

COMMITTEE B
CHARTER COMMISSION
MEETING MINUTES
FEBRUARY 20, 1992
COUNCIL COMMITTEE ROOM

Present

James Cockett (Committee Chair)
Robert Nakasone (Commission Chair)
Victor Reyes
Allan Sparks
Anne Takabuki
Susan Nakano-Ruidas (Staff)

Excused

Sherrilee Dodson
Dolores Fabrao
Annette Mondoy
Jamie Woodburn
Deborah Wright
Lloyd Yonenaka

I. CALL TO ORDER

Committee Chair Cockett called the meeting to order at 2:05 p.m.

II. APPROVAL OF MINUTES

The minutes of Committee B meetings held December 5, 1991, January 9, 1992 and January 23, 1992 were approved as circulated.

III. PUBLIC TESTIMONY

Verbal and written testimony was presented by James R. Smith of Haiku ((see Communication 92-13 attached and made part of these minutes)). Mr. Smith read his testimony and accompanying resolution verbatim.

Smith cited the minutes of the Board of Water Supply January 23, 1990 which covers a contract between the County and Maui Pineapple. "I feel a private company should not be dictating policy to the County Department of Water Service. The implication is that when we are in a drought condition, the company will be given preference. It seems to me that private interest is being protected by that."

Smith also noted that "you cannot distinguish the actions of the Board (of Water Supply) and the effective direction of the Department (of Water Supply)." The department's "budget was approved the same day as the public hearings."

Nakasone: "You're talking about reverting back to a department under the administration?"

Smith: "I was careful in my presentation that the Council would have the power to approve the budget."

Nakasone: "In 1988 the people voted to give the Board and Department semiautonomous status, so what you are saying is you want to go back (to the way it was before that time)."

Smith: "If it's not working, it needs to be revisited."

III. PUBLIC TESTIMONY

James R. Smith (Continued)

Nakasone: "A special Charter Commission already identified that. Two years was too soon to determine the credibility of the change. The Board has the power to adopt the budget and has the specific authority to identify CIPs." The budget "has to be approved by the mayor and the Council has a 2/3 of the Council veto power. So there is a check and balance. All rules that are amended has to go through the mayor and be approved by the Council."

Smith: "In adopting a budget there was no method on the table for financing. The revenues weren't there. I think that reflects a deterioration of the process of government. I think the Council should have insisted that the debt was in place before. The Council needs to know how much money is going to be expended and borrowed, and it didn't last year."

Chair Cockett: We "will take this under advisement. Thanks for your testimony and presentation."

IV. OVERVIEW/DISCUSSION OF ARTICLE 8, CHAPTER 9 - DEPARTMENT OF PERSONNEL SERVICES PROCEDURES

A. Ray Kokubun, Director, was commended on his organized presentation submitted to the Commission. He was asked if there were any improvements or changes to Charter language for his department. ((see Communication 92-09))

"I don't have any additions or changes. The Charter covers our department very well and it's consistent with HRS 76-75 and HRS 76-71."

"The only Charter suggestion I would have (is that) you take a look at the responsibility of the Salary Commission to assign the salaries for all department heads, to include the director and deputy of Water Supply."

Chair Cockett: "We'll take that under advisement. The request is to have the Salary Commission be the complete umbrella over all departments including Water Works?"

Kokubun: "That is correct. That would lend to uniformity and accountability."

V. OVERVIEW/DISCUSSION OF ARTICLE 8, CHAPTER 12 - DEPARTMENT OF POLICE PROCEDURES

A. Howard Tagomori, Chief of Police, stated that "the present Charter provision, as it applies to the police, is a good one; especially that area where it designates the (Police) Commission as an investigative body, to investigate police misconduct. That has been a boost to our department ...and should be left intact."

V. OVERVIEW/DISCUSSION OF DEPARTMENT OF POLICE PROCEDURES

A. Howard Tagomori (Continued)

"One area I feel might pose a problem is ((Section 8-12.2 number 2)) where it states the (Police) Commission shall prepare a budget for the Police Department and submit it to the mayor.

The Commission is not equipped to handle this problem. In reality, it's the Police Department that prepares the budget, with the review by the Commission. Now the problem it could pose is the Commissioners are generally selected by districts - you have one from Lanai, Molokai, Lahaina, Kihei and so on. If they are responsible for the budget, they could very well come to me, as an example, 'I want twenty police officers for Kihei,' and I'd be in a real predicament. Although the mayor has final responsibility for the budget, still from my part it could create a problem."

I think we have the only Charter that, as it applies to the Police Department, this is so. And, again, it has never been a problem, but only because no one Police Commissioner has come in and told me 'I want Kihei to have twenty, or I want Lahaina to have ten.'

(The budget) has to be the responsibility of the Chief of Police. Other Charters in the state provides for a review of the budget by the Police Commission, which is well and good, because this is how we operate."

Nakasone: "I'm not clear. The City and County of Honolulu and Kauai the budget is prepared by the Chief? Hawaii doesn't say anything about it."

Tagomori: "In reality, the Commission appoints a budget committee who meets with me and we present them with our budget. They review it and almost always go along with our recommendations. That could be changed to a review process by the Commission, as opposed to being responsible for the preparation of the budget to be submitted to the mayor."

Reyes: "Just a comment. Under the present situation, it could be the other way, too. The review would become advisory."

Tagomori: "Review, but responsibility of the preparation of the budget should remain with the Police Chief. All the other Commissions have a review process in place, not preparation. They are just not equipped to do that. They meet once a month and most of their time is taken up by review of conduct by a police officer, and that is a lengthy process."

V. OVERVIEW/DISCUSSION OF DEPARTMENT OF POLICE PROCEDURES

A. Howard Tagomori (Continued)

Nakasone: "I have a question as far as qualifications. Do you think the five years minimum is sufficient as a police officer. What level would be administrative?"

Tagomori: "The City and County of Honolulu interprets it as captain and above. On Maui, they went down to lieutenant level, but I don't feel that is sufficient."

Nakasone: "Would you think the Police Commission would identify the capacity, maybe in the rules and regs?"

Tagomori: "In my case, they went down to lieutenant level. Personally, that is not sufficient. Honolulu specifies captain and above."

Chair Cockett: "How many captains do you have?"

Tagomori: "We have six captains, three assistant chiefs and two majors. We're not restrictive on what is minimum number of years qualifications. Generally, it takes five years to be a sergeant. I think we could tighten that."

Nakasone: "We posed that question to the fire chief because the Public Safety Commission had recommended ten years minimum."

Tagomori: "That's realistic, because very few can attain the rank of captain in ten years. That can be specified in the Charter or in the rules and regs."

Chair Cockett: "The Public Safety Commission felt they are not in the safety business, and because they have too broad a title, they felt they weren't really doing this job. The police come under that umbrella also. What's the relationship between the Public Safety Commission and the police?"

Tagomori: "There are many departments throughout the nation where the police and fire are combined, and they are called Public Safety. The Chief would be the Public Safety Director. We've considered that in the past, but unions got involved. I think it would work fine on smaller communities - Lanai would be perfect; Hana would be perfect. The only difference with the Public Safety Commission is the mayor still appoints the fire chief."

Chair Cockett: "They (Public Safety Commission) are asking for the authority to appoint the fire chief, instead of being just advisory, and that's why they recommended ten years minimum qualifications. The gray area might be unions."

V. OVERVIEW/DISCUSSION OF DEPARTMENT OF POLICE PROCEDURES

A. Howard Tagomori (Continued)

Tagomori: "I think there are many jobs police are charged with, which are obviously not emergency, like directing traffic. You have five guys waiting at the fire station-- let's say three of them are assigned to police cars equipped with all fire equipment necessities; two guys are left at the station and it is their job to get the vehicle to the fire. Experience of those (communities who have this system) showed the three guys doing non-essential police work get to the fire faster than those with the fire trucks. They prepare the scene for the trucks -- locate hydrants or save lives. Police work doesn't suffer because you've still got your two guys working. To make this all worthwhile, they would have to be paid more for their cross-training, really cross-trained to be doing fire work and police work."

Reyes: "What is your opinion on qualifications?"

Tagomori: "Ten years would not be that unusual or demanding number of years to ask."

Nakasone: "Would you think the (Police) Commission would identify the administrative level?"

Tagomori: "Our experience here, they went down to lieutenant level."

VI. OVERVIEW/DISCUSSION OF ARTICLE 8, CHAPTER 11 - DEPARTMENT OF WATER SUPPLY PROCEDURES

A. David Craddick, Director, stated "I don't know if we've (Department of Water Supply) been semi-autonomous long enough to get to the position the Charter Commission required of the Water Department. And, that's because the department was under the administration, and it seems like the department has been notoriously short-range thinking on the level of the term of office. And, you've really got facilities out there lasting fifty years or more. The planning range should be fifty years, and having autonomy, I believe, allows that to occur. We've got a lot of problems to work out that we're working on right now."

Chair Cockett: "One of the questions that's come up is the mayor's comment on salary adjustment, and whether it should be according to the Charter."

Craddick: "I'm not sure how the Salary Commission got involved with appointed people. There is a provision in the Charter that we have to be self-supporting, which is the same as the Liquor Control, by State Statutes 8-11.7."

VI. OVERVIEW/DISCUSSION OF DEPARTMENT OF WATER SUPPLY PROCEDURES

A. David Craddick (Continued)

Nakasone: "The Council passed an ordinance to give the authority to set salaries to the (Salary) Commission. It seems there is a conflict in the Charter - who is the one who sets the salaries? We had that argument with the Liquor Control - salaries are determined as part of their expense. Their rates are determined by their operating expense and they cannot increase the rates unless there's an increase in cost. If you look at other Charters, they have departments under Administration, or departments under Commissions, where the Commissions have the administrative authority to identify salaries. You have departments under commission-type authority: Civil Service, Police, Liquor, Water. The Salary Commission was (set up) to keep politics out of it."

Sparks: "Your position is that the Water Board should set the salary, not the Salary Commission?"

Craddick: "Yes, that's my personal opinion."

Nakasone: "The Department of Water Supply -- there is a degree of continuity and it doesn't change if you have a new mayor. The difference is you need that continuity; you can't have it tied to the mayor's term. It's better to have this type of system than one tied to the mayor."

Craddick: "The Water Board preferred me not to submit anything (at this time). The Board is going to submit something on being able to fund ourselves."

Nakasone: "Full autonomy?"

Craddick: "Yes."

Sparks: "Yet, the rules have to be approved by the mayor."

Craddick: "We are the only Board of Water Supply that is like this. With the assessment fees, our own board seems to feel the pressures of the Council, this being an election year. And yet, we've had complaint after complaint from Kula, and yet everybody figures somebody else is supposed to pay for that. Maybe they are. I hear there are no new hotels planned for five years, so you can't expect new hotels to pay for it."

The philosophy behind having the new user pay for the new water is one that is justifiable across the country. If there's some special group, there are ways to handle that special group if the political body wants to give them preference. But, by handling everybody equally, that keeps

VI. OVERVIEW/DISCUSSION OF DEPARTMENT OF WATER SUPPLY PROCEDURES

A. David Craddick (Continued)

the Water Department out of the political business. If you want to implement a fee, various groups come in for exemptions. There are the pressures, to the point where we are going back to see how we can handle special interest."

Sparks: "The pressure is coming through the politicians to..."

Craddick: "If they give special favors, a number of people can file suit against the Board."

Nakasone: "If you go to total anonymous, like the utilities..."

Craddick: "Except (utilities) does not make a profit."

Nakasone: "My personal opinion, accountability -- who do you point fingers at? Appointed positions are really not accountable."

Craddick: "(The Board of Water Supply is) appointed by the mayor, who is elected, and confirmed by the council, who are elected."

Sparks: "But the Board is totally unknown by the public. What you are talking about is the pressure coming from public officials...you would like to be isolated from politics. And, the Board does too, but it does do its business without alot of limelight. This is not something I can see a good way out of, not structured the way it is."

Craddick: "I don't believe it's out of the limelight. The public hearings were well attended. I don't think too many people miss too much when it comes to water."

Nakasone: "On the term of (Water) Board members, we could probably reduce that from five to three years; more people could serve. What would be your reaction to that? Does it require that much time to understand what's happening in the department?"

Craddick: "If the department were alot more organized than they are right now, I would say probably not. In getting this transition period to get long range plans out, then it takes awhile to get board members up to speed. It takes six months to get to know what's going on. They meet once a month.

Is three years too short? That would depend on how many conflicts of interest there are in planning and finance.

VI. OVERVIEW/DISCUSSION OF DEPARTMENT OF WATER SUPPLY PROCEDURES

A. David Craddick (Continued)

"Right now, in comparing our Board with other Boards of Water Supply, we have an extremely active Board--almost to the point where they want to micro-manage what is going on with the department. I don't know if they don't feel the department is moving fast enough..."

Sparks: "Have you had problems with conflicts (within the Board)?"

Craddick: "No, if they sat out, there wouldn't be a problem."

Reyes: "How long have you been with the Department of Water Supply?"

Craddick: "Since November 1990, as Deputy. Last year we had \$16 million in revenues -- money from rates was \$14-\$15 million. We have 140 personnel, with 30 positions unfilled right now, mostly engineering."

Reyes: "What would be your reaction to merging the sewage function with the Department of Water? How can we make running of the county more efficient? What would be more compatible to merge than the sewage with Water Supplies. (You'd have a) manpower pool and equipment. We just have to be open to see the resources we have. We are in a conservation mode; we are in a recycling mode."

Chair Cockett: "There's a resolution (from the Council) to create a new department - the Department of Waste Management."

Craddick: "I know the Honolulu Board is considering doing that, but that's because their Board of Water Supply is extremely well managed and they have a long history. As far as long term goals, for efficiency and effectiveness, you would want them together."

Our Board did elect to look into the use of non-potable water, and actually charging for it. They are going to take on that responsibility."

Sparks: "Fifteen years ago we (the Charter Commission) put in a provision like this, but it didn't get past some legal challenges; something about the department being self-supporting. The real issue here is one of efficiency. Do you think your department could take over waste disposal and the public dollars would be saved?"

VI. OVERVIEW/DISCUSSION OF DEPARTMENT OF WATER SUPPLY PROCEDURES

A. David Craddick (Continued)

"It's going to take three years to get our department up to speed."

Chair Cockett: "What about the other counties looking at it?"

Craddick: "Honolulu is looking at it."

Sparks: "So, the options are:

- 1) We leave it as it is and hope there is some coordination between departments;
- 2) We move that division of Public Works to the Water Department; or
- 3) We create another department of Waste Management, that has to coordinate with the other two.

Keep in mind that the Water Department is semi-autonomous. The other departments operate under the mayor and her appointees."

Craddick: "There's been a problem with (Chapter 11) Section 8-11.7 where it says 'The revenues of the department shall be kept in a separate fund'; there's been a little debate over that issue. The finance department has the position that the money comes in constant...we felt the time use of that money, we weren't getting credit of, and when we tried to separate the funds, there was alot of resistance."

Sparks; "Even though it's supposed to be a separate fund, it isn't?"

Craddick: "We're working towards that. Some of it is; our new revenue bond is; certainly all the other funds should be."

Sparks: "All the keeping of the books...are they kept by Finance?"

Craddick: "Yes. We could go to the gas station and fill up at less than 1/2 the cost they are charging us. And, we could hire one of the partners at Goodsell, Anderson & Quinn at the price they're trying to charge us for Corp. Counsel. I see a battle forming on the horizon in the next budget period."

Sparks: "And, this is our semi-autonomous Water Department! Do other departments have this problem?"

Craddick: "No. If they did charge (back just our useage)

VI. OVERVIEW/DISCUSSION OF DEPARTMENT OF WATER SUPPLY PROCEDURES

A. David Craddick (Continued)
it would be okay."

Sparks: "How is your department treated differently?"

Craddick: "That's the problem. We aren't treated differently. If we got our program up to speed, we've got to have that assessment fee in there. 90% of our infrastructure comes from outside the department."

Sparks: "It seems we've got alot of questions, but I'm not sure they're Charter questions. Your planning is tightly coordinated with the Planning Department."

Craddick: "The Board said we would try to come up with something (to present to the Charter Commission) dealing with rules, and the council and the mayor. Possibly that the qualifications of the director and deputy should be that one of them has to be a registred engineer."

VII. OVERVIEW/DISCUSSION OF ARTICLE 8, CHAPTER 14 - COST OF GOVERNMENT COMMISSION PROCEDURES

A. Ted Stanich, Chairman, noted that before appearing he had polled all his commissioners and they all felt "the term was not long enough. I thought the same thing. We met more often than once a month and still felt we weren't getting the job done. With a two year appointment, possibly that might help us. Maybe we should have looked at a specific area. We took on a major piece of work. Maybe we took too much to do in one year.

Everyone was helpful to us. We interviewed every single one of them (directors) or their deputies, and asked them to give us reports."

Sparks: "Some people doubt the validity of the Cost of Government Commission, in that not substantial changes (have resulted) from their reports."

Stanich: "We got that from the mayor. What she said was that she would try to take our recommendations, if it was geared toward her administration. She had seen in the past where they were just filed away. She said she would try to institute our recommendations.

One of the first things we looked at was overlap. We were impressed that her new directors were already looking into that. I'll give you some examples of our recommendations:

1) Extend terms (of the Commission)

2) Training - we found training to be the major area in

VII. OVERVIEW/DISCUSSION OF COST OF GOVERNMENT COMMISSION

A. Ted Stanich (Continued)

all departments. Keeping the people, and keeping long term employees up to date; making sure they felt part of the team.

3) Computerization - again training

4) Asset Management - coordination between departments of the county assets owned; that's a major job.

You could do (what the Cost of Government Commission does) as a position such as Risk Management, if it overlapped to cover cost; you could do away with the Commission. I'm not recommending abolishing it."

Reyes: "It sounds like a good idea, but you should put more teeth into it. How do you do that?"

Stanich: "The Commission will come up with a recommendation(s) -- how can we get them to listen to us."

Sparks: "More publicity would be one way. If more people are aware of your ideas. Have you thought about making a short version of your report (200-300 words) that could be in the Maui News, highlighting your recommendations; getting 2-5% (a certain percentage) to notice what your recommendations were, then when they meet someone at a cocktail party, they'll have the weight of your report behind them. One publication isn't going to do it though. Then after a year, you check and see how many recommendations have been implemented."

Stanich: "Some things changed just due to departments being changed."

NOTE: Stanich will submit recommendations for Charter revision and a copy of the Cost of Government Commission report (when available).

VIII. OVERVIEW/DISCUSSION OF ARTICLE 8, CHAPTER 6 - DEPARTMENT OF PARKS AND RECREATION PROCEDURES

A. Charmaine Tavares, Director, stated "we have no problems, we have challenges. We have a rather large department with about 400 employees; 170 full time, 260 part time approximately. We have to operate when people are able to 'recreate' and the community has become more aware of recreation, to balance out a person's life.

Aside from sports, recreation includes arts and crafts, dancing...the community has become more vocal about what services they think the county should provide.

Our facilities are in great demand. We are 15 to 20 years behind in the development of facilities county wide."

VIII. OVERVIEW/DISCUSSION OF DEPARTMENT OF PARKS AND RECREATION

A. Charmaine Tavares (Continued)

"I feel we have a need to increase our mid-management staff. Our department is difficult to administer with just four people--myself, a deputy, and two division heads.

I make it a point to go to Community Association meetings so I get a feel for what the community wants. I use it as a guide on recreational programs as well as park development programs."

Sparks: "Is mid-management being added to next year's budget?"

Tavares: "Yes. The administration is very supportive."

"We are running about 72 projects county wide. We have four divisions: Recreation, Park Maintenance, Aquatics division, and Park Planning and Development division. Our goal is to make a facility be attractive for the entire family to recreate together."

Chair Cockett: "What about upkeep?"

Tavares: "We have the Adopt-A-Park program, which works fine for facilities in areas where you don't have constant use. Ideally, we'd try to close some fields down - it is a real problem finding time to rest those fields."

Chair Cockett: "What about liability?"

Tavares: "The County insures itself - it covers everything we do, generally speaking. Where there is an activity, the sponsor would cover with their own insurance and list the County as additional insured. We have been looking at a couple of insurance policies that are around for an umbrella-type activities, ways where we can help some of the smaller agencies that cannot get insurance. Right now it works okay, everybody is treated the same way."

Chair Cockett: "Is there a user fee?"

Tavares: "The user fee ranges from \$10 to \$100, and there is a custodial deposit to cover cleanup of big facilities"

Chair Cockett: "What about the public golf course?"

Tavares: "It's improved alot in three years. It's self-sufficient as far as operations and personnel, but not

VIII. OVERVIEW/DISCUSSION OF DEPARTMENT OF PARKS AND RECREATION

A. Charmaine Tavares (Continued)

as far as CIPs. CIPs are supplemented by the general fund."

Takabuki: "What about youth programs? Is there an overlap of programs with Human Concerns?"

Tavares: "There was a potential for it, but not yet. We've divided it up by age group--intermediate are handled by Human Concerns; elementary and high school by Parks. There really isn't too much overlap. We've been able to work quite well together."

Takabuki: "No definition needed?"

Tavares: "No. The State programs would be the only problem. Generally, if there is a potential problem, it is worked out director to director. We can always fall back on the mayor--that's a nice cushion."

Reyes: "What about the new baseball league?"

Tavares: "The new winter baseball league--they have all the liability in exchange for exclusive use of the facilities for three months out of the year. This is generally our off-season, so we get better utilization of the facility. Plus, with exposure to baseball, we provide role models for our kids. Our attorneys have been extremely nit-picky about the contract, and it's a very pro-County contract."

Right now we're looking at expanding our ordinance to accommodate commercial activities." Some contact us to use public access in the pursuit of their business, like windsurfing lessons. They are willing to pay a fee. We have to tell them it is not allowed under the current ordinance. Some accept that, some just go ahead. "A closer look needs to be taken at the whole ordinance. I don't see it as a real problem, but it could be a potential one."

Takabuki: "Do you hold public meetings?"

Tavares: "We have public meetings on all major projects. We had mandated hearings for over two years on Hookipa. In fact, we held the meetings in Paia; we didn't make everyone come to Wailuku. But the players change in the time it takes to get started, and the new group comes in and says 'why didn't you hold hearings.'"

We work our meetings through the community associations meetings. We use the community associations as an advisory

VIII. OVERVIEW/DISCUSSION OF DEPARTMENT OF PARKS AND RECREATION

A. Charmaine Tavares (Continued)

since most have a park committee within the association."

Sparks: "What about Council approval for your position? Do you think you would have been appointed if your position needed Council confirmation?"

Tavares: "I probably would have been appointed sooner. I'm not in favor of having the Council approval on appointments of the mayor. It's such a public type of position, there is always pressure on the mayor.

One suggestion I do have; you should have (regarding qualifications) some number of years experience related to parks and recreation."

Sparks: "Could you write up as proposed qualifications?"

Tavares: "Yes."

Takabuki: "Would you like a say on the deputy director?"

Tavares: "I do have a say. It wouldn't be necessary to add something because the focus could change, and you need to be able to bring in someone to augment a specific area--say park development."

IX. NEXT MEETING DATE

Committee B will meet on Thursday, March 5, 1992 at 4:00p.m.

X. ADJOURNMENT

There being no further business, the meeting was adjourned at 5:38 p.m.

APPROVED:

James Cockett, Chairman Date

ATTACHMENT: Communication 92-13 is attached and becomes a permanent part of these minutes.