

COMMITTEE A
CHARTER COMMISSION
MEETING MINUTES
MARCH 20, 1992
COUNCIL COMMITTEE ROOM

Present

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

Excused

Dolores Fabrao
Annette Mondoy
Robert Nakasone (Commission Chair)
Sherrilee Dodson (Commission Vice Chair)
Jamie Woodburn
Deborah Wright
Lloyd Yonenaka

Guests

Dave DeLeon

I. CALL TO RECONVENE

Committee Chair Sparks reconvened the meeting at 2:27 p.m.

II. PUBLIC TESTIMONY

None.

III. COMMITTEE A DISCUSSION OF RECOMMENDATIONS FOR AMENDMENTS TO THE MAUI COUNTY CHARTER, ARTICLE 1 THROUGH ARTICLE 7

Chair Sparks: As a courtesy to Anne, I'd like to review our discussion and decision on the Salary Commission. We decided it should be a separate chapter before the Cost of Government Commission, that was one thought there. We didn't just pass the buck, we are also recommending that the Salary Commission have the power to set ALL the department heads salaries, but that for those department heads that are appointed by commissions, they must consult those commissions before they set it.

Takabuki: That's fair.

Chair Sparks: And I think we also agreed to put the basic language that's in the ordinance now in the Charter. The basic language that says "all department heads, "all elected and appointed officials." Because it doesn't say that in the Charter now, it just authorizes that ordinance by law now.

Takabuki: Okay. So they must consult the commissions, including the Water Board, and that means changing some language...

Chair Sparks: So we would delete the Water Board language that is in conflict.

Takabuki: Thank you.

Chair Sparks: Article 4, Ordinances and Resolutions. Do we have any issues there? Anything to fix?

Cockett: Where are we?

Chair Sparks: Page 5. I don't have any notes or anything... And what do those things say? That was probably... 91-10's that big one from the council? And what do they want to do? Oh, okay, I do have a little question mark there on number 3.

"Upon the request of three members of the council, a public hearing shall be held on any proposed ordinance or resolution." They want to change that to five. What do you think?

Reyes: Well, it would be more difficult to have a public hearing if you required five, whereas with three... What is in the best interest of the public?

Takabuki: Was there any comment? Was it said that this is a way being used to stall legislation or going back... because I could see that there could be problems with it if any three members or certain three members would use it as a measure to just stall action. But if we can make it such that it cannot be just a frivolous type of thing and a useless exercise, I mean if they've had a hearing four times on a subject then I can't see having another, but it's my own...

Chair Sparks: Yeah, as you think about it, you can see how maybe there are cases where having another public hearing is just making things go...

Cockett: You want to change it to five?

Reyes: Well, if it's being used as a stalling tactic, maybe the second time around if it's on the same subject, you can require more... I don't know how the language is going to fit in there, but if that's the purpose then we should be able to have some...

Chair Sparks: Well there's always the number in between -- four.

Takabuki: Which is less than a majority, right?

Cockett: Would it be if there was a minority there that wanted to bring this thing out because they could not vote it down, they'd lose because they were overwhelmed by the numbers of councilmen; this gives them an opportunity to bring it before the public.

Chair Sparks: Yeah, and I think generally we want open government, right?

Cockett: Yeah.

Chair Sparks: We don't want them sliding things through too quickly, not having hearings, because they might be embarrassed by the hearings, or just because...

Cockett: Isn't this a vehicle for the minority to bring it forward?

Chair Sparks: So we wouldn't want to shift all the way to a majority, but how big a minority?

Cockett: It has three here.

Chair Sparks: I'm inclined to stay with three right now myself, and lean towards more public involvement even if it is irritating to the majority.

Cockett: It gives them an opportunity to challenge it once more if they...

Chair Sparks: Okay, so let's leave it at three as our recommendation then.

Reyes: Yes. I suggest, Mr. Chairman, that we state that we believe the purpose of this is to have more open communication with the council people and have the public have a better chance to have this type of public hearing, so we don't want the council to control or stifle hearings... I think the purpose of this is for the public to have better access to the council.

Chair Sparks: Yeah, okay. So we're basically not, we're not saying there may not be some valid arguments in some cases, but we'd rather err on the side of more open government.

Takabuki: Right.

Reyes: Right.

Chair Sparks: So we'll leave it alone, and that's in the minutes. Okay, so that was 91-10-5. What was the other part? Communication 91-23, what was that? Oh, yeah, this whole big thick thing here. So we have to thumb through all of this to find out where they are talking about this?

Cockett: I didn't bring mine because...

Chair Sparks: I should read this...

Cockett: Medina wanted the majority to do it, and I think our rationale here is if the majority overwhelms the minority, the minority has no recourse.

Chair Sparks: There's a big speech by Linda, coming out the same way we came out, I think; I haven't read it all.

Reyes: I thought we covered it all...

Cockett: When it states over there that Medina is proposing the majority of five...

Chair Sparks: It's interesting here where Linda's talking about...

Cockett: ...upon the request of five members of the council, a public hearing shall be held. In other words, if you're in a minority, you can't call for it. I like this -- "It ain't broke"...

Chair Sparks: "Keep in mind that our at large system of voting here, that there are representing a specific section of the community. For instance, let's say you are a Molokai representative on the council..." Nobody is only a Molokai representative, because it is a true at large system, but even she's thinking about it in those terms, and the council people, themselves, think about it in those terms, and so everybody's confused.

Reyes: Maybe we can cite that particular resolution, I mean minutes of the resolution.

Takabuki: Maybe it's a good sign though that they feel very accountable to their district...

Chair Sparks: No. No, I think it's normal...

Reyes: And so going back to yesterday, why are we going back to these district things, I guess we should just float ahead of time that this is what we are considering and depending on the feedback, make a...

Takabuki: I guess I should just say again for the record, my feelings are the best of both worlds would be an at large with district representation, and maybe refining that district representation. And that's just my personal...

Chair Sparks: But you see, I'm going to argue hard to get you to change the way you say that, 'cause it is not district representation. It's residency...

Takabuki: Yeah, okay. It's district residency...

Chair Sparks: It's not even district residency, that confuses it. If we say residency requirements in an at large system, I think it's clearer language. And that's why alot of people get confused sometimes.

Takabuki: You're right, but I think many of the council members do believe just like Linda.

Chair Sparks: They operate almost like it's a district system, even though it really isn't, and they look to a Molokai representative for Molokai issues, and a Lanai representative for Lanai issues, and the mayor does, and the public does. So in a sense, we have a kind of, what would you call it, a bastardized form of district representation that gets around the one man, one vote rule. But I still don't think it's as good as real, true districts where nobody is confused. And, there's better accountability, too, for the citizens.

Takabuki: We can talk about that.

Chair Sparks: We have talked that. Okay, so we're going to leave it at three members for a public hearing.

The only other thing I see in here is the degendering of the language. But then, I haven't read it really close. We're going to degender the language--that's and easy, technical thing.

Do we have anything else to worry about here? Nothing else comes up 'til 6-2?

Cockett: Uh, no. Section 4-3. There's a language problem there, on the bottom, submission of bills to the mayor. "Every bill which has passed the council shall be presented to the mayor for his approval."

Chair Sparks: "for approval" it's going to say, when they degender it. We're not going to deal with that his and her/he and she, that's a technical thing.

Cockett: Then 6-2 is the next one?

Chair Sparks: Well, while we're at it, maybe we ought to glance through these paragraphs and see if we notice anything obvious, even though nobody has brought up anything. I guess we can assume it's probably in the category of it doesn't need fixing if we haven't heard anything.

Takabuki: There may still be some discussion on 4-3, section 2 and maybe 3 even, depending upon what the council side says about budget ordinances, because those deal with the mayor's ability to line item veto and all those kinds of things. I haven't heard anything though.

Chair Sparks: I wish Bob were here, because I know he's very concerned about the fact that the mayor can just refuse to spend certain monies.

Takabuki: Yeah, he mentioned that.

Chair Sparks: Even though the Mayor vetoes something, and two-thirds of the council

Chair Sparks: (Continued) overrides the veto, they still cannot force the mayor to spend the funds. Is that right?

Takabuki: That's right.

Chair Sparks: Is that a problem? Aside from the vested interest of the council and the mayor, when there are struggles over what the priorities are, is it something that needs fixing for good government?

Takabuki: I tend to think if the project was important enough, you really wouldn't have that occurring, where the administration wouldn't implement something that's really needed. It's a matter of whose prioritization counts, and the council has its own reasons, but then so does the mayor.

Chair Sparks: Well, but the theory is that the council is the policy making body, and the mayor executes policy, although we all know that the mayor gets involved in policy situations, proposes the policy by proposing the budget and so forth. So it's one of these balance things, checks and balances. Should one side, the mayor's side, be able to ignore the policy that the council has set? Does anyone agree with it? Have you seen it happen a lot?

Takabuki: I think maybe Bob had a situation in mind. I really can't recall off hand when it was that huge a problem. And, normally with enough public pressure, an administrator like the mayor would spend money if it's truly something the public feels needs to be spent. But I don't know. Maybe we need to talk to Bob.

Chair Sparks: The first question is, is it really a problem that needs fixing? Bob certainly thinks it is. And the second question is, well if it were, what would we do, what could we possibly do that would fix it without making more problems somehow?

Takabuki: I don't have an answer to that.

Chair Sparks: I don't either and I'm not sure whether it would be in this section or not that we dealt with it. Maybe it wouldn't. Or is it in budget procedures section, or...

Takabuki: I think it's related to this section.

Chair Sparks: This is interesting. This is a bill about appropriating money and it says that the mayor can veto, give the reasons, "and the items or portions thereof so vetoed shall not take effect unless passed, notwithstanding the mayor's veto." That would seem to say that the mayor has to follow. No?

Takabuki: The appropriation can be overridden by the council, the veto overridden rather, and it may stand on the budget, but it still doesn't mean that the money needs to be spent or released. I thought that was the situation he was talking about.

Chair Sparks: It is. But this says "items shall not take effect unless passed notwithstanding the..." To me, that means that the items shall take effect. That would mean the spending should be done, in my common sense use of the language, but...

Takabuki: But that's not the way it works. The appropriation may be valid, but it's not necessarily spent. So it will stay on the books and it'll be there, and be available but it's not necessarily, like I said...

Chair Sparks: Is that covered in the budget procedures back there then?

Takabuki: No. The only way it's addressed is after a certain amount of time it lapses if it's not spent. And that was another concern I think he had, was that things just lapse or can be abandoned by administration.

Chair Sparks: That's exactly his problem.

Takabuki: We can probably discuss this next week.

Chair Sparks: Okay. I don't see anything more in Article 4. Does anybody else?

Cockett: Nope.

Chair Sparks: Article 5. County Clerk. We didn't get any suggestions of anything needed fixed from Daryl, did we? Okay. Let's assume that one doesn't need any fixing.

Article 6. Executive Branch. And we get to the appointment and removal of officers and employees. That's a big item here. How are we going to cover the situation where the appointee is not approved, and Paul was going to get us some language and he hasn't done it yet. But, you know, even short of the precise language, it might be useful to discuss what we think makes sense here.

I think some of the disagreement here comes down to whether there should be a sixty day period to come up with a new appointee, or a thirty day period, right? Is my memory correct there? Or something in between? And council was pushing for thirty days?

Takabuki: I think what was the object of the council's was that if within thirty days there was no new name submitted, I believe they had some right of appointment. Is that your recollection?

Chair Sparks: Did they want to do something like that? Was that what they were...

Dave DeLeon: That was Goro's proposal. Goro's proposal I thought only dealt with the legal officers.

Takabuki: And there was some opposition to that.

Chair Sparks: I don't think I've seen Goro's proposal.

Dave DeLeon: You guys all got a copy of it, I think. It came as Goro's proposal, it didn't come as a council...they were trying to address the problems they had with the change.

Chair Sparks: 92-03. Proposed charter amendment regarding corporation counsel and prosecuting attorney. Right. [Chair Sparks read communication 92-03 verbatim.] And, then the same thing for the prosecuting attorney.

Dave DeLeon: Yeah. The idea...what killed this wasn't the thirty days. I think they were talking about forty-five for awhile too, but killed this was the idea of the council actually appointing the two legal officers, in the interim until the mayor comes up with one. I think that's what got Mr. Bagoyo in opposition to that.

Chair Sparks: So they could use this to take over all those offices by just continually disapproving...

Dave DeLeon: Well, that's one scenario that's possible. Whether or not you could get away with it, whether the public would allow that, I don't know.

Chair Sparks: Okay. So. [Committee members were directed to look at minutes of the November 21, 1991 meeting for the mayor's position on this.]

So she's saying there's no limit on the time it might take the council to approve the appointment. And she's suggesting "If the appointment's not confirmed, another holdover period of sixty days should apply."

Meaning that same person who's not approved can holdover for another sixty days? I'm not sure, it's not clear.

Dave DeLeon: I think she wanted another sixty day holdover period--period.

Chair Sparks: With the person not approved still in office.

Dave DeLeon: No. Just one sixty day period is all I knew she was talking about.

Chair Sparks: That's not what we've got here in the minutes. "The mayor felt it essential for consistency...that sixty days be allowed for council confirmation. If the appointment is not confirmed..." Again, it's not clear whether it means they don't get around to it, or they deny the confirmation, but anyway; if it's "not confirmed, another holdover period of sixty days should apply, and a new name submitted and a response within sixty days expected." It doesn't make it clear that the person not confirmed can't still be in office.

Well, whatever the mayor has suggested, we have to come up with our best judgment on it. Clearly this is one where there can be very different suggestions from the council's side and the mayor's side, so what would be a good judgment?

Takabuki: I think there has to be time limitations on both sides, just as a basic starting point. Because she's correct, there isn't any particular time frame.

Chair Sparks: Right. So we should have some kind of a language that gives the council a certain length of time to confirm...

Takabuki: Right, and also giving her a certain amount of time to resubmit or to submit initially. And right now...

Chair Sparks: Initially. But she has to do something initially, right?

Takabuki: Well, it's implied here that you have a holdover period from the very beginning of her term, or his term, under that section. The term ends with the office of the mayor, but has a sixty day holdover period. So...

Chair Sparks: And they shall immediately vacate their respective offices at the end of the sixty day period or upon appointment of successor, in accordance with the Charter whichever comes first.

Cockett: Allan, I'm a little confused here. Maybe you can enlighten me. Number 3, where it states the term of office. "...administrative head of a department who is appointed by the mayor, including the corporation counsel and the prosecuting attorney, shall end with the term of office of the mayor, except that any such administrative head may be earlier removed..." Now who would remove that?

Chair Sparks: The mayor.

Takabuki: The mayor would, could, and recommend to the council. They would need also to approve that. There is a method for that.

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Cockett: "...as provided for in this charter." Where in this charter does that...

Chair Sparks: Under each department, I think, it says who appoints and may remove and usually...

Cockett: Okay. I thought...

Takabuki: There's another issue in there though. Like you mentioned, when the term of the mayor ends, like Tavares, well, the mayor can have two terms. So, there was an issue at one time whether or not when that one term ends, if he or she is elected to another term. And I think that's where some of this all started to come out. And it's still not absolutely clear, although I think that's the way...

Dave DeLeon: There was some unhappiness that they weren't able to get at a couple of the appointees, and then they've got that in the charter, and then the next time around, the mayor was reelected again, they were able to say, okay, we have to re-confirm some people.

Chair Sparks: So, if somebody is reelected, then all their appointees that have to be confirmed, have to be confirmed again?

Takabuki: That was the intent.

Chair Sparks: That was the intent? Are you sure it was the intent?

Takabuki: That's my understanding.

Dave DeLeon: I couldn't find out what they got Mr. Betts on.

Cockett: Yeah, I was going to mention that's where I think Betts had a problem. And he was not confirmed.

Takabuki: Right. But he had an earlier appointment, I guess, or in an earlier term with the mayor, said that he was not required to go for confirmation. And that got the council a little bit upset, so they wanted to clarify...

Chair Sparks: Well, what do you think? Is it a good idea to leave it that way?

Takabuki: That they should be resubmitted for confirmation?

Chair Sparks: So that the council gets a shot at them at the end of the first four year term? I'm sure Bob wouldn't hesitate to say yes.

Takabuki: I think it's fair.

Chair Sparks: So after that experience with them, if they are really goofing off, even though they are still buddies with the mayor, the council gets a shot at them, right? Sounds okay to me. So we leave that part then alone.

Cockett: Okay.

Chair Sparks: But we still have... So the mayor basically has a sixty day period to reappoint. And it doesn't say anything about how long the council has to act on the appointments.

Takabuki: Well, I think what this says is the incumbent has a sixty day period to stay in that office, but it doesn't necessarily mean that she only has sixty days to put a name down there because, right now if you read it just like it is, couldn't she conceivably appoint someone else after that sixty days to be acting? And wait as long as he or she decides to wait?

Chair Sparks: I guess you're right. At the end of...shall immediately vacate at the end of sixty day period, or upon appointment of a successor according to this charter. So they could run through the sixty days, leave on the sixty-first day, she appoints somebody acting and never does get around to appointing somebody full time.

Takabuki: Well, I think it's possible.

Chair Sparks: So, do we want some kind of a limit on both sides?

Takabuki: I think that's... To me, that would be the fairest approach.

Chair Sparks: What do you think?

Cockett: I don't know.

Takabuki: He or she has a certain amount of time to submit, and they have a certain amount of time to act or react...

Chair Sparks: So neither one can play games forever and ever. What do you think, Victor?

Reyes: I think we are addressing two issues here. This is dealing with incumbent, I think it arose when there was a reappointment that was turned down by the council. But then the mayor left the person there, where in the beginning the person was not an incumbent to begin with. So I think we might have to probably create two different situations -- one dealing with incumbents, and then another, maybe paragraph, dealing with new appointments.

Chair Sparks: I think the incumbents are pretty well dealt with. I mean they have sixty days for a new appointment or they are out.

Reyes: Yes, that's what I'm saying. This one here deals with incumbent, but maybe, to deal with the situation, we have to create another charter dealing with new appointments and what happens thereafter. And, putting the two together here, which might still create that gray confusion...

Chair Sparks: And do you agree that there needs to be some time limits on the mayor as well as the council?

Reyes: I believe so.

Chair Sparks: So, we're in agreement with that much.

Reyes: But what I'm saying is that maybe we should have a separate charter number, maybe number 4, to deal with new appointments and what happens if the appointment is turned down by the council.

Chair Sparks: That's a good idea. Keep that in mind...

Reyes: Then we clearly delineate what we are talking about and the

Reyes: (Continued) charter becomes more specific. No one can go after, well you know according to Article 6-2-3.... Whereas now you have a separate section of 6-2.4 that deals with your appointments and what happens with council turning it down.

Chair Sparks: How it's worded, whether it's a new part or not, we can kind of leave up to the legals, unless you can come up with...

Takabuki: Well, I guess I was just really thinking about whether this sentence is really necessary on this holdover business. If we had something to the effect that within sixty days the mayor shall submit her whatever appointment to the council for confirmation. Because if she wants to reappoint an incumbent, that's fine.

Chair Sparks: Well, okay, within sixty days she has to do it.

Takabuki: Right.

Chair Sparks: But what happens within that sixty days? Who's in office?

Takabuki: It can be... You know, then we have to clearly say she has some acting power. I mean, it could be somebody else. Well, if she didn't want to allow someone to have a holdover, she would have to have the authority to appoint an acting. I don't know if that would realistically happen. I think if they close out the term with her, that she'd want to continue them.

Chair Sparks: This is kind of confusing but it just occurred to me, this is connected also to when they take office, because there was some talk about why wait until January Second, why not do it the first week in December. So, if we do that, then we have less time after the election to find folks, right?

Cockett: You're kind of talking about two power bases that's kind of in conflict. From the mayor's side, if she reappoints an incumbent, he has sixty days.

Chair Sparks: Well, she has sixty days to reappoint an incumbent. Apparently the incumbent will be in office sixty days until she makes an appointment.

Cockett: Or by the same token, if the council as the other power base, doesn't want that person, she can retain whoever is there for sixty days.

Chair Sparks: Well, by just not making an appointment, you say.

Cockett: Yeah, I mean she has sixty day leeway. It's kind of odd, I mean it's kind of a...

Chair Sparks: So Anne, you are suggesting that when the new mayor comes into office, like Linda just did, you would want some language in there maybe that says she has the power to appoint acting department heads, and within sixty days has to appoint permanent department heads. And then the council has 'x' days to respond, and if they turn one down, that person is immediately out, and a new acting has to be put in, and a new permanent one appointed within 'x' days. And you keep that going, is that the idea?

Takabuki: Off hand, yeah.

Chair Sparks: So you don't have people from a previous administration as holdovers during the beginning days of the new administration.

Takabuki: Well, I don't think there is a right to a holdover.

Chair Sparks: Unless the mayor wants to do that as an acting...interim acting thing. And you don't have anybody sitting there once again disapproved by the council.

Cockett: I guess this past scenario is what we are talking about, isn't it? I think it's a good case point. I think we ought to look at that specifically. Was there any other resolution? Oh, they had hired attorneys, had they not?

Takabuki: I think that's been pretty much shelved.

Chair Sparks: Well the problem was when they hired attorneys, the attorneys looked at the Charter and they didn't get much guidance in the Charter.

Takabuki: It's not clear, and that's basically...

Chair Sparks: That's why we're trying to fix it. That seems common-sensical to me.

Dave DeLeon: The thought I had about this thirty days versus sixty days was though is that if you consider that the term of office for the mayor is about 1,440 days. What's the big deal with thirty days or sixty days?

Chair Sparks: Well, it isn't just how much time the mayor has in office, it's how much time the whole county has to work with acting, instead of permanent. You get one that's permanent and confirmed, then you've got somebody with a little bit more clout and authority, maybe a little bit more self-assurance. Things aren't limping along quite as much, it seems to me.

Dave DeLeon: The problem is finding the person.

Chair Sparks: And having gone through the experience of trying to find people lately, you're sensitized to how difficult that can be, right?

Cockett: It is difficult. The guy's going to give up his practice, per se, to make the change, I mean that takes alot of thought. You can't do it quickly.

Chair Sparks: Well, I'm thinking now, we can maybe think about the sixty days/thirty days and make a recommendation, keeping in mind that this goes to the full commission for more discussion on it. Whatever you want to do. But, we have agreed that we need to install some time limits on both sides, whatever they are.

Takabuki: Yes.

Reyes: May I read something?

Takabuki: Sure.

Reyes: Okay, I think I've found it. It's on page...I think I can start here. "Bob Nakasone: On Maui, all appointed by the mayor are not confirmed by the council, but for removal, the mayor can remove without confirmation. Only in hiring they need confirmation of the council. What's the logic to that?

Bathae: I suppose it's tempered by the fact a new person has to be approved again by the council. We don't want to force the mayor to work with somebody. I think that is the funadamental reason. The managing director is appointed by the mayor and removed by the mayor.

Nakasone: That's the check and balances.

Reyes: (Continued) Mancini: I assume the Big Island doesn't have a provision dealing with temporary appointments.

Bathae: No. We had a proposal that required the council to act or confirm or deny the mayor's appointment within forty-five days, and a department head within sixty days. And if the council didn't act within the time period, he was deemed to be confirmed, and they took office on appointment. Dante and Steve Yamashiro, chairman of the county council at the time, got into a fight because Dante appointed people and then swore them in. Yamashiro took the position that since they weren't confirmed, they couldn't be appointed. Well, I did a paper on that and Yamashiro was wrong. You don't have it in there as a void. The one did pass. That's really not a fair situation, a person needs to know whether they have a job or not.

Mancini: In the controversy here (Maui) the mayor sends down appointments. The time element wasn't that significant. The council denies the appointment. The mayor keeps existing officials in those slots until a new appointment comes down. The issue is the people who were initially appointed as acting, maintaining that position after being denied that position by the council."

And it goes on and on. Oh, you were reading the same thing?

Chair Sparks: Yeah, I'm following here. But basically he ends up saying that they should be out.

Reyes: And Bathae said "These were positions where the council was required to approve? I think I would have taken the position that a person takes an office upon appointment, subject to confirmation by the council. And, if he doesn't get the confirmation, then they are out."

Chair Sparks: "But if you keep the same person on as temporary, you are keeping on a person the council has rejected." I don't think there's a lot of disagreement with that. I haven't run into anybody that says somebody should be in the office after they have been rejected. Everybody clearly agrees that should be the end of that person's service.

Cockett: He was working in the office prior to his appointment, is that correct?

Takabuki: And he still does. And he still works in the office.

Cockett: That's a unique situation, to weather the elevation, get shot down, but he's still there.

Chair Sparks: Well, council doesn't have authority over who gets hired underneath...

Cockett: But, it's kind of a mockery, though, because he's probably in there doing...making decisions, without being the head person, I presume, I mean, I don't know how the office works and...

Dave DeLeon: No. He's not the head of the office, de facto or otherwise. No, he's back in court doing litigation.

Cockett: That was presumptuous. I'm sorry.

Reyes: I think the other issue here is can the mayor preempt the appointment power of a department head, or the hiring power of the department head. It's not addressed in the Charter, but I think it's also important.

Chair Sparks: That's a different issue, whether the director hires his deputy or the mayor gets into the act. I'm not sure we could fix that even if we wanted to, because the mayor's going to want to have things under their control, and they are probably going to work with all their directors as appointees and get involved in hiring deputies, and some other people too, I suppose.

Cockett: Can we just switch the scenario over a little bit more. Say if this guy was really, I mean not that he is but, was really a nice powerful person the mayor liked. The guy did not get appointed but he stayed on and the mayor puts someone in that's approved by the council. He is the head of that department. I don't know how the department works but, internally they might have a relationship where the secondary person who was turned down by the council would have some say in that office, not necessarily today, but I can see that in business somewhere.

Chair Sparks: A titular head and then a behind the scenes head? Can we fix that? Without making bigger problems, I mean how would you...

Cockett: Well, in my business, if it's a temporary hire like that he stays on and makes decisions until we get the other guy. But by law, I guess he's out.

Takabuki: I don't think we can address that. I mean otherwise you'd have to say, if rejected they shall not be an employee of the county as of that date, and that...

Cockett: That's a different story, now if...

Reyes: In that capacity...

Takabuki: Well no, what he is saying is they can still be in a different capacity but still call the shots. So what are we saying then, that in this situation then, that Cyrus couldn't go back to the department now, he would have to go be a prosecutor?

Chair Sparks: That's a great one. If I accept your appointment and the council turns me down, I can't work for the county ever again?

Reyes: I don't think that's fair.

Takabuki: I don't think we can fix it.

Chair Sparks: No that's not going to work.

Takabuki: It's a valid point, but I don't know how you would do it.

Reyes: Because in the beginning, if you are requested to serve at that level, you know, you did not call the mayor--mayor-I'd like to be in this position now, I'll take the raise, if I get rejected I... That doesn't make sense.

A person, I think, is being asked to serve in a certain position, you know, and if he or she gets turned down I think that person should still have...

Takabuki: Be able to go back to where they came.

Chair Sparks: Okay, we don't have any problem with that, so we just kind of imagined there might be something we could fix, but I don't think we can.

We've agreed we want some kind of time limit on both sides in this process. What kind of time limit do we want to recommend? Any strong feelings?

Cockett: Thirty. Sixty. How about forty-five?

Takabuki: Forty-five or sixty. I don't like the thirty days.

Cockett: Thirty is too short.

Reyes: Why not sixty days.

Takabuki: And even that, see, is not really addressing how much time she has. But say sixty is pretty much a guide, even with boards and commissioners. Sixty days is pretty much a guide.

Cockett: I think sixty should remain.

Chair Sparks: So, you want that for each loop in the cycle? So, she has sixty days... And, I think you could do this, being you're the legal beagle here, come up with some wording here that gives her the power to do the acting thing in the interims, right, and the sixty days to appoint the permanent head. And then the council sixty days to approve, and if they don't act in sixty days...

Cockett: They get approved automatically.

Takabuki: Do you want it 'deemed approved'?

Cockett: By not acting, it's almost like accepting. I think if they don't want it, they certainly are going to be there in force. I think a lot of things are said that way...

Chair Sparks: That's where the Big Island had a little snafu though, right? The mayor appointed and then swore them in and so forth... Maybe that's not connected to the... Well, what do you think?

Reyes: Mr. Chairman, is it anywhere in the Charter, I don't recall, where the council has to act within thirty days?

Takabuki: No, they don't have to act.

Chair Sparks: There's things in the budget process. I can't think of anything wrong with making them permanent head if the council doesn't get around to acting.

Reyes: Okay. What is reasonable time? In other words, do we need to give the mayor more time than it is for the council to act on the mayor's recommendation? Or, should it be the other way around? Which is more important?

Chair Sparks: I think if we give the mayor sixty, we should give the council sixty, myself.

Takabuki: I think we should give them sixty. There are so many processes the council has to go through.

Chair Sparks: Then if they disapprove, the mayor has the power to put an immediate acting one in, and that person cannot serve, we want the language clear on that...

Takabuki: That person cannot serve?

Chair Sparks: ...as the department head.

Takabuki: Oh, the one who is rejected can not serve, right. But she can pull someone else from the ranks and they can serve as acting for...

Chair Sparks: And then she has another sixty days?

Takabuki: I would think forty-five days.

Chair Sparks: Now we've cut it back to forty-five?

Takabuki: I would look at it differently. I would look at a different time scheme.

Chair Sparks: The second loop is different?

Reyes: Right, because the government is running, okay, and you...

Takabuki: Yeah, and time is important to me and I think what happens is the administration sees the writing on the wall, because the council is going to take an action, most times in committee, and there will be another so many days before you have the final whatever on the floor. I think there has to be some...

Dave DeLeon: It didn't happen in this case though. The committee approved it, and everybody assumed it was going to pass, and at the last minute they changed it and...

Takabuki: At the last second? There was a lot of grumblings on that one.

Dave DeLeon: She had a good reading that they were going to approve it.

Takabuki: Until that very day?

Dave DeLeon: Until Joe Cardoza showed up...

Reyes: I think the root cause of that was what became more of a personally emotional one, rather than on the technical merits of the candidate.

Chair Sparks: Well in any case, under your proposal, even if they didn't have any warning, they still have forty-five days, and most times they might have a couple weeks warning anyway, tacked on to the forty-five days, is what you are saying.

Takabuki: I would think in most cases. This was kind of unusual.

Chair Sparks: What's the logic for not having it sixty, then?

Takabuki: Just because time is of the essence, to me. I mean it becomes a point of how long does this go on, with a limbo type of state?

Reyes: Also, in addition, the mayor should have had, you know, the list of at least number one, number two, and...

Chair Sparks: Hopefully, a new mayor is not dealing with several hundred appointments at the same time by this time, right? I mean, there are only a few that are rejected...

Cockett: I don't know the process, but would she take about three or four

Cockett: (Continued) candidates and see if they are interested? Before she makes her selection?

Dave DeLeon: Something like that. The trouble was there wasn't that many candidates that she could call...

Cockett: That's what worries me, because if a guy gets called to serve, and he thinks it over, he has to give some thought to his practice, whether he's going to be taken out of a mainstream as far as his ability to earn a good living...

Dave DeLeon: There's also a problem that after a bloody little fight like what we had the last time, not alot of guys want to get involved in it.

Cockett: That's why the forty-five days kind of made me think, because I think she may want more time to really talk a guy into accepting that job.

Chair Sparks: And he may need some time to...

Cockett: To make a decision.

Chair Sparks: ...to make a decision or get loose from his other job.

Takabuki: I can live with that. It's good arguments either way, because then certainly the council would still want sixty days, so maybe that does make more sense. Sixty/sixty.

Chair Sparks: Sixty/sixty and then the next time sixty/sixty again, and then sixty/sixty again, right?

Cockett: Hopefully they don't go to more than that.

Chair Sparks: But in the meantime, the mayor is appointing the acting, even if somebody is playing games with it, alright?

Takabuki: Appoints the acting after the rejection, so that person could have 120 days as acting.

Dave DeLeon: The critical part is with the prosecutor's office. When this thing came out there was a whole bunch of guys lining up cases to throw out the critical cases...

Cockett: That's right.

Chair Sparks: Well, we're fixing that by making it clear that the mayor can put somebody in acting authority right away.

Cockett: Yeah, I think that's important. Somebody to run the office.

Reyes: And if that acting turns out to be the mayor's nominee, well...

Chair Sparks: So now, in some cases, the acting may be the permanent appointee, and in some cases not, right?

Cockett: But then again, if the acting goes up to be confirmed and he doesn't get confirmed, then he's out and then you've got to get another acting.

Chair Sparks: Another acting right away, that's right.

Cockett: But that kind of scenario you wouldn't want though.

Chair Sparks: Well hopefully you don't get it very often, but at least we've got it covered if it happens, I think.

Reyes: And if it becomes a problem again, maybe the next Charter review will say "we'll narrow it down to thirty days--this is too long!" Hopefully not, but...

Chair Sparks: Anne, can you draw up some language and then work with Paul Mancini who was also trying to get up some language to help us...

Takabuki: I know he is in a trial and he is real busy...

Chair Sparks: So that by the time the Charter whole commission starts looking at it, we're looking at some words...

Takabuki: Okay.

Cockett: Don't we have anybody here, I mean from the...

Chair Sparks: That's okay. We've got on board lawyers and our hired hand, we'll get a hold of him at some point, get him to check it out...
So, sixty days cycles, right?

Reyes: And is it going to be a separate part, Mr. Chairman?

Chair Sparks: I don't really care, whatever our draftsmen think.

Takabuki: Okay.

Reyes: At least make it distinct.

Chair Sparks: Okay, thanks for your help on that. That was a good healthy discussion on this controversial thing. So, moving on to 6.3 Powers, duties of administrative heads of departments. Is there anything there that needs fixing?

Cockett: It ain't broke.

Chair Sparks: I don't know of anything.

Takabuki: No, nothing. Al, back to 6.2, I do recall Bob again having some concerns about some qualifications, or some kind of checking into department heads' qualifications by some kind of a... Was he saying a commission, I don't recall exactly. But he had concerns about that.

Chair Sparks: Civil Service Commission he was thinking could be used to screen applicants to see if they meet minimum qualifications. Something like that.

Cockett: I think that's an assignment that he had given me that I failed, that he wanted more input from Kokubun, is his name.

Chair Sparks: As we talked about this stiffening the qualifications for department heads, I got the feeling that most of the people you talked to were pretty satisfied with the way it was.

Cockett: Yeah, because it's a unique group I think. If you're going to look for some high powered guy, you're going to have to pay him, and the salary range that the county pays, it has to be broad so that they can get somebody to fit within the structure.

Chair Sparks: And there is always those unique cases where somebody doesn't have a lot of fancy things they can put on their resume, but they really are good, prove to be good very quickly after they've been hired. So there's all those arguments for flexibility for when the mayor takes the risks and puts their own team together.

Cockett: That's why I think it's important that she have a team, for a check and balance, because she needs somebody to help her run the engine.

Chair Sparks: Yeah, I'm not really persuaded with the notion that...of trying to do anything specific on qualifications.

Takabuki: I think it's very difficult to do.

Cockett: It has to be broad. I think we got some feedback like that in some of the interviews we had.

Chair Sparks: Yeah, we did--fairly persuasive.

Takabuki: Unless there was something really specific...

Reyes: And the other thing is if you try to do that, you're narrowing your options, and therefore in essence, narrowing the option of the county to hire from a broader segment of...you know, pool of people with different qualifications...

Chair Sparks: Of course Bob's point was, and in a sense he did want to narrow the options, so there would be some guarantee of quality appointments, is what he was hoping to try and find a way to do.

Cockett: But do they serve at the pleasure of the mayor or of the council?

Dave DeLeon: If the qualifications were stiffer, there would be some people who wouldn't be here.

Cockett: Are you talking like the planning director or the finance?

Takabuki: Like Georgina, she worked her way up the ranks, and I don't think there's any question she's qualified, because of her background...

Dave DeLeon: The council didn't think she was qualified. They wanted to cut back her salary because they didn't think she was going to hack it.

Takabuki: That was... I remember that discussion.

Dave DeLeon: They distinctly didn't think she was qualified because she didn't have a degree. And she proved herself; she didn't have the paper qualifications, but she did it.

Takabuki: She got the full salary, as I recall.

Dave DeLeon: Yeah, she did. And everybody was satisfied after the fact...

Takabuki: Part of the history behind that is that position had been upgraded, if you recall, because the incumbent had a masters, and that was part of the background on that dispute, so...

Cockett: Which one is this?

Takabuki: Budget Director. That was the history behind that one.

Chair Sparks: I'm inclined to leave the notion of stiffer qualifications, somehow or other administered by, or screened by another body, lie as a sleeping dog. If Bob wants to raise it later, which he has every right to do, so...

Okay, 6-2 we're past. And 6-3 we don't find anything on... And, we are up to Article 7. The office of the mayor. At first I didn't see much on my book about that, but reading right underneath, on 7-2. Election of the mayor and term of office...

"The voters of the county shall elect a mayor whose term of office shall be four years beginning at twelve o'clock meridian on the second day of January following the mayor's election."

There's so many real interesting thoughts about why wait that long. And then there were some countering thoughts that, well, they need that long to put together a team. But you do have from about November 11th, so you've got three weeks in November, four weeks in December, with a real lame duck that's just about to leave, right? Do you need that long a period?

I think it was one of the other Charters that starts on about December first?

Takabuki: December first, I think it is. I think a couple, if not all... This is County of Hawaii, definitely starts on the first Monday of December.

Cockett: What about Oahu?

Takabuki: Oahu. I don't have Oahu. And I think Kauai is December.

Cockett: That's a good point.

Takabuki: It seems to me that if the mayor wants to take his or her time in building a team, it's up to her. In this case, I know, Mayor Lingle took awhile to fill all her cabinet positions, but that was her choice.

Chair Sparks: Here's Kauai. First working day of December following his election. First working day of December, which is better than the first Monday because sometimes those Mondays are holidays--not in December though, huh?

Takabuki: Let's see now. But if the council term...

Cockett: Regarding Oahu, it's similar to ours. Let's see, "beginning at twelve o'clock meridian on the second of January.

Question. Does it make any difference? Or why would they be different that we are? Why are we patterned after Oahu, and yet the other two islands are not? I should think there must be a reason for it. Things take a little longer on Kauai and Hawaii?

Chair Sparks: Well, it's Kauai and Hawaii doing the first working day in December.

Cockett: What I mean is it takes them a little longer to get organized, that's

Cockett: (Continued) why they have to start earlier?

Chair Sparks: Well, I think the organizational argument is that a new mayor needs longer to get organized before they're ready to take over. That would be the justification for January.

Reyes: Or could it be that it's just a simple chronological date? You say year -- starts in January, and it could be just basically that.

Cockett: But the incumbent is lame duck.

Chair Sparks: You're really not going to have much of any government action going on in that period there before the new person takes over.

Takabuki: Actually what sometimes happens is you have a lot of activity taking place, because you do have a limited time. I don't know if it's truly lame duck.

Cockett: I'm just curious.

Chair Sparks: A lot of action by the new people? Oh, by the old people, okay. Yeah, you're right, I guess I...

Reyes: Plus, isn't it that you need two teams for transition?

Chair Sparks: Now Kauai, excuse me for the interruption, but there's a consistency. They have their council members starting on the first working day of December also. About three weeks after the election, it's been decided, the voters say these are the people we want, they put them into office.

On the Big Island, is it consistent?

Takabuki: Yes, first Monday of December. I would think you have to be consistent.

Chair Sparks: Well, we have a resource here who's just involved in a transition, a starting up of a new administration. What do you think? First working day in December? Would that be too fast?

Dave DeLeon: I think this mayor liked having her transition time. I think she used it well. The other thing is, the weird part of that time of year of course is the holiday season...

Takabuki: It was a good period for us. The new mayor was around and trying to come up and sit with the former mayor, sit with some of us, and I think it was helpful.

Chair Sparks: But I guess the real question is, do you need seven weeks to do that or would three weeks be enough?

Cockett: What would happen if the mayor, after serving one term, four years, was defeated? By the new mayor coming in, now he was defeated, he didn't serve two terms. Would there be any friction there?

Takabuki: Sure. Then you would want the prior one out as quickly as possible, so they couldn't do anything that...

Chair Sparks: Yeah, midnight appointments and stuff?

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Chair Sparks: (Continued) I'm just thinking about accountability from the point of view of the public. The public has said this is what we want, is there a justification for waiting seven weeks to put them in office?

Reyes: I think the transition period is very important if you look at the ultimate beneficiary, which is the public.

Chair Sparks: If we do something like this, those sixty days we were talking about earlier starts sooner, right?

Takabuki: That's right. But as long as you have a new council, it doesn't seem to be a problem, as long as they are consistent...

Cockett: Do you suppose, if your transition was in December, that everybody was still in a party mood, nobody would mind?

Chair Sparks: I can't believe, like it is now, about half way through December the parties start, the vacations start, so you've got the last few weeks of December that are...

Takabuki: Pretty dead time.

Chair Sparks: I don't know. Maybe Linda did make a... If you are trying to find people or may set up appointments...

Cockett: Forget it.

Chair Sparks: So might as well get it going before that, huh? Maybe a compromise is something like December 15th.

Dave DeLeon: One thing I noticed before is some of the new councilmembers, who are elected but not on yet, will come in and sit with councilmembers and watch what happens, in the council chambers, for a couple of weeks.

Chair Sparks: Have an overlap period? But again, is three weeks enough?

Reyes: Is it broken?

Cockett: I guess three weeks, there's so many holidays in there. Four weeks I think would be justified.

Chair Sparks: The second Monday, maybe.

Takabuki: The second Monday in December?

Reyes: It is not easy to put a team together, I would say.

Chair Sparks: Well, they have sixty days once they are in office, remember. They still have through the end of January, and they are elected on November 11th. It's like eighty days, really. Although there is that vacuum period around Christmas and New Years, when it's hard to get anything done.

On the other hand, I think I'd just as soon have my new team in place, officially in place, thinking about the next year, and maybe they'd make better use of those vacuum days.

Cockett: I bet they would. If it's a new team, they certainly will. They'll be gung ho to go.

Takabuki: Well certainly the more time you have, the better, when you talk about things like preparing for the legislature, which starts in January. Even budget for that matter, which has to be submitted by March. So if you have good productive time, it makes sense. I'm just not sure you have good productive time, starting from December 15th. Maybe December 1st, you add another two weeks.

Chair Sparks: You're talking about the stuff the new administration has to do?

Takabuki: Yeah, the new administration has to get right into...

Chair Sparks: Aside from finding new department heads?

Takabuki: Exactly, and they have to get right into that.

Chair Sparks: So, give them a start. Get them started on the first...

Takabuki: So if that's the logic, the earlier the better. But then too, after a hard election, I think alot of times you have a wind down period too. And I don't know if you can assume that they'll be ready to...

Chair Sparks: Well, we're not putting them in office the day after they get elected. We'll give them three weeks to wind down or wind up, and so forth.

Cockett: But they'll benefit from that -- Christmas and New Years.

Chair Sparks: Let's, at this stage, recommend it to the larger Commission, and let them discuss it some more.

Takabuki: So recommend earlier...

Chair Sparks: First working day in December, I think, is a good formula, and that's the one Kauai has. It's essentially the same as Hawaii, only they said first Monday. The first Monday gives you a few more days, I suppose, 'cause it doesn't fall as close to the first of the month.

Cockett: Oh, I just recalled the Oahu was four year council persons. So that January wouldn't hinder them at all.

Chair Sparks: And for those who are carrying over, who got reelected, it shouldn't make a difference one way or the other.

Cockett: The more I think about it, the early December makes sense.

Chair Sparks: There is a difference between the first working day, and the first Monday. What do you think?

Cockett: I don't know how the calendar works. The first Monday could be the seventh.

Chair Sparks: Yeah, the first Monday could be the seventh. If you want to get them going quicker, you want first working day. Okay, let's recommend that, as far as I'm concerned.

Cockett: Yeah.

Takabuki: First working day.

Chair Sparks: What do you think, Vic?

Reyes: Okay.

Takabuki: We're saying this for the council also though, right?

Reyes: You have to have consistency.

Cockett: Yup.

Chair Sparks: Right, okay.

Takabuki: What's the period for which time a person can contest an election result? Does anybody know? I take it that if the other counties have that, they must have considered that, if that's a problem. I wonder if that's even a factor.

Cockett: That's a wrinkle.

Chair Sparks: That's in the state election laws, but would it necessarily give us that much problem? If they were already officially in office and somebody challenged the election, and then they are unofficially in office...

Takabuki: Maybe it's not going to be a problem.

Chair Sparks: Whether they were in or not yet they'd get kind of bounced...

Dave DeLeon: That happended to Alice, cause she was already in office when...

Takabuki: I was thinking more about a question of the vote. That was a question about qualifications.

Chair Sparks: Okay, so we're going to recommend that -- first working day of December for both mayor and council.

[Chair Sparks requested a one or two page summary of committee recommendations]

Powers, Duties and Functions. We really should have Bob with us because he might have some thoughts on some of these things.

Here is says " Control, manage and execute the annual operating budget and capital program." [Chair Sparks is referencing Section 7-5.7] That's consisent with what Bob said. Controls and manages the budget, so if the mayor doesn't want to spend something, and the council wants to spend, they don't.

Suppose we put some, this is really just brainstorming without thinking it through but, suppose we added some words here -- subject to council action, or something, making the management subject to the council's decisions. Would that have any, as a lawyer, does that sound like it would have any clout?

Takabuki: It would have to be more specific. What kind of action by the council? If we were looking at a special kind of motion, a special kind of action that would require her to spend, that would be an individual, I would think, case by case type of thing. I don't think you can say across the board she must spend whatever is in

Takabuki: (Continued) the budget.

Chair Sparks: I guess one thing that Bob kind of convinced me of is in this case where the mayor vetoes something in the budget, and then they override the veto, and then they still are frustrated. That doesn't seem quite right. If everybody agreed that we want to do something like that, what could we do?

Takabuki: Right now, the only legal way to require the official to take a certain action is to go, I think, to court to get some kind of an order, from a court, to say that this official must take this action. And I don't think you'd ever be able to get this kind of writ...

Chair Sparks: Well, especially if there's nothing in the law, like in the Charter that the court could hang their hat on.

Takabuki: It would have to be a matter of public necessity to even get that kind of a writ.

Chair Sparks: It does seem it makes a kind of a joke out of the council being the policy making body. I was just imagining things we might want to discuss relative to these powers of the mayor. Does anybody have any others?

Cockett: No, not too many changes here.

Chair Sparks: Nothing's been brought up that I've got any notes on, at least at this point. "Have a voice but no vote on all boards and commissions." I guess that's what we've got here--a voice.

Okay, under Vacancy in Office, I did make myself one note here. It says "If the unexpired term is one year or more, the vacancy shall be filled by a special election to be called by the council within thirty (30) days and to be held within ninety (90) days... The electors of the county shall elect a successor with requisite qualifications to fill the vacancy for the remainder of the term. In the event no candidate receives at least a majority of the votes cast to fill the vacancy then within fifteen (15) days after said election the council shall call for a run-off election to be held within forty-five (45) days..."

It occurred to me that that's kind of an expensive process, having two elections, for what might be only a few months more than a year. By the time you've done all that, you could be up to regular election time. Although not necessarily, like when Elmer quit one year into a four year term, there were three years there. And in that case, I don't think the provision was exactly like this... I don't remember if Hannibal won a... I think he did win by over 50%. But, was he required to? Would plurality have done it? I think so.

Do we want to insist on a run-off election if in the first election nobody gets a majority of the votes cast? My inclination is that maybe we don't need that.

Cockett: I'm just at a loss here. What is a majority?

Chair Sparks: Of votes cast. That'd be 51%, so like when Hannibal first ran there was, by actual count, about eleven candidates. Eighteen, that's right. I knew it was a huge number, right, but I didn't remember it was that huge. Because they had one panel, and they asked me to introduce the people and I couldn't see to the end of the table, there were so many people there running for mayor. So what you could have in a situation like that is the top vote getter may only get 15 or 20% of the total votes cast. The thought here is whoever becomes mayor should have more people vote for him than that. That's why you have a run-off of the top two vote getters. And, you know, that's the argument for it.

Chair Sparks: (Continued) I think there might be some arguments against, too, however. Basically one being that it's going to take a long time to get things going if you have a run-off.

Cockett: Has it ever happened like that before?

Chair Sparks: Well, see, when Hannibal...

Cockett: I mean besides that.

Chair Sparks: When those eighteen people ran, there wasn't this kind of provision. But even if there was, I think he got 53% or something like that.

Cockett: I was just going to say, has anything like that happened before?

Chair Sparks: Well, Elmer ran in a special election the first time he won too. He came back in what, '67. Yeah, because Eddie Tam died. And so that's the other kind of provision...somebody resigns, or somebody dies, or gets convicted of moral turpitude ...whatever.

I don't know. It's just a thought, but I wouldn't be upset if we took out that provision for a run-off election, myself.

Almost always, in every election, I'd be willing to bet you have a minority of the potentially eligible voters that elect a person. Anyway, anybody have any strong feelings about it one way or another?

Cockett: Nope.

Chair Sparks: Okay, I won't push it. We'll hope we don't have an extra year of elections, expensive elections sometime.

Takabuki: Well, since this never happened, I guess we didn't have someone like the County Clerk come and say, "No, this is not practical." But maybe we should put the question to him. Could they even do that in forty-five days?

Chair Sparks: Yeah, that's a good idea. I'll ask the County Clerk on that one. Okay, the rest of it is just the fact that the managing director is acting in the mayor's absence, and in his or her absence, the finance director.

I don't have anything more. We're through Article 7, that's this committee's responsibility. We've got some dynamite recommendations.

IV. ADJOURNMENT

There being no further business, the meeting was adjourned at 4:10 p.m.

ACCEPTED:

Allan Sparks, Chairman

Date