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Governance proposal sent to committee

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After hearing sharply divided public testimony Friday, Maui County Council members referred to committee a proposal to switch from the current mayor-council form of county government to a council-manager system that includes an elected, but less powerful mayor.

Council members sent a report from the 11-member Special Committee on County Governance, six months in the making, to the Policy and Intergovernmental Affairs Committee, chaired by Council Member Mike Victorino.

Council Chair [Ad Gilman](#) white said that the special committee's recommendation needed to be thoroughly vetted by council members, who needed more time to review it.

Victorino said he had already scheduled an "all-day" committee meeting June 27 to hear testimony and to deliberate on the council-manager proposal.

For the measure to go before voters, the council needs to approve it by early August to allow enough time for necessary preparations to get it on the Nov. 8 general election ballot.

Twenty-two people testified on the special committee's report, and they were roughly split in half in support and opposition. Those opposing it were more likely to call for further study.

Kihei resident Mark Hyde, co-founder of Maui Government and Accountability and Improvement Now, supported the committee's recommendation and said it was council members' duty to forward it to the November ballot if they found it reasonable.

"The people's right to determine the form of government under which they consent to be governed lies at the root of the American system of government," he said. "The Constitution begins with the words, 'We, the people.' "

The special committee's recommendation stems from the 2010 countywide policy plan that called for an exploration of good county government and from the 2011-12 Maui County Charter Review Commission, which recommended a special committee study the matter, he said.

There's an "imperative and compelling need" for a change in county government, Hyde said, predicting that future challenges to county government will "swamp the executive branch, I believe, if we don't restructure as recommended."

Ben Wilson, a Hawaiian Commercial & Sugar Co./International Longshore and Warehouse Union 2101 representative, opposed the proposed government restructuring.

"Just because something is a change does not mean that it is a change for the better," he said. "This move would represent a loss of democracy and accountability."

"An elected mayor is accountable to the people," Wilson said. "He has authority independent of the council. He can stand up to the council, if



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necessary. An elected mayor can be voted out the next time, but he's not hired and fired by the council the same way a county manager is."

Kiheie resident Kelly King, vice president of Pacific Biodiesel, backed a change in county government structure.

"There are a lot of good people in county government. There are a lot of good people in our county, but we have a broken system, and things are not getting done because of it," she said. "There's a lack of accountability between the council and the administration."

She said that her experience of serving on the boards of a dozen nonprofit organizations and at least five corporations was that they all operated by having a board of directors overseeing a chief executive officer, a manager or an executive director.

King served for four years on the state Board of Education, and "I can only imagine what a nightmare it would have been if we had a state superintendent who was elected separately than the state Board of Education and was operating completely on his own."

The issue of county governance has been an open one for years, and people should have a chance to debate it and vote on it, she said.

"Let's not make the community go back to initiative to get this on the ballot," King said. "Please do what is right and let the majority rule on this issue."

Marjorie Bonar also was in favor of change, even if it's not perfect.

"It's not my ideal," she said. "But it's a compromise that potentially I could live with . . . There has been so much misunderstanding about what's going on, and the bottom line here is: Do you let the voters decide? Or do you believe that they no longer have a right to have a voice in their government?"

Bonar said it's not the people in county government who are the problem. "It's the policies. It's the procedures. It's the form of government that's evolved to something that has become very cumbersome and very difficult to deal with . . . Why are we spending so much money to do things, and we don't seem to be getting them done?"

Special committee Chairman Tony Takitani said voting is a responsibility, not a right.

And, "what we're talking about doing here is basically taking away the people's right to vote for the mayor. I don't think that's a good idea," he said.

The committee reached what Takitani called a "compromise" in which people would still vote for a mayor. The mayor's job has been described as being the face and voice of the county, who'd have veto power and nominate members of boards, committees and commissions. But many of the mayor's duties, including the oversight of daily county operations, would go to the county manager, who would be appointed by the council.

But Takitani had a different take, saying that under the proposal, "the mayor does not have any powers, whatsoever," Takitani said. "It's kind of shibai. It's not real."

In the six months that the committee studied a change to a county manager system, "I don't think there was any objective evidence presented that would show this would improve the way the county runs its government."

Another special committee member, Dave DeLeon, said the basic question of what problem the proposal is aimed to fix hasn't been answered. He pointed out that Maui County has the best bond rating in the state and the lowest property taxes.

"The roads get paved. The parks are clean. What's the problem?" he asked.

What problems there are can be addressed through less-drastic changes, like a charter amendment that would allow council members to communicate with department heads or one to clean up ambiguities in the budget process, DeLeon said.

"We can make reforms with the current form of government," he said.

He characterized the proposal as half-baked and said its specific proposed charter changes have not been seen by the public or special committee members.

"The voters have no clue," he said. "The people in this room have no clue because we have not seen it."

DeLeon said the proposal is not ready to go before voters.

"You're talking about rewriting the whole charter," which should be the job of a special charter commission, he said. "You're going to do that with a special committee on a rush job? That's what we're getting here. We're getting a rush job. And a bum's rush is not really a way to treat the voters."

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