

MINUTES

COMMITTEE OF THE WHOLE

January 21, 2016

A meeting of the Committee of the Whole of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Ross Kagawa, Council Vice Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Lihu'e, Kaua'i, on Thursday, January 21, 2016, at 3:58 p.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock
Honorable Gary L. Hooser
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable KipuKai Kualii
Honorable JoAnn A. Yukimura

Excused: Honorable Mel Rapozo

Minutes of the December 9, 2015 Committee of the Whole Meeting.

Upon motion duly made by Councilmember Kaneshiro, seconded by Councilmember Kualii, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*), the Minutes of the December 9, 2015 Committee of the Whole Meeting was approved.

Minutes of the January 6, 2016 Committee of the Whole Meeting.

Upon motion duly made by Councilmember Kaneshiro, seconded by Councilmember Kualii, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*), the Minutes of the January 6, 2016 Committee of the Whole Meeting was approved.

The Committee proceeded on its agenda item as follows:

COW 2016-01 Communication (01/14/2016) from Council Chair Rapozo, requesting agenda time to discuss a charter amendment implementing the county manager system, schedule public workshops regarding the county manager system, solicit assistance from the ICMA, and have a member of the Charter Review Commission update the Committee on the status of its proposal to implement the county manager system. **(This item was Deferred.)**

Councilmember Kagawa: Thank you. We have a suggestion from Council Chair Rapozo that since he is not going to be here, that we can consider deferring this matter since it is his item to discuss his Charter Amendment implementing the county manager system. Members, if we want to defer, we can open it up for public testimony prior to making that motion.

Councilmember Yukimura: Yes. Mr. Chair?

Councilmember Kagawa: Councilmember Yukimura, go ahead.

Councilmember Yukimura: I have no objections to deferring it and I actually suggested it to the Chair because we really need him to be part of the discussion. I think a two (2) week deferral would be advisable, but I want to ask about having a member of the Charter Review Commission update us. Was someone asked to be here and if not, should we arrange to have somebody here for the next meeting when we defer it?

Councilmember Kagawa: Since Council Chair Rapozo is not here, let us ask them to send somebody over in two (2) weeks.

Councilmember Yukimura: Okay.

Councilmember Kagawa: And maybe we can ask for a specific time...

Councilmember Yukimura: Okay.

Councilmember Kagawa: ...so that they do not wait all day. Can we make a motion first to receive so we can just discuss it?

Councilmember Kaneshiro moved to receive COW 2016-01 for the record, seconded by Councilmember Kualii.

Councilmember Kagawa: Anything else Councilmember?

Councilmember Yukimura: No, thank you.

Councilmember Kagawa: Okay. We are going to open it up for public testimony.

CODIE K. YAMAUCHI, Council Services Assistant I: Committee Vice Chair, we have one (1) registered speaker, Glenn Mickens.

Councilmember Kagawa: Thank you.

Councilmember Kagawa: Glenn, you heard our plan is to defer for two (2) weeks and we will take it up then.

There being on objections, the rules were suspended to take public testimony.

GLENN MICKENS: It is too bad we were not advised about that earlier on. I would rather prefer to do that. Since we sat here all day waiting for this exact thing, I might as well go ahead and read my testimony. It is going to come up again when? When is it going to be deferred?

Councilmember Kagawa: In two (2) weeks.

Mr. Mickens: Two (2) weeks. Okay.

Councilmember Kagawa: My apologies, but I think there was some anticipation that the Committee Meeting would not have taken this long.

Mr. Mickens: Taken that long.

Councilmember Kagawa: Yes.

Mr. Mickens: I understand. Okay. Thank you, Councilmember Kagawa. One of our local citizens, Larry Arruda who you know, you heard him testify, was born and raised on Kaua'i, but spend thirty (30) years in Costa Mesa, California was quoted in the Garden Island Newspaper story saying about our Mayor-Council form of government compared to the council manager type he was part of for the thirty (30) years he lived in Costa Mesa. "I could not get over the lack of continuity in this Kaua'i system, the lack of transparency, the lack of efficiency, and the lack of accountability." I think you have heard him say it before, but I think it is well-worth looking at; transparency, efficiency, and lack of accountability. Ken Taylor had the same experience in Santa Barbara, California being part of the council manager system there and living for ten (10) years under ours in Kaua'i. Both communities that those two (2) gentlemen lived in were beach cities, the same as Kaua'i, with populations similar to ours. When a person has had a chance to live and be part of both systems of government, should they not have a better understanding of which system works best rather than one who only knows one (1) system? The answer, of course, is yes. Thus, their testimonies are well-worth listening to. Anyone who is open-minded and completely neutral in their thinking would have absolutely no reason to not want to at least try this manager style of government when the one we have is not working. That is up to you to decide. I think we cited enough cases prior to this of things that are going wrong and have gone wrong for many years that we should try something else.

A recent suggestion has been made that the Charter Review Commission (CRC) should weigh in on us putting this issue on the ballot. The CRC is appointed by a Mayor opposed to the system and is quite likely to be biased against it as it was when it was considered a manger proposal in 2007 and 2009. The Council is entirely capable of proceeding without CRC intervention and should do so. Council Chair Rapozo is once again to be congratulated for his thoughtful, intelligent, and passionate attitude to get this measure on the ballot and let the people vote on it. The Chair's request for agenda time to discuss this issue, schedule public workshops regarding it, and solicit assistance from the ICMA is a great step forward to educate the public in knowing what a council manger system really is and what it can do to better our government. This is wise advice, and I urge the Council to honor it and to proceed towards allowing our voters to decide whether we will have a council manger system here on Kaua'i. Remember, you folks are not voting on it. Well, you folks are citizens so you can vote on it, but it is not up to you. We are just asking this get before the people so they can go ahead and vote on it. That is all. Again, it is not written in stone. If you do not like it or something is wrong, you can go back to your old system. It is always flexible and there is so many things that are flexible that you folks are going to be choosing. Again, the manger is only going to be at your will. When you ask him to do something, he is going to do it. But you control...

Councilmember Kagawa: Your light, Glenn.

Mr. Mickens: Sorry.

Councilmember Kagawa: Sorry.

Mr. Mickens: That is okay. Thank you, Councilmember Kagawa.

Councilmember Kagawa: No problem, Glenn. Matt.

MATTHEW BERNABE: Matt Bernabe for the record. Before I start saying what I am about to say, I would just like to address the previous speaker's comments about we can go back to the way it was if it does not work out. That does not work like that. If we pass this, we are in. We are not going to turn around in a year and say, "Oh, well the county manger did not work. Let us go back." No. Do not come up here and pander for us to go this direction and then sell it to us by telling us that if it does not work, we can always switch back. It is as easy as that. I would like to say I think the discussion of switching from a manger-council system over to a council-manager system has allowed the conversation to recognize how the mayor-council system is not quite working correctly. With that said, if it was me and I had to do it all on my dime, I would like to just absorb the best practices and keep the infrastructure as-is. I realize we are going to defer this so I will not go deep. I had a lot more said, but I just want to end today's conversation with this. If you Google F-A-Q, what did I write down here, which is basically an incorrect way for "fact" about joining the ICMA, you will discover that almost all of the positions have annual fees. You have a startup annual fee to just register to their program, which is being proposed here. We are not proposing joining and making our own. We are proposing to join ICMA, which if anybody is watching this, is just a big corporation that warehouses ready-to-go managers for community after community. If you want to compare beach communities between Costa Mesa and Kaua'i, and then you want to talk about how the two (2) systems worked differently in contrast with each other, why do we not ask the question "how is this manager system going to work with our current State politics?" Right now, I do not see how we alienating ourselves with a county manager is going to help us with the State. If anything, they are going to double down and make an example out of us, and even hinder us more financially. I will save the rest of my arguments. I had a lot more. Remember this, every Department Head will have to pay a fee and you will probably have to buy them out of their little store room that they have ready to go. I have already had this discussion. I am running out of time. I waited here all day. I have to be honest. I wish I would have had the heads up. I did wait all day for this issue. I thank you folks (inaudible). See you folks next week.

Councilmember Kagawa: His microphone was off the whole time? Good job. Ken, he can watch the television and watch you. Go ahead, Ken.

KEN TAYLOR: Chair and members of the Council, my name is Ken Taylor. I just want to say that whether you as individuals or not agree on a manager style of government is not totally necessary. The most important thing is for you to give the people of this community the opportunity to make a decision whether they would like to stay as they are or to move forward with a management style of government. That is your job. Give the people government by the people for the people. Give the people the opportunity to make the decision how they want to be governed. That is your job. It is moving this process forward to a vote and we do the best we can to get it in order so that they have an opportunity to know and understand what they are voting for. Let them make the decision. It is not difficult. If they do not like the idea, they will let us know. If they like it, they will make the change, you will work with it, and move forward. That is what I see your job is. Your job is to give them the opportunity to make the decision. It is not whether you like the idea or do not like the idea. Please understand your position in this activity and move this to a vote of the people. Thank you.

Councilmember Kagawa: Anybody else for a second time? I knew it. Go ahead, Glenn.

Mr. Mickens: Thank you, Councilmember Kagawa. For the record, Glenn Mickens. Just briefly, I am not sure where my friend Matt got the impression that you are going to be paying fees or the Department Heads will be paying fees. You do not even have to join the ICMA to have a county manager style of government. All it is that he is at your will. He is going to be doing it because he is educated, he has been there, he has done it, and he is going to be putting efficiency into the system. That is his job. As far as paying fees, again, I am not sure where Matt got that. I really respect a lot of the things that Matt said so I am not trying to be critical of him. Again, you heard Mr. Mora here give you a two (2) hour presentation and everything. Councilmember Kualii, you lived under the system. I do not remember anything you said negative about it particularly for using it or trying in on Kaua'i anyway. Anyway, I will leave it up to your verdant judgement and will talk about it again in a couple of weeks. Thank you.

Councilmember Kagawa: Thank you, Glenn. Ken, second time? Okay.

There being on further testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Kagawa: Councilmember, I will allow discussion prior to our motion to defer. Discussion? I have some. Sorry. I think for me, I am going to mention this again, I mentioned it once before. I do not doubt that the county manger system could be a big improvement for this County, but who is the person that we are going to pick and how is that person going to improve the County is the question. I will tell you it is not only what is on paper. We could hire the greatest person on paper that manages a big city in the mainland, and to just say, "Well, because he has experience, he is going to come here and everything is going to get better for Kaua'i County." I will tell you, you would look no further than the University of Hawai'i (UH) to see that is not true. I can go back to the 1970s when I was young. We has Fujio Matsuda, local boy. He did a lot of things. He opened up the University of Hawai'i at Mānoa William S. Richardson School of Law, built the Institute of Astronomy, University of Hawai'i School of Architecture, et cetera. He was the President for UH for ten (10) years. We had Albert Simon. He stayed there for eight (8) years. A lot of people say he was a good President during that time. Then, we turn to 2001 when we hired Evan Dobbelle who came with probably the most accolades of any UH President, and most would agree that he was a total failure. Then, in 2009, we also hired our first woman President, M.R.C. Greenwood. One could say that she maybe is close or worse than Evan Dobbelle. She lasted there for four (4) years. It is really going to come down to who we pick and how that person is going to perform. But before that happens, how the voters will vote and I do not want this thing to go on the ballot and the voters will vote based on how their present feeling of County government is and make a decision on it. Shall we go with the county manager form of government because right now we feel like the County has a lot of problems and hiring a new county manager will fix all of that? I do not want that to be the driving force of their decision because I truly believe that is not going to be the answer. It is going to be the change plus who we pick because we could pick somebody that could be an improvement and we could pick somebody that could be a lot worse. I am not saying we, I am saying this body on Council whoever is sitting here, is going to make that choice. It is like a coach, Glenn. You played sports for many years. There is a big difference between Vince Lombardi and Fred Von Appen. One could say, "Well, the coach has to have good players," but no. I think the coach does matter and the manger does matter. There are great managers and there are okay mangers. The County of Kaua'i, to get what the people want, we are going to need a great manger and I do not know what kind of salary we are going to pay or if

one hundred fifty thousand dollars (\$150,000) is going to entice a great manager from the mainland to accept the job in this high-priced place called paradise. Really, I have my doubts. It is who is going to be the coach is to me, is going to make the difference. I do not want this to go on the ballot and the people is going to think that by voting for the county manger system that the problems will be solved. I think that would be farfetched and not true. Thank you. Councilmember Chock.

Councilmember Chock: Thank you, Councilmember Kagawa. I was not going to say anything. I know this is getting deferred. I would first agree with you. I think the statements that you are making about the fact about putting all of your trust in one person and expecting things that are going to change because of that position. I was thinking about it this morning from another perspective of kind of like when I think about working with kids in the classroom. The way you set up your classroom, the structure, the way people are arranged, and the way you run your class really makes a difference, I think, in the effectiveness and outcome of a student's development. That is kind of how I look at the council manager system in some ways because it creates an environment for more to occur for that student. True, you could have a crummy teacher. You can get somebody, but they are accountable in that system to the principal. Is it easier, is it a better learning environment when the seats are together where you can share best practices, when you can work together more as a team to make decisions towards the assignments that are being given, or does it encourage more productivity? Those are the kinds of questions that I am looking at it from that lens as well, which is a little bit different. So I hear what you are saying, definitely. That position and the teacher or in this case the county manager, we are going to have to get someone good, for sure. Not all of the success will come out of it where any one person it seems like in any system because any system can work for us or against us. It really will require all of us to look further and make sure we get the right people. On top of that though, for me, is the environment that we are creating in order to foster some productivity and effectiveness. I think some of that has been displayed through what we have looked at in our investigation in terms of the team building aspect of having one (1) body working towards the outcomes. That is just some input that I wanted to share as well. Thank you.

Councilmember Kagawa:

Councilmember Yukimura.

Councilmember Yukimura: I am in favor of ultimately putting something before the people, but I do not want to just put garbage people where the choice is not clear about what we are choosing. Also, I do not want to have some things that says council manger in title, but does not really have all of the proper protections, safeguards, and alignment of a true council manager system. I have seen too many bills that have the title, but they do not effectively execute what the title says. That is why how we draft all of the provisions are important from how we select the manger because if you look at the track record of this Council making personnel decisions about the people that we appoint, it is not a flawless track record. As Vice Chair Kagawa has pointed out, who we choose is going to be really critical to the operation of this County. So how we select the manger and how we craft that Charter provision about how we select the manager is really critical. The other thing is if you want true county manager system you have to have all of the executive Department Heads accountable to the manager. If they are accountable to a body of laypeople, it just does not work. So we have to make sure. Also, if they are accountable to a Council who have a two (2) year term and keeps changing every other year basically, what kind of stability does that give to the manager? I really think a four (4) year term goes along with a council manager system. That is all to be discussed, but those are

key pieces of the picture if we are going to put something really clear, give a clear choice to the people of this island. We have a lot of work to do before we have something ready to put on the ballot. That is my opinion.

Councilmember Kagawa: I guess I have a question on that. Are you saying that the Council maybe should consider a four (4) year term accompanying the Charter Amendment that could possibly come out where we ask for a council manager system?

Councilmember Yukimura: Well, a council manager system is about the council as well as the manager, and how long the council's term is kind of key thing because like I said, if the council appoints the manager and there is a possibility of the Council changing every two (2) years, it does not give a manager much comfort. The other thing about two (2) year terms is it makes the Councilmember pretty shortsighted. If the Mayor and the Council have at least a four (4) year term and staggered, you can still have staggering, you at least have a little bit more continuity and you can set for your goals at least. Our Auditor is a six (6) year term. Anyway, there is a lot of details to be thought through.

Councilmember Kagawa: You answered my question. Anybody else wishing to speak on this?

Upon motion duly made by Councilmember Yukimura, seconded by Councilmember Kualii, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*) COW 2016-01 was deferred.

Councilmember Kagawa: Motion carried. Is there any further business?

Councilmember Yukimura: Our Executive Session.


There being no further business, the meeting was adjourned at 4:22 p.m.

Respectfully submitted,



Allison S. Arakaki
Council Services Assistant I

APPROVED at the Committee Meeting held on February 3, 2016:



MEL RAPOZO
Chair, Committee of the Whole