 'cause the research is fairly new. You could only look at the models that are in existence. I really appreciated the hard work and effort that Lori, Kim and the rest of the Staff put together for us, that was very beneficial. I did read through those things. I really liked what Michele McLean pointed out today because her three pieces of advice for how to go about this to me was very non-emotion and intellectually based on how to look at things. And we did have the privy of our Administration now and past and other people who are in department come and give their opinion based on their personal standpoint as well as their professional experience. I listened to that. I looked at the documents and as

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

Aunty Kehau said and as other people brought with the people's voice and I mean no disrespect to anyone. I really appreciate those that did come out because it does take a lot of time. And some of these people, they drive far. We did have testifiers but we had a lot more who just did not testify. And just in a...just out of respect for those who didn't testify, I know a lot individuals who I spoke to who are not in favor necessarily of changing our government. Their first question is, why we're not gonna get to vote on it? Oh, if it goes through, you will. And they have chosen to reserve their voice for that time. It has nothing to be about not a quality citizen. Because the people that I spoke to, believe it or not, were people who have been, have experience in politics, have been involved. I've spoken to people who are professors and have their educations in politics and political science or in teaching history and looking at government structures because I think, sometimes it's good when you have the perspective that you have a lot to learn. That you're willing to listen and look at things more objectively and look at others who you know have taken a lot of time to review and research and have had many years of experience of looking over various points of view. And the people that I spoke to and that represent, you know, our kuleana, we just represent ourselves, their voice was not necessarily in favor of changing our government. It was the same thing. What's wrong with what we have? There was a lot of discussion today about...and over our meetings about point of view and having the same point of view, and like Aunty Kehau said, sometimes one point of view is not always the best. You know, even when you listen to a story, you always wanna know what's the other side. What's the opposition have to say? Or what are other ways to look at this perspective? Even Stephen Covey, 7 Habits of Highly Effective People, which is still highly valued and utilized in business and in corporations, habit number six is synergize. One plus one equals three or more. Now, all I'm saying with that, my point is, one point of view is not always the best. And I think most of you know that where I'm leaning towards is I...in my opinion, based on the evidence that was presented to me which is all I'm going with, it doesn't seem overwhelmingly clear that a manager will solve all our problems. It has been clear that there are problems that exist. It's just not clear that that's gonna be the catchall based on the research and all the other factors that I did get to look at. Now problems were identified and there are solutions. As it was stated, there's a movement to make a change. We have the opportunity to change our Charter at each election but as it was said, it just doesn't get done. That makes me wonder, are we really focused on making a change and making it better? Or are we just more focused in just changing our government? If we're not doing what we have the power to do. Which is it that we really want? So, that's my manao right now. And I thank all of you for helping me to grow. The way the universe works, I'm teaching political science again next year so Molokai High students get ready.

MS. TERAGAWACHI: Thanks, Paula.

VICE-CHAIR SCHAEFER: Well, all of you have been very eloquent. I'm afraid I'm going to disappoint you and not join that. I am a practical person. I am a person who has seen both sides. I have seen excellent county managers, professionals. I have seen not so good county government, and, Paula, you raised the issue of what's the problem. And I'm going to give you some graphic examples of some of the problems. I

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

wrote things out because I have a tendency to wander at my age. So, accountability, limit of politics, more responsive, Charter violations, trust, transparency, dysfunctional relationships, turnover, checks and balances, taking politics out of administration, cronyism, communication barriers, experience, put it on the ballot, broken system, progressives, stability, loss of continuity, trust. Those words we heard over and over again in the public testimony. The public has spoken. With few exceptions, those who testified believed there needs to be a change in how Maui government is administered. They spoke in favor of continuity of...in department heads who have been named based on abilities and experience instead of political paybacks. They are concerned that the system isn't working for citizens. Department heads answer only to the Mayor and the Mayor chooses what Charter items and ordinances will be ignored. The testifiers want a ballot measure so that the electorate can express their opinion. And actually, the Charter requires that. From a personal point of view, let me share some experience...some of my experience with the county government. My opinion in the role of the government is colored by 12 years as a public servant. I know who is the ultimate customer of government. I know who deserves government services that are transparent, effective, efficient, responsive and respectful. It's the citizens. We pay the taxes to run government. We, the citizens, deserve the most effective and responsive government. My personal observations of 18 years of Maui County government have led me to conclude that we, the citizens of Maui, are not getting what we deserve from our local government. Disrespect, bungling bureaucracy, intimidation. Some simple example, personal examples: while serving on the board of my homeowner's association, it was virtually impossible to get a return phone call or a meeting with the Planning Director or the Deputy Director; a call to the Mayor's Office regarding missed trash pickup goes unanswered for more than a week, is finally answered after a Freedom of Information Act is filed, ten days after the initial call; nine months to process a check to repair the leaking roof of the County-owned building that is occupied by the Hana Dialysis Home; five years and after numerous requests for service, County finally sends notices of violation to illegal TVRs; a request from the Ethics Commission Secretary in the Corporate Counsel's Office regarding the registered lobbyist list is withheld even though it is public information, I'm asked why I want it, I finally get the information after filing a FOIA but someone less familiar with the right to information would probably have given up; finally, in an effort to fully understand management in the County, I called Keith Regan, Managing Director, on March 18th, in a brief, pleasant conversation I asked if he could describe what he does, I suggested that he might wanna look at the model city charter job description for manager and check off what applies to his position, at his request, I e-mailed him a copy of the model charter, he responded saying he would get right back to me, a day or two later...later he asked again for the info to be resent, I resent it, I told him that I did not expect him to build a complicated report and that just checking off the items on the list would be fine, I never heard from him again. Regan joined the Mayor who refused to answer four questions this Committee asked him and have gone unanswered until today despite resending the questions three times. It is a prime example of disrespecting the Council, this Committee and the public. Both on the pages of *The Maui News* and in testimony before this Committee, we've heard that priorities are "being reelected first." That ignoring Charter requirements is accepted and failing to carry out legal policies adopted by the Council

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

is standard procedure. Do you remember the Mayor saying, budget, sometimes the Council puts things in the budget that he thought were dumb so he just ignored them. There certainly has...have been positive, helpful interchanges with some County employees. One needs only to watch the current Budget hearings to see how many well-qualified and knowledgeable employees serve this County. The problem seems to lie at the top. Would any of this be different with a professional County Manager? Yes. A professional County Manager would insist that county department heads be accessible, responsive, effective, efficient and respectful of the public they serve. Accountability would be restored. Annual reviews would be mandated. Measurable goals would be instituted. The focus would be on carrying out County policies, not on reelection efforts. Now, the only alliance is to the Mayor. He sets the example. I'm almost finished. Expecting a charismatic candidate who is elected mayor to step into managing a 700-million dollar business, with a brand new board of directors is unrealistic and unfair to the mayor and to the public. It's bad...it's a bad business plan. I believe that change is in order because the duties and responsibilities have dramatically increased in Maui County. It will enable the people of Maui County to have the best possible government with the highest standards for responsiveness and efficiency that people deserve. The Mayor will continue to be the face and the voice of Maui. Checks and balances are preserved because the Mayor will continue to have a veto. Politics are removed from Administration and stability is added. Accountability rests with the people's elected representatives, the Council and the Mayor. This type of governance is well tested, accepted throughout the United States. Would it be more expensive to have a professional County Manager? Well, the current Mayor's Staff is 19 and the Office of Management employs 6 for a total of 25. This number does not include the budget or the Budget Analyst or the Community Block Grant or other miscellaneous staff that are in the Mayor's office. In comparison, doing the same job, the Mayor Manager's staff on Kauai is 9; on Hawaii, 17; and on Oahu, the Office of Mayor's staff is 6 and the Managing Director's Office is 22½. I believe that's fulltime employees. I don't know how that happens in there. I believe there would be a significant reduction in staff with a County Manager. The Mayor would not require more than one or two employees. Depending on responsibilities assigned by the Council, a staff of ten for the County Manager. With experienced professional department heads in place. Matters currently managed in the Department of Management Office would return to the appropriate departments. For example, roadwork Capital Improvement Projects would be handled by the engineers in Public Works instead of out of the Department of Management. Accountability would hold department heads responsible for their employees' actions. For example, the commercial kitchen built in a County facility using Pcard charges or the loss of 200 new tires or the repair of private vehicles at public expense, both the offending parties and the department head would be held responsible. That department head could lose his job. I have been troubled by the opinions of some Committee members that nine members of the Council elected by this very same electorate as the Mayor are untrustworthy to select a county manager and therefore discarding the consideration of a professionally qualified administrator. For the record, five Councilmembers received more votes than the Mayor with the remainder close behind. And how about the cultural issue? Currently the culture of the County includes cronyism, pay to play, favoritism, in some cases open hostility to those that raise questions or seek

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

information, including Councilmembers, even more than a little racism just to name a few. The plantation days are over. What the culture should be is an ethical, respectful, efficient, with goals of understanding public service to every citizen in a prompt and courteous manner. I believe a change of government...governance will do that. Thank you very much.

MS. TERAGAWACHI: Thanks, Madge.

CHAIR TAKITANI: We don't have a whole lot of time according to Staff so I will keep it brief. Believe it or not, I'm also a political science major and I believe the word politics come from the word polis, which is a Greek word, which means city. And so politics used to...

UNIDENTIFIED SPEAKER: Means what?

MEMBERS: City.

CHAIR TAKITANI: Politics used to be a pretty good word because what it meant was the people working with each other within the city. And some place down the line, things got worse and worse and worse. And I'd like to see it get better. And I think to achieve that, some of the things...and I don't mean to be redundant but there's been a communication problem here in Maui County. It used to work, okay, in this system and I had suggested some barriers be taken down and I still feel that way. I think, again, the evidence is not clear that having a County Manager will make for better government here. It is clear that voter turnout will decrease and voter turnout as is today is dismal. We don't wanna go and make it worse. I thought it was kinda funny when we talked about, you know, the Mayor getting 55 percent and he didn't have 55 percent. He's got like 20 percent is what it boils down to when you take the eligible voters versus registered voters and those that actually show up to vote, so it's every politician on this island would have a very difficult time making the claim that the people are screaming for them to lead. But I think, we have an opportunity, well we don't have an opportunity. Right now, before the County Council, they're looking at the possibility of increasing communications with the Mayor's Office merely by having the power to confirm every appointed position. I think that would go a long way. I think it'd be a very, very reasonable start. I share Kehau's words that this was sort of a...they shucked their responsibility and yet I gladly will...I love this place. This is our home. It's always been our home. So we're willing to do whatever it takes to make our home a better place. And I think a good solid first step and it works in State government, I think very well. I think confirmation of appointed positions would be a good first step. And I...and a step that would be sufficient at this point right now. I'm not...I don't think we're ready for the whole County Manager thing yet. Thank you.

MS. TERAGAWACHI: Okay. You wanna open it up for questions for clarity?

MEMBER OKAMOTO: What time do we have?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER DeLEON: I got another definition of politics though. Many bloodsuckers. Poli-ticks.

MS. TERAGAWACHI: You wanna let Paula go first or you wanna go first?

MEMBER STARR: I wondered if before we have more of a discussion round table. I have a couple of questions and maybe some of the others do that I want you to, as to Kim, our Staff here are really a great resource and I feel like we haven't been able to ask them. And I have a couple things that I'd like to ask them and that may help us set the parameters of what we can and cannot.

CHAIR TAKITANI: If they're willing to accept questions.

MS. WILLENBRINK: Generally, we're silent in meetings unless the Chair needs clarification for something.

MEMBER STARR: Could I try asking a question or maybe, we may not get the answer today but I know that several of the potential changes that we made include the Mayor becoming a Member of the Council in one form or another. Whether as a regular voting member or a tiebreaker or, you know, I forget there were few others. I've heard that it may be possible that that's a very, very difficult change with the Charter. I thought it was an easy change. Is there, if not today then at some point, could we get a bit of analysis on whether that's something that is doable?

MS. WILLENBRINK: Definitely, yes.

MS. TERAGAWACHI: That means the yes would get answer?

MS. WILLENBRINK: Definitely, yes we can get an answer to that. At this point we haven't ventured too far into the Charter because we haven't known which direction the body is going but I think we'll know soon.

MS. TERAGAWACHI: Okay. Yes, Ray?

MEMBER PHILLIPS: Thank you. Okay. We have a Managing Director already.

MEMBER FILIMOE`ATU: Yeah.

MEMBER PHILLIPS: We have one. Okay, great. So if we were to take this individual and change his job description, possibly, and who he reports to and his qualifications or what is, you know, his hiring qualifications might be, we might be coming around to something similar to what we're attempting to do. In other words, we're getting ourselves a managing professional. So I don't really see this as anything so dramatically different governmentally than where we're already kind of at. We have this person. Our problem is a reporting situation with this person when we're talking about a political inclination and what his, sometimes this person's responsibilities or what he sees his responsibilities and priorities are, first of all. And secondly, who

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

approves him and what his credentials are and his abilities to be expertise or not. So we have this person. Thanks.

MS. TERAGAWACHI: Okay. So what you...let me clarify. So what you're saying is we have a Managing Director right now, if we up his qualifications and have the Council select him...

MEMBER PHILLIPS: I'm saying I don't wanna get into a selection process yet.

MS. TERAGAWACHI: He reports to the Council. That's what I heard you say, right?

MEMBER PHILLIPS: Okay.

MS. TERAGAWACHI: Right.

MEMBER PHILLIPS: And to the Council and --

MS. TERAGAWACHI: And the Mayor.

MEMBER PHILLIPS: --and the Mayor. Right.

MEMBER DeLEON: Can I ...(inaudible)... Ray?

MEMBER PHILLIPS: Sure.

MEMBER DeLEON: So Ray, what's your mayor do then? So if the managing director is running the government, running the departments, what's your Mayor do gonna do?

MEMBER PHILLIPS: Well, I think the Mayor came in and told us how busy he is. He came in and testified to us twice and in one of his testimonies, he said I'm extremely busy. I have a lot of things to do. I have to interact with the Federal government. I have to interact with the State. I have to do things like bond ratings. I have lots and lots of things to do. Now, if he was not necessarily responsible for managing the day-to-day activities or managing the activities of his particular directors, would that diminish his scope of activities so much that he'd have nothing to do but basically not have a job? I mean, I don't see him necessarily, I see him as a very important personality in Maui County. He's elected at large. He represents what the people wanted to do. They could certainly go in there and speak to him. And he has lots of things to do with...he gets to travel to our sister cities. He gets to interact with the rest of the government. But running directors around, I mean there's a lot more important things to do. That's what an administrative expert gets to do.

MEMBER DeLEON: Okay.

MEMBER HAYNES: Which is already his responsibility. Under the Charter, he's the manager...

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER PHILLIPS: Which is, yeah, exactly but he's got a whole lot of things to do so allow him to do those things because he's fractionalized. He's...you know, get somebody to do that stuff. Let him do the important stuff.

MS. TERAGAWACHI: What if we took the first step would be increasing or clarifying what the Managing Director's job function and duties are? Right? That...would that be the first step?

MEMBER PHILLIPS: I think that would and to be able to be able to source that person as a professional, so I'm still into having somebody who's a, you know, a good headhunting group that's selected and his resume's gone through and you know, looked at by all the folks, you know, County Council and the Mayor.

MS. TERAGAWACHI: But you really wouldn't need to change the form of government in order to do that. Would you?

MEMBER PHILLIPS: Well, no. You've got a...I'm sorry.

MS. TERAGAWACHI: Or a Charter change, yeah, a Charter amendment, right?

MEMBER PHILLIPS: Yeah. And Lori, you have a Managing Director. Yes, switch his...his activities are still he's in charge of the directors.

MS. TERAGAWACHI: And you're having that person report to the Council?

MEMBER PHILLIPS: Council, County Council and the Mayor in terms of having Council Chair and the Mayor. So you have a Council Chair, a Mayor and Corp. Counsel. Three people. Small group. This guy reports to him or a gal, maybe.

MEMBER OKAMOTO: I'm glad you corrected that.

MEMBER PHILLIPS: Yes ma'am. Okay. Thank you. I wanna be correct.

MS. TERAGAWACHI: So...Dave?

MEMBER DeLEON: Ray, how come you keep on dropping the Corporation Counsel that...he's staff.

MEMBER PHILLIPS: He's staff.

MEMBER DeLEON: I mean yeah, he's staff.

MEMBER PHILLIPS: All right, then...

MEMBER DeLEON: He's there for doing, you know, to do the attorney work for him.

MEMBER PHILLIPS: Only to keep everybody straight and happy.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER DeLEON: Yeah but...

MEMBER PHILLIPS: You know, the Sunshine Law.

MEMBER DeLEON: But he's not an administrator in the sense of, you know, a manager you're thinking of, the Mayor that is currently there or if the Council was running policy.

MEMBER PHILLIPS: Doesn't have to.

MEMBER DeLEON: Yeah.

MEMBER PHILLIPS: Could have the Mayor and the chief of Council.

MEMBER DeLEON: Okay.

VICE-CHAIR SCHAEFER: So...

MS. TERAGAWACHI: Jonathan.

MEMBER STARR: Yeah I --

MS. TERAGAWACHI: Sorry.

MEMBER STARR: --would like to see the Mayor able to really do a great job at being the ombudsman. The person who is looking out for the people, is trying to create communication between the different entities, whether it's at the Council, whether it's the Managing Director doing lobbying with the State, working with the Federal agencies, being the person who's doing the communication and making things work. And that's a big job if someone can do it well.

CHAIR TAKITANI: If I may interrupt a second. I would just like to recognize First Deputy Ed Kushi who is coming to tag team with James Giroux.

MEMBER DeLEON: In the back door.

MS. TERAGAWACHI: Okay. Thanks, Jonathan. Madge?

VICE-CHAIR SCHAEFER: So I wanted to just to point out that...it's Section 8-1.3 of Page 19 on the... in the Charter. The Managing Director shall: 1. Act as the principal management aid to the Mayor. So would that take that out? 2. Supervise the administrative functions of those agencies, departments, boards and commissions assigned by the Mayor. So that would become assigned by the Council or the Mayor. How would that be?

MEMBER HAYNES: Or the Manager?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

VICE-CHAIR SCHAEFER: No, this is the manager.

MEMBER HAYNES: No, no. But I'm...I guess that goes back to the question of continuity and do we wanna have the department heads replaced every time there's a new mayor or new elected official?

VICE-CHAIR SCHAEFER: That, you know that, that's addressed in another section of the Charter about terms of office. So that would change the terms of office for a...

MEMBER FILIMOE`ATU: Department Head.

VICE-CHAIR SCHAEFER: Yeah. The...it's Section 6.2. The Executive Branch, his term of office of any administrative head of a department...

MEMBER HAYNES: I guess my question is if you're just replacing Council with Mayor, you're still having that...those department heads change every time there's an election.

MS. TERAGAWACHI: Okay. I'm gonna stop you right there because we're not, we're getting into the weeds and all the details and so this part of the process is to ask questions for clarity. So if you have a question that you wanna ask to get better clarity on what your fellow Committee members said, now is the time, but not...let's not get into the details and all the weed-picking. Yes, Paula?

MEMBER FRIEL: I have a question and then maybe to clarify if it's appropriate with some of the things that Madge stated. In Mr. Arakawa, and I don't know if it was him also that said it when he was doing his testimony or if it was someone else but it's been mention of awards that our government or Maui Council [sic] has received over the years by three different organizations and entities. What I need to know, is that true?

MEMBER HAYNES: Yes.

MEMBER FRIEL: So...

MEMBER HAYNES: Bond ratings, right.

MEMBER DeLEON: Bond ratings you're talking about.

MEMBER FRIEL: There were three things. They mentioned bond ratings. They...he mentioned there was three mentioned and in his letter today, three different agencies were...

VICE-CHAIR SCHAEFER: I think one of them was for budget, outstanding...

MEMBER DeLEON: In the budget presentation, yeah, right.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER FRIEL: No, no, was organization, not for necessarily what it was the three different organizations that have recognized that our government ...(inaudible)...

VICE-CHAIR SCHAEFER: Just look through the boxes and you'll find them.

MEMBER FRIEL: Okay. So, I just mean...I just needed to know if that's true 'cause again I'm looking at it from the perspective of research and fact-based. Okay. And if I can clarify something that Madge said. First of all, Madge, when you quoted me that I said what's the problem? My question was rhetorical. We all know that problems have been identified and I also, verbatim, said real clear that problems were clearly identified and there are solutions. So I wasn't, you know, I do, I am aware. I've learned a lot about problems that are in existence that I had no idea existed or what didn't function. Thankfully my trash gets picked up but hey, the dump is only a 15-minute drive away. So either way I'm good but, you know, but I am aware of that. And I just, you know, and I have questions and maybe this is the time I can bring up a question I did give...I did ask Lori and Kim last week. So one of our research documents, it states Carr's extensive research in 2015, on effectiveness of governments, okay. And some of the problems that we are discussing that we are saying are going to be resolved with a County Manager, evidence from that extensive research has clearly said that that is generally not true. Just to point it out and it's all in Carr's. I'm not gonna reiterate what's there 'cause there are like 15 points. And they don't all correlate but I'm just saying...it...some of them say that that is not the case. Also, if you look at government changes, and my question to Kim and Lori were, with the government changes that were identified to us, was that...were those the only counties that changed government? Because of the government changes, majority changed back to a mayor system of government.

MR. STARR: No.

MEMBER FRIEL: No, I'm just saying in the documents that we were looking at.

MR. STARR: That's selective.

MEMBER FRIEL: Okay, that's...I'm just saying. But there is still change so that shows that there is not a one-size-fit-all answer. And we just have to be cautious that we are not just jumping ship when there is clearly and it's been stated here very clearly today that we aren't doing things that are in our power to make this the most effective system.

MS. TERAGAWACHI: Thanks, Paula.

VICE-CHAIR SCHAEFER: Question.

MS. TERAGAWACHI: Okay. But let's go...I believe he had his hand up first --

VICE-CHAIR SCHAEFER: Okay.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. TERAGAWACHI: --and then we'll go back.

MEMBER DeLEON: I just wanna reiterate my point that this is a tradeoff between democracy and efficiency. And you can shake your head all you want but that's just the reality of it. And all the studies point in that direction. And according to the study that we got from Ms. Kekona, the T-3 study. Those original county manager communities are shifting back toward looking for a democratic political answers to their problems with the complexities of their communities because the complexity of the communities are outstripping that simplistic model.

MEMBER STARR: I've read it differently. There are some shifting --

MEMBER DELEON: You can argue. . .

MEMBER STARR: --back but there's more shifting that way.

MEMBER DeLEON: You can argue with the...you can argue with the authors. Like you can argue with Carr. But, you know, that's what we're reading. And I'm sorry, I'm not so married to an opinion here that I can't read and make my own mind of it.

MEMBER FILIMOEATU: Point of order.

MS. TERAGAWACHI: Okay. Madge, first and then...

CHAIR TAKITANI: Point of order.

MEMBER FILIMOE`ATU: When our next meeting?

CHAIR TAKITANI: It depends on what the vote is --

MEMBER FILIMOE`ATU: Oh.

CHAIR TAKITANI: --if we get to vote today.

VICE-CHAIR SCHAEFER: So my comment to Paula is the bond rating is a very important thing for every municipality. And, yes we have a good bond rating because of the Council and the Mayor. So for the Mayor to say this is because of great management, not necessarily. So having been on the bond trips, having done...participated in bond ratings and the bond...at the bond houses in New York, having an elected official there is very important. So the fact that if the Mayor goes back on the bond trips, then he does influence the bond rating.

MEMBER FRIEL: Thank you. I appreciate that clarification. Please understand when I say, you know, who's in charge of our government, I, for me personally, I'm talking about our entire system, all three branches. I do not look at that the Mayor's in charge. I believe...I'm hoping that we work in a democratic sense where there's checks and balance and they're working together. And they're, you know, that's...so when I say

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

government, that's...I don't give any one the credit. I believe it's our entire County and community.

VICE-CHAIR SCHAEFER: Well, that was what I was pointing out about the --

MEMBER FRIEL: Thank you.

VICE-CHAIR SCHAEFER: --importance of that.

MEMBER FRIEL: I appreciate that.

MS. TERAGAWACHI: Yes, Dave?

MEMBER DeLEON: One other criteria about the quality of our government is the tax rate. I mean you can look at our tax rate. We have the best tax rate in the State for all, across all measures except for timeshare.

MEMBER HAYNES: I feel bad.

MEMBER OKAMOTO: I feel bad too.

MEMBER DeLEON: But the rest of the...and if you take our residential property owner tax rate, I'd like to wager to that that's probably the lowest in the nation. And if you were to look at that, I bet you if we're making comparisons to Simi Valley, I bet you the taxpayers in Simi Valley would trade their tax rates with ours in a heartbeat.

VICE-CHAIR SCHAEFER: Oh well, they have Prop 13 so their tax rates are frozen.

MEMBER HAYNES: But they also, they have also services that the county is not paying for, that's usually paid for out of residential taxes, hospitals, schools. There's, you know, there's a lot of cost that the county doesn't bear because of it so it's a hard comparison.

MEMBER OKAMOTO: I'm sorry. This is not totally a question but I bring up again, how do we make sure if we go with a professional manager, we don't end up with what University of Hawaii has ended up within the last few years? They had headhunters.

MEMBER FILIMOE`ATU: Right.

MEMBER OKAMOTO: They hired professional people and it cost millions of dollars --

MEMBER FILIMOE`ATU: Right.

MEMBER OKAMOTO: --to get rid of who they hired. And I know we say well we'd write a better contract. What's the guarantee that our County could do better than the Board of Regents and so forth? That's a real concern for me and I mean, it's...when you don't elect somebody, you get rid of them. But when you gotta pay 'em off to get rid

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

of 'em and, you know, I know athletic director, president of the university, they had these headhunting committees and these are supposedly very professional people and the State got stuck. And so, I just wonder what...how do we protect against that?

VICE-CHAIR SCHAEFER: Usually, there's a contract. It's a very short contract.

MEMBER OKAMOTO: Oh well, they have contracts too, obviously.

VICE-CHAIR SCHAEFER: But there is no payoff.

MEMBER OKAMOTO: No. The...

VICE-CHAIR SCHAEFER: And the...

MEMBER OKAMOTO: No, but well okay, let...the university obviously wrote contracts that were well written and well, no, you say no but why do you think Maui County people will write better contracts than the University? And you say, well there's a short time period. We don't want a short time period. You're all saying you don't want. You want some longevity in there so after two years, if you got a dud, I don't care how the contract's written. We all know they go take you to court and it costs money. So that's just a concern of mine.

MEMBER PHILLIPS: Thanks, Kay. Well, basically there's a way you write a contract. I mean you can hire and fire people. You can't hire and fire a politician. Yes you do wait to the end of that four years.

MEMBER OKAMOTO: Right.

MEMBER PHILLIPS: That's true, okay. But in this case...I mean it is a tradeoff. So your County Council and your Mayor, you hire them to do the best job they possibly can. And the best job they possibly can is to write a good contract. ...(inaudible)... for gracious sake. And of course, your headhunting group, your recruiting group assists into doing that. Now, just because we're pointing out, no offense, one example of University of Hawaii, I can point out examples of large corporations that have hired people that basically they don't work out, they get rid of them. I mean that's not huge golden parachutes that everybody gets when they're out the door.

MEMBER OKAMOTO: It's a lot of them...

MEMBER PHILLIPS: Well, maybe so, Kay. That's maybe true. But you know what, it's all in the...if you put in a politician that knows what he's doing, supposedly, okay, he writes the contract or he works with the recruiter that helps him write the contract. I can't see that that's a negative or a positive. It is what it is.

MS. TERAGAWACHI: And, yes, Jonathan?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MR. STARR: My wife was a regent. I have two close friends who are regents. All that I've heard is that the level of representation they were getting and the adherence to the recommendations of legal counsel were really bad in UH, that it's just inexcusable and there are people who had been involved in that, who'd been around for a long, long time and either didn't care, you know. I think that our Corp. Counsels are much, much better and much more responsive. I've never seen that kind of stuff here.

MEMBER HAYNES: Can I say...I think we're getting sidetracked. I think that's a risk of any hire --

MEMBER STARR: Sure, of course.

MEMBER HAYNES: --that you could have it go bad. I think we would wanna take the best...

CHAIR TAKITANI: I actually think that's kinda not a sidetrack.

MEMBER HAYNES: You don't?

CHAIR TAKITANI: It's a concern.

MEMBER OKAMOTO: It's a concern.

CHAIR TAKITANI: You know, and I appreciate, Ray, not trying to explain away everything.

MEMBER PHILLIPS: No.

CHAIR TAKITANI: I mean it's a tradeoff.

MEMBER PHILLIPS: It's a tradeoff.

CHAIR TAKITANI: But it's a bad...

MEMBER HAYNES: But don't you have that in any situation?

CHAIR TAKITANI: You do.

MEMBER HAYNES: Okay.

CHAIR TAKITANI: Sometimes the County gets sued with the Mayor...

MEMBER PHILLIPS: So the question is, would we be writing the same contracts in Maui County as the State, as the University, is that the question?

MEMBER FILIMOE`ATU: Oh, it's a State entity, yeah?

MS. TERAGAWACHI: Okay, Dave?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER DeLEON: You know on that point, so a mayor is somebody we elect because we know. It's somebody that's of our community. Somebody we've seen. And we know what they're, generally what they're up to at that point. As...a manager from someplace else. Department heads coming from other places. You know we don't know those people. So they might have good resumes or they might be able to have hide their quirks or other issues in the past and then we get them landing here. And, you know, I know it was really poorly presented but Paul Laub's little presentation on what he's, came across when he was living in California showed a variety of these kind of issues. I mean sexual abuse, aggressive behavior, the one mayor walked out. He decided to leave right as the budget was starting. I mean you don't get that from somebody who lives here. And so you're taking a chance bringing in somebody you don't know. And there's an element to that and, you know, communities...I mean the businesses here always have to worry about when they hire higher-end people that they have to train them to get them ready because, you know, maybe the guy's wife doesn't like this place after all. You know, a year of this place he gets cabin fever. Gotta get off the island. Bang, you lost your person.

CHAIR TAKITANI: Or husband.

MEMBER OKAMOTO: Yes, let's don't be sexist here.

MEMBER DeLEON: I always get accused of that.

MEMBER HAYNES: Again, is that exception or the rule? And what's the difference between that and bringing a department head not from Maui?

MEMBER DeLEON: Well that's what I mean, that's still the same thing.

MEMBER HAYNES: But it's...

MEMBER DeLEON: It's more likely to happen with this guy bringing in his own people or...

MEMBER HAYNES: But I mean, you're using a number of exceptions to justify that there is this risk, which we all know about but yet it's happening today. We bring in people not from here to be department heads.

MEMBER DeLEON: Not too much.

MEMBER HAYNES: Madge, we're doing...

VICE-CHAIR SCHAEFER: Will Spence, isn't he...

MEMBER HAYNES: Well, we do. The fact is we do so we're looking for the best people to operate and sometimes they're not from here. Oftentimes they are but that's a risk that we are currently doing...taking anyway.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER DeLEON: At the highest administrative level, that's the...basically equivalent of the mayor.

MEMBER HAYNES: As a professional manager? Yes.

MEMBER DeLEON: Yeah that's a much more...it's a much more...

MEMBER HAYNES: You have a risk in the professional manager being appointed as well.

MEMBER DeLEON: Okay.

MEMBER STARR: Can I make a motion?

CHAIR TAKITANI: What is the motion?

MEMBER STARR: Mr. Chair, I'm ready to make a motion if it's in order.

CHAIR TAKITANI: You have a motion to vote?

MEMBER STARR: Yeah, would be a motion that we would vote on.

MEMBER FILIMOE`ATU: Yeah. Go for it.

MEMBER PHILLIPS: A motion we would vote on.

MEMBER STARR: Okay.

CHAIR TAKITANI: Go ahead.

MEMBER STARR: I move that the....this Special Committee on County Governance move ahead with deliberations on potentially recommending a change in governance using a County Manager. That our Staff start doing more direct research into the Charter changes that would be necessary, what's doable and what's not doable based on the discussions we've had today. That we come back at another meeting in about two weeks and start working on the process of seeing if we can gain a majority agreement on a specific form.

CHAIR TAKITANI: Is there a second?

MEMBER PALTIN: Does it have to be two weeks? Can it be one?

MEMBER STARR: That's fine with me.

UNIDENTIFIED SPEAKER: No.

CHAIR TAKITANI: I don't have a second so it's gonna die if there's not a second.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER PHILLIPS: I'll give it a second.

CHAIR TAKITANI: Any discussion? And make it clear. I believe what we're voting on, is if a yes vote on this then we can have more discussion. ...*(inaudible)*... A yes vote says we're gonna come up with options. A no vote says no we're not going to have a County Manager.

MEMBER STARR: And just to...

CHAIR TAKITANI: Oh, am I saying...

MEMBER STARR: Yeah. And, Mr. Chair, to speak about the motion and for the motion. I for one would not vote to proceed unless I felt that what we come up with as a form is something that is workable. But I do feel that if we, you know, come up with something good then yes. And if not, no.

MEMBER FILIMOE`ATU: Okay, so...

CHAIR TAKITANI: But for today...

MEMBER HAYNES: Excuse me. I wanna understand this a little more.

CHAIR TAKITANI: Today's vote is whether or not we're gonna go forward with a County Manager. That's what that motion was.

MEMBER FRIEL: Yeah, potentially recommend.

CHAIR TAKITANI: And a yes says we go, a no we'll talk about after.

MEMBER STARR: Yeah. But obviously if we don't find a solution that works as far as what's doable in the Charter and as far as what a majority of us feel will work, then we don't have to vote forward at that point.

MEMBER FILIMOE`ATU: Yeah, yeah.

MEMBER FRIEL: I'm getting confused.

MEMBER FILIMOE`ATU: Clarification.

CHAIR TAKITANI: Go ahead.

MEMBER STARR: Yeah.

MEMBER FILIMOE`ATU: Okay, so we have a Managing Director. We have that guy on our da kine...our County logo. That's the guy we talking about and we looking at changing MQs?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

CHAIR TAKITANI: No, what we're talking about is establishing a County Manager form of government --

MEMBER FILIMOE`ATU: Okay.

CHAIR TAKITANI: --for the County Maui.

MEMBER FILIMOE`ATU: Okay.

MEMBER STARR: And my...

CHAIR TAKITANI: Yes or no.

MEMBER PHILLIPS: Whether it's a hybrid system or whether it's not a hybrid system.

CHAIR TAKITANI: Or whatever.

MS. WILLENBRINK: Chair?

MEMBER STARR: My own belief is that the County Manager would handle the administrative functions in one form or another.

MS. WILLENBRINK: Brief recess.

CHAIR TAKITANI: Sounds like a lawyer thing. Very brief. Five minutes, two minutes. We'll start with two minutes. . . .*(gavel)*. . .

RECESS: 4:52 p.m.

RECONVENE: 5:02 p.m.

CHAIR TAKITANI: . . .*(gavel)*. . . Will the Committee please come back to order.

MS. WILLENBRINK: Microphone.

CHAIR TAKITANI: We've been advised by Corp. Counsel that the initial motion was voluminous.

MEMBER OKAMOTO: Too voluminous.

CHAIR TAKITANI: It had too many moving parts.

MEMBER DeLEON: It went into a second paragraph . . .*(inaudible)*. . .

CHAIR TAKITANI: So we'd like to have it withdrawn.

MEMBER STARR: I'll withdraw the motion if the second will.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

CHAIR TAKITANI: Thank you very much. Can we make...I'd be willing to entertain a motion that asks something along the lines of whether establishing a County Manager form of government for the County of Maui would improve management and operation of County government and whether the Charter should be amended to establish a County Manager form of government.

VICE-CHAIR SCHAEFER: And that's shorter?

CHAIR TAKITANI: Well, it's clearer.

MEMBER FILIMOE`ATU: Yeah.

CHAIR TAKITANI: It tracks the language.

MEMBER STARR: Mr. Chair, I'm happy to make a different motion more in line with this. Before I state the motion I would like there to be clarity that we'll have to define what the County Manager form of government is before we are able to actually approve any definite action. We're just at this point moving toward creating that. But I'd like to move that the Committee will work toward establishing a County Manager form of government for the County of Maui in order to improve management and operation of County government and that. . .

MEMBER PHILLIPS: That's good.

MEMBER STARR: Yeah. Okay, I'll hold it at that.

MEMBER FILIMOE`ATU: Efficiency was supposed to be an issue.

CHAIR TAKITANI: Do we have a seconder?

MEMBER PHILLIPS: I'll second that.

CHAIR TAKITANI: Okay. Now, we go into discussion. Well we ought to just for clarification purposes. I appreciate what Jonathan spoke. A yes vote moves us to a next level of coming up with various forms of a County management that has to be...that still would have to be approved by this group before it is sent to the Council.

MEMBER PHILLIPS: All right.

CHAIR TAKITANI: A no vote basically --

MEMBER PHILLIPS: Shuts us down.

CHAIR TAKITANI: --shuts us down.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

VICE-CHAIR SCHAEFER: But I wanna point out that if there's a yes vote now and then we work on the form that this Charter amendments are gonna take, that there's another vote.

UNIDENTIFIED SPEAKER: That's correct.

MEMBER STARR: Yeah.

CHAIR TAKITANI: Are we ready to vote?

MEMBER STARR: Yeah.

CHAIR TAKITANI: Do we...can we just do this by plain if all in favor, raise their hand or opposed like...

MS. WILLENBRINK: They need to speak. All those in favor say aye.

CHAIR TAKITANI: Oh. All in favor say "aye."

MEMBERS: Aye.

CHAIR TAKITANI: Any opposed?

MEMBERS: No.

CHAIR TAKITANI: Okay. So I think it passes six to five.

MS. WILLENBRINK: Roll call, please.

CHAIR TAKITANI: Okay.

MS. WILLENBRINK: Kimo Haynes?

MEMBER HAYNES: Aye.

MS. WILLENBRINK: Jonathan Starr?

MEMBER STARR: Aye.

MS. WILLENBRINK: Ray Phillips?

MEMBER PHILLIPS: Aye.

MS. WILLENBRINK: Tamara Paltin?

MEMBER PALTIN: Aye.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. WILLENBRINK: Kay Okamoto?

MEMBER OKAMOTO: No.

MS. WILLENBRINK: Paula Friel?

MEMBER FRIEL: Aole. They're saying aye, can say no.

MS. WILLENBRINK: Renee Kehau?

MEMBER FILIMOE`ATU: Aye.

MS. WILLENBRINK: Dave DeLeon?

MEMBER DeLEON: No.

MS. WILLENBRINK: Pua Canto?

MEMBER CANTO: No.

MS. WILLENBRINK: Madge Schaefer?

VICE-CHAIR SCHAEFER: Yes.

MS. WILLENBRINK: Tony Takitani?

CHAIR TAKITANI: No.

MS. WILLENBRINK: How many noes?

CHAIR TAKITANI: Six-five.

MS. WILLENBRINK: Six-five, yes.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

VOTE: AYES: Vice-Chair Schaefer, and Members Filimoe`atu, Haynes, Paltin, Phillips, and Starr.

NOES: Chair Takitani, and Members Canto, DeLeon, Friel, and Okamoto.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending that the Committee work toward establishing a County Manager form of government for the County of Maui in order to improve management and operation of County government.

CHAIR TAKITANI: So what I would suggest our next meeting to the best of my knowledge can be on April 15th.

UNIDENTIFIED SPEAKER: No.

UNIDENTIFIED SPEAKER: April 15.

MEMBER FRIEL: That's taxes.

VICE-CHAIR SCHAEFER: I'm not coming here.

CHAIR TAKITANI: Or another possibility would be to set up some dates.

MEMBER HAYNES: Thursday is the 14th.

CHAIR TAKITANI: We have no place to meet.

MEMBER FILIMOE`ATU: Oh. 'Cause of the budget.

VICE-CHAIR SCHAEFER: I'll be out of town and I'd like to be here. Can't change it.

MEMBER PHILLIPS: My wife is having a knee replacement on the 14th.

CHAIR TAKITANI: Okay. What is the next availability?

MS. WILLENBRINK: Lori has those dates.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. TERAGAWACHI: Eighteenth or the 29th. Monday the 18th or the 29th, which is Friday.

MEMBER FILIMOE`ATU: What time?

CHAIR TAKITANI: Monday the 18th or what?

MS. TERAGAWACHI: Friday the 29th.

CHAIR TAKITANI: Friday the 29th.

MEMBER FILIMOE`ATU: What times we're looking at?

MEMBER HAYNES: I'm good with 18th.

MEMBER FILIMOE`ATU: What time?

MEMBER PALTIN: Sorry what was the date?

CHAIR TAKITANI: Monday the 18th.

MEMBER FILIMOE`ATU: Okay, I'm good.

MEMBER PALTIN: Mondays are great. That's my days off.

VICE-CHAIR SCHAEFER: Not for me. I'm not gonna be back.

MEMBER FILIMOE`ATU: Yeah, that's my day off too.

MEMBER PALTIN: Finally not taking vacation for it.

CHAIR TAKITANI: Jon?

MEMBER STARR: I can go 18 if we can do it fairly early in the day.

CHAIR TAKITANI: How early?

VICE-CHAIR SCHAEFER: I can't go 18th at all.

MEMBER STARR: I think I'm on a five o'clock flight.

CHAIR TAKITANI: Oh Madge is out on the 18th.

VICE-CHAIR SCHAEFER: Sorry.

MEMBER PHILLIPS: What time are you off?

MEMBER STARR: Five o'clock flight.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

CHAIR TAKITANI: I'll reiterate. The six of you that support this --

MEMBER FILIMOE`ATU: Yeah, we have to do it.

CHAIR TAKITANI: I would suggest that we can do a TIG with five people.

MEMBER FILIMOE`ATU: Okay, good.

CHAIR TAKITANI: So if one of you graciously steps out...

MEMBER FILIMOE`ATU: Oh we still get five?

MEMBER OKAMOTO: Yeah.

MEMBER FILIMOE`ATU: One, 2, 3, 4, 5.

MEMBER OKAMOTO: You can only have five.

CHAIR TAKITANI: Then you come up with maybe three recommendations and then we talk about it at another time when we can all make it.

MEMBER FILIMOE`ATU: Okay.

MEMBER STARR: Then we can work while we're waiting.

CHAIR TAKITANI: You can work on it.

MEMBER FILIMOE`ATU: Right.

MEMBER PALTIN: Yeah.

MEMBER HAYNES: Is there any procedural thing that we do...I mean with . . .*(inaudible)*. . .

CHAIR TAKITANI: Gotta...somebody gotta pull out. We cannot have a majority. You can only have five members of the TIG.

MEMBER FILIMOE`ATU: Oh, then I can...I'll pull out.

CHAIR TAKITANI: I'll set it up right now.

MEMBER FILIMOE`ATU: So I can pull out. I'll pull out so they can go five.

MS. TERAGAWACHI: So...

UNIDENTIFIED SPEAKER: I don't care.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER FILIMOE`ATU: Oh so you guys decide when.

CHAIR TAKITANI: So it's the TIG members can decide when they can meet.

MEMBER FILIMOE`ATU: Yeah, you can meet whenever.

CHAIR TAKITANI: And then what we'll do, I'll ask...

VICE-CHAIR SCHAEFER: But what I'm saying if I can't...if they...if what's mutually agreeable and I'm not here, would you step back in?

MEMBER FILIMOE`ATU: I don't know. Can...is that possible?

CHAIR TAKITANI: No, I don't think so.

MEMBER DeLEON: You can do four, yeah. It can't be more than five.

MEMBER FILIMOE`ATU: You cannot be more than five. Okay, I'm out. Okay, that'll be better.

VICE-CHAIR SCHAEFER: The 4th or the 5th of April and...

CHAIR TAKITANI: Some people gotta leave so I'm gonna let them leave. Is that okay? Aloha. Thank you very much. Thank you.

MEMBER STARR: Do we need a motion for the TIG?

CHAIR TAKITANI: Wait. Hang on a second.

VICE-CHAIR SCHAEFER: Is the 19th is the soonest time. The 5th to the 19th.

MEMBER STARR: I wanna meet every week.

VICE-CHAIR SCHAEFER: Yes. So what I'm saying...

MEMBER STARR: Once a week.

MEMBER HAYNES: I'm out of town.

MEMBER PALTIN: Kehau, you gotta be in it 'cause she's out of town.

MEMBER FRIEL: You guys can do it with four. You just can't have more than five.

MEMBER FILIMOE`ATU: You cannot have more than...no 'cause if I put my name in and I no can make 'em, then not good.

VICE-CHAIR SCHAEFER: I'm not back until the 18th.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER STARR: Can you do 13th?

MEMBER HAYNES: You're back on the 19th?

VICE-CHAIR SCHAEFER: Yeah.

MEMBER PALTIN: We can't meet without everybody.

MEMBER FILIMOE`ATU: So you cannot be more than five.

CHAIR TAKITANI: So you guys go, you guys just go figure it out.

MEMBER STARR: Yeah. Can I make a generic motion or we're gonna form a TIG and we'll meet?

CHAIR TAKITANI: I think I can just appoint it.

MEMBER STARR: Okay.

MS. WILLENBRINK: Yes.

MEMBER PHILLIPS: You're not gonna be involved, Kehau?

MEMBER FILIMOE`ATU: 'Cause you only need five.

MEMBER STARR: But if one of us is away, can you come?

MEMBER FILIMOE`ATU: I don't know.

CHAIR TAKITANI: I don't think you can mix and match.

MEMBER FILIMOE`ATU: Oh.

CHAIR TAKITANI: I can appoint five.

MEMBER STARR: Ed, can you...

CHAIR TAKITANI: Well then, you...don't be on it. If you wanna be on it, be on it and if you don't wanna be on it, don't be on it.

MEMBER FILIMOE`ATU: No but you can go...but then you can go down to four. But you gotta be on it.

VICE-CHAIR SCHAEFER: Kehau, I'm saying you should be on it.

CHAIR TAKITANI: You guys gonna be...

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER PALTIN: But if you don't need it's okay 'cause we still have four.

MEMBER FILIMOE`ATU: Oh okay, okay, okay.

MEMBER STARR: But better if you're there, Kehau. You're good man. But we need your advice.

MEMBER PALTIN: Yeah, we need you.

MEMBER FILIMOE`ATU: 'Cause most of the times like I'm the one gotta go right now.

CHAIR TAKITANI: So you're not?

MEMBER PALTIN: Can we meet on the phone with them?

CHAIR TAKITANI: I'm gonna appoint the TIG right now. So it will be Kehau, Kimo, Jonathan, Ray and Tamara.

MEMBER FILIMOE`ATU: And Tamara. Okay.

CHAIR TAKITANI: And you guys can...you guys need to pick a chair.

MEMBER PALTIN: Pick a chair of our TIG?

CHAIR TAKITANI: Pick a chair of your TIG.

MEMBER FILIMOE`ATU: Okay. Bumbai.

CHAIR TAKITANI: Okay. And...

MEMBER STARR: I have a question.

CHAIR TAKITANI: The primary purpose will be to come up with three?

MEMBER STARR: Yeah. Come up with three --

MEMBER FILIMOE`ATU: Different models.

MEMBER STARR: --using staff to do research for us.

MEMBER FILIMOE`ATU: Right. So we get Staff, we get them?

MEMBER STARR: Yeah.

MEMBER FILIMOE`ATU: We get them right?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MEMBER STARR: Yeah.

MS. WILLENBRINK: Research on the Charter because it's your responsibility to come up with the three forms of government.

MEMBER PALTIN: And then you guys would tell us if what we come up with is legal?

MEMBER FILIMOE`ATU: Right.

CHAIR TAKITANI: Well, no then they'll come with the Charter amendments.

MEMBER PALTIN: Oh, okay.

MEMBER STARR: And we just...we wanna check if anything in HRS is also gonna affect us.

MS. WILLENBRINK: Thank you.

CHAIR TAKITANI: Guarantee.

MEMBER STARR: Well if there's no mayor it is but...

CHAIR TAKITANI: Going get HRS.

MEMBER PALTIN: But State supersede County that's why. We cannot...

MEMBER FILIMOE`ATU: Oh, okay.

MEMBER STARR: And, Mr. Chair? As member of the TIG can we communicate with other members of this Committee for...ask a question?

CHAIR TAKITANI: No you guys gotta work.

MEMBER HAYNES: So we'll come up with three options to bring back to discuss before they go and start doing all the research, right?

MS. BROOKS: To answer Jonathan's question if I may, you may talk among yourselves. You're not bound by the Sunshine Law but you should not talk with other members of this Committee.

MEMBER STARR: How about if there were other people...I mean I would love to ask the Mayor and the Managing Director.

CHAIR TAKITANI: You can, yes. That's fine.

MS. BROOKS: TIG has ability to investigate other people.

MEMBER STARR: Yeah. I mean there are plenty resource people.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. BROOKS: With other people.

MEMBER FILIMOE`ATU: So you guys have to be . . . *(inaudible)*. . .

MEMBER PALTIN: And we can meet any day. We don't have to meet here.

MEMBER DeLEON: No.

MEMBER PALTIN: And can we meet by phone too?

MEMBER PHILLIPS: Where do you live Kehau?

CHAIR TAKITANI: So I don't know when the next meeting is but can you guys have something for us before the next meeting?

MS. BROOKS: May I, Chair? I would suggest that the Chair set a time for the TIG to report back because this Committee will not be able to meet and discuss the same matters that the TIG is investigating. So for all practical purposes, that usually means that the main body with this group cannot meet until the TIG reports back. So I would suggest that you set a time or and a date for the TIG to report back.

CHAIR TAKITANI: Is a month sufficient for the TIG?

MEMBER STARR: I'd wish it were a little bit sooner.

MEMBER FILIMOE`ATU: Should be.

CHAIR TAKITANI: Three weeks sufficient for the TIG?

MEMBER STARR: Three weeks sounds good.

CHAIR TAKITANI: Can you give us...can you give me a date, Kim, three weeks from now.

MEMBER PALTIN: Will we be having the Facilitator too?

MEMBER FILIMOE`ATU: Yes. No, we not? Only them?

MS. WILLENBRINK: Three weeks would be April 21st.

CHAIR TAKITANI: April 20th? April 21st?

MEMBER FILIMOE`ATU: That's a Thursday.

VICE-CHAIR SCHAEFER: Yeah. I'll be back.

MEMBER HAYNES: I'm off island.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

CHAIR TAKITANI: That's okay. You're a TIG member.

MEMBER HAYNES: Okay.

MEMBER STARR: Twenty second? No, I got a...cannot.

VICE-CHAIR SCHAEFER: Twenty-first.

MS. WILLENBRINK: Three weeks from now is the 21st and we can...Staff can then poll for the next meeting.

CHAIR TAKITANI: Yeah. Okay. So we set it.

MEMBER HAYNES: That's fine.

CHAIR TAKITANI: We set it for the 21st. Have your reports done by the 21st and, you know, if eight people show up, you know, we probably won't take any action.

MEMBER PALTIN: Is it 1:00 to 4:00 again?

MEMBER OKAMOTO: We shouldn't set the date for this.

CHAIR TAKITANI: No, April 21st, is one o'clock fine?

MS. WILLENBRINK: Yes.

MEMBER PHILLIPS: You guys want...

CHAIR TAKITANI: One o'clock.

MEMBER STARR: And what's the venue?

MEMBER FILIMOE`ATU: Over here, yeah.

CHAIR TAKITANI: We gotta set it. We don't know yet.

MS. WILLENBRINK: We'll have to figure that out. Could even be a working lunch, you know, whatever you want.

MEMBER STARR: So if any of the . . . *(inaudible)* . . .

MS. BROOKS: And, Chair, this Committee may recall when Ms. Joesting gave her presentation on TIGs that the report back is not the meeting at which the --

CHAIR TAKITANI: Correct.

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

MS. BROOKS: --whole body can discuss the matter so it might wind up being a short meeting.

CHAIR TAKITANI: Basically what you do at the next meeting is report your findings and recommendations. We cannot deliberate. We cannot discuss. We cannot vote.

MEMBER STARR: So, the TIG doesn't, is not subject to 92 Sunshine Law?

MEMBER FILIMOE`ATU: No.

MS. WILLENBRINK: No.

MEMBER STARR: And can we meet in private?

MEMBER FILIMOE`ATU: Yeah, that's right.

MEMBER STARR: 'Cause I have a storefront that's empty. We can meet there if that's okay?

MS. WILLENBRINK: You can meet in private but it will be staffed.

MEMBER STARR: Yeah, definitely.

VICE-CHAIR SCHAEFER: So the 21st is when the TIG will come back --

MEMBER FILIMOE`ATU: To report

VICE-CHAIR SCHAEFER: --just to...

CHAIR TAKITANI: The 21st is just to report.

VICE-CHAIR SCHAEFER: And then when is the next meeting after that?

MS. WILLENBRINK: The 21st may not be the next meeting. It may just be the deadline for the report. What we'll have to do after that is the Chair will poll everyone for a meeting slot and we'll search for a venue.

MEMBER STARR: When do you leave?

CHAIR TAKITANI: No, let me make it clear. The 21st is the...the 21st is a full Committee meeting.

MEMBER STARR: Hey, Kehau, are you around on 4th or 5th?

MS. WILLENBRINK: How could...if we don't know where we could meet, if we cannot find a meeting place on the 21st?

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

CHAIR TAKITANI: That's what it is, right? We have a meeting and we're gonna try and find a place. And if we gotta cancel, we'll cancel it.

MS. WILLENBRINK: Okay.

CHAIR TAKITANI: But it's primarily for the purposes of receiving the TIG report.

MS. WILLENBRINK: Okay, we can do that.

VICE-CHAIR SCHAEFER: Because you're talking about, what, five minutes. You receive the report.

MS. WILLENBRINK: Yes. And if we can't find a venue as the Chair suggested, we'll cancel the meeting and re-poll. Brief recess.

CHAIR TAKITANI: Recess. . . .*(gavel)*. . .

RECESS: 5:16 p.m.

RECONVENE: 5:20 p.m.

CHAIR TAKITANI: . . .*(gavel)*. . . We can come back to order. It's been ruled...it's been deemed sufficient that we can create our TIG today and I've designated five members to be on the TIG. The designated members are Kehau, Kimo, Jonathan, Ray, and Tamara. The chair of the TIG shall be...

MEMBER PALTIN: Kimo.

MEMBER PHILLIPS: Kimo gets to be chair.

MEMBER HAYNES: I won't be here for the final...that meeting.

VICE-CHAIR SCHAEFER: Well that's just to present. It doesn't get voted on or anything. That's a five-minute meeting.

MEMBER HAYNES: We don't have to . . .*(inaudible)*. . .

CHAIR TAKITANI: Oh yeah, no. The chair of the TIG will be Kimo. Scope of investigation...the designated board members will fully investigate and gather all information on three different...three examples of --

MEMBER PALTIN: County Manager.

CHAIR TAKITANI: --of a County Manager system. The inquiry will include, but not be limited to meetings with members of the public. You'll be able to review of, all relevant documents, staff input, and interviews with other persons who can provide relevant information. Each designated board member will have all the powers and authority

SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

vested in the board member under the authorizing resolution and all powers and authority to carry out the investigation as defined in the scope of the investigation above. While there is no time limit for this TIG, you are expected a much shorter duration and that's why we have asked April 21st to be the date that you report back to the full Committee. At the...at this next...the next Committee meeting, the TIG will report its findings and recommendations but there will not be any discussion, deliberation or vote. And we will deliberate and discuss at our following meeting, at the subsequent meeting. Any questions? Meeting adjourned.

MS. WILLENBRINK: Chair?

CHAIR TAKITANI: Oh, that's why you noticed I held it, you know. Wait, let me look.

MS. WILLENBRINK: Defer the items.

CHAIR TAKITANI: I held my hand.

MS. WILLENBRINK: And while you're looking, I will reiterate he's requested a meeting date of the 21st and I will try my hardest to find a venue and if not, then we will cancel that meeting and poll for a new date via e-mail.

CHAIR TAKITANI: Why are we deferring items if we voted?

MS. WILLENBRINK: Well, they're still...they have to still be alive.

CHAIR TAKITANI: Okay, we're deferring all items.


COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KF and KO)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR TAKITANI: Meeting adjourned. . . .(gavel). . .

ADJOURN: 5:28 p.m.

APPROVED:



TONY TAKITANI, CHAIR
Special Committee on County
Governance

cg:min:160331:acqp

Transcribed by: Ann Carmel Q. Pugh

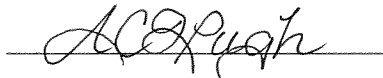
SPECIAL COMMITTEE ON COUNTY GOVERNANCE MINUTES
Council of the County of Maui

March 31, 2016

CERTIFICATE

I, Ann Carmel Q. Pugh, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 27th day of April, 2016, in Kula, Hawaii


Ann Carmel Q. Pugh