

**COUNCIL OF THE COUNTY OF MAUI**  
**GOVERNANCE, ETHICS, AND**  
**TRANSPARENCY COMMITTEE**

May 17, 2019

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on May 2, 2019, makes reference to County Communication 19-1, from Council Chair Mike White, relating to the appointment and removal of administrative heads of departments.

By correspondence dated April 1, 2019, and received on April 4, 2019, the Mayor transmitted a proposed resolution entitled "APPROVING THE MAYOR'S APPOINTMENT OF ROWENA M. DAGDAG-ANDAYA FOR DIRECTOR OF PUBLIC WORKS." The purpose of the proposed resolution is to approve the Mayor's appointment of Rowena M. Dagdag-Andaya as Director of Public Works, pursuant to Sections 6-2(5) and 8-5.2 of the Revised Charter of the County of Maui (1983), as amended ("Charter").

Your Committee notes by Resolution 16-96, the Council proposed an amendment to the Charter be placed on the General Election ballot to require Council approval of the Mayor's appointment of administrative heads of departments and allow additional qualifications for administrative heads appointed by the Mayor to be established by ordinance. The proposed Charter amendment was approved at the 2016 General Election.

Your Committee notes Ordinance 4803 (2017), as amended by Ordinance 4840 (2018), established additional qualifications for the Director of Public Works in Chapter 2.14, Maui County Code. The effective date of the ordinance was January 2, 2019.

Your Committee notes Charter Section 8-5.2 provides that the Director of Public Works shall be appointed by the Mayor with the

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approval of the Council. In addition, Charter Section 6-2(5) provides that the Council shall confirm or deny the confirmation within 60 days after receiving notice of the appointment by the Mayor, or the appointment shall be deemed confirmed. Accordingly, the deadline for the Council to confirm or deny the appointment of Ms. Dagdag-Andaya as the Director of Public Works is June 3, 2019.

Your Committee notes it previously reported on this matter through Committee Report 19-10, which recommended adoption of the proposed resolution approving the Mayor's appointment of David C. Goode for Director of Public Works and filing of the proposed resolution disapproving the appointment. At its meeting of February 15, 2019, reconvened on February 22, 2019, the Council declined to adopt the recommendations in Committee Report 19-10, and instead recommended adoption of the proposed resolution disapproving the appointment (Resolution 19-32) and filing of the proposed resolution approving the appointment.

Your Committee notes pursuant to Charter Section 6-2(5), if the appointment is denied by the Council, the Mayor shall make a new appointment within 60 days of the Council's denial, and the Council shall confirm or deny within 60 days after receiving notice of the new appointment by the Mayor.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a proposed resolution entitled "DISAPPROVING THE MAYOR'S APPOINTMENT OF ROWENA M. DAGDAG-ANDAYA FOR DIRECTOR OF PUBLIC WORKS." The purpose of the proposed resolution is to disapprove the appointment.

By correspondence dated April 1, 2019, the Mayor transmitted the following: (1) County of Maui Job Description for the Director of Public Works; (2) Ordinance 4840 (2018), relating to the minimum qualifications of the Director of Public Works; and (3) Rowena M. Dagdag-Andaya's resume.

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As noted in her resume, Ms. Dagdag-Andaya served as the Deputy Director of Public Works for the County of Maui from 2011 until the Mayor's April 2019 appointment of Ms. Dagdag-Andaya as Acting Director of Public Works. Prior to her employment with the County, Ms. Dagdag-Andaya worked as a Senior Planner for Munekiyo & Hiraga, Inc., and as a teacher. Ms. Dagdag-Andaya received her bachelor of education degree from Gonzaga University in Spokane, Washington, in May 1999.

In her written response to questions, Ms. Dagdag-Andaya said she had gained an intimate knowledge of the Department's personnel and operational capabilities in her eight-year tenure as its Deputy Director. She noted her experience would make her uniquely qualified to provide stable leadership to the Department and promote a seamless transition. Ms. Dagdag-Andaya also explained how her education and work experience combine in such a way as to be a substantial equivalent to a bachelor's degree in the fields listed in the minimum qualifications for the position.

Ms. Dagdag-Andaya said a short-term goal is to build capacity among Department staff and develop a strong network with other County agencies to aid in addressing sea-level-rise adaptation and climate-change mitigation. One of her long-term goals is to continue working toward the recommendations and findings of the County Auditor's report relating to road resurfacing, improvement, and maintenance practices, published in October 2015. To that end, she said she is prioritizing work on a comprehensive plan for pavement preservation.

Your Committee received written testimony providing questions for the appointee and in support of her appointment.

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At its meeting, your Committee received public testimony from nine people in support of Ms. Dagdag-Andaya's appointment and no testimony in opposition. Testifiers spoke of Ms. Dagdag-Andaya's love of the community, her support for multimodal projects and complete streets, her integrity, work ethic, and management skills, and her experience with the Department that would enable her to step directly into the leadership role as Director.

The Mayor said Ms. Dagdag-Andaya is a good listener and willing to consider all sides of an issue. He added Ms. Dagdag-Andaya would be the first woman appointed to the position of Director of Public Works in the County.

Your Committee met with Ms. Dagdag-Andaya and questioned her about her position on specific issues, including road improvements in older neighborhoods, maintaining a licensed engineer in the Deputy Director position, deferral agreements, the timeline for addressing the Kahana Nui Desilting Basin, traffic-impact fees, and ways her Department could help to strengthen cultural, environmental, and archaeological preservation.

After reviewing Ms. Dagdag-Andaya's experience and capabilities and giving due consideration to public testimony, your Committee was satisfied Ms. Dagdag-Andaya met the minimum qualifications for the Director of Public Works position and recommended her appointment be approved. Your Committee was particularly impressed with her open approach and her willingness to reach out to the community on various departmental issues.

Your Committee voted 7-0 to recommend adoption of the proposed resolution to approve the appointment and filing of the proposed resolution to disapprove the appointment. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, King, Lee, Sinenci, and Sugimura voted "aye." Committee members Hokama and Paltin were excused.

COUNCIL OF THE COUNTY OF MAUI

# GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

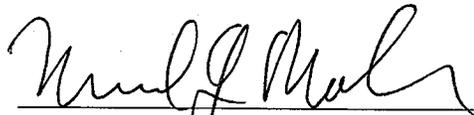
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Your Governance, Ethics, and Transparency Committee  
RECOMMENDS the following:

1. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING THE MAYOR'S APPOINTMENT OF ROWENA M. DAGDAG-ANDAYA FOR DIRECTOR OF PUBLIC WORKS," be ADOPTED; and
2. That the proposed resolution, attached hereto, entitled "DISAPPROVING THE MAYOR'S APPOINTMENT OF ROWENA M. DAGDAG-ANDAYA FOR DIRECTOR OF PUBLIC WORKS," be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
MICHAEL J. MOLINA, Chair

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# Resolution

No. \_\_\_\_\_

## APPROVING THE MAYOR'S APPOINTMENT OF ROWENA M. DAGDAG-ANDAYA FOR DIRECTOR OF PUBLIC WORKS

WHEREAS, by letter dated April 1, 2019, Mayor Michael P. Victorino notified the Council he appointed Rowena M. Dagdag-Andaya as the Director of Public Works, pursuant to Sections 6-2(5) and 8-5.2 of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, Charter Section 6-4 authorized the Council to establish specific qualifications for administrative heads appointed by the Mayor in addition to any set forth in the Charter; and

WHEREAS, Section 2.14.020, Maui County Code, attached hereto as Exhibit "A," establishes additional qualifications for the Director of Public Works effective January 2, 2019; and

WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty days after receiving notice of the appointment by the Mayor; and

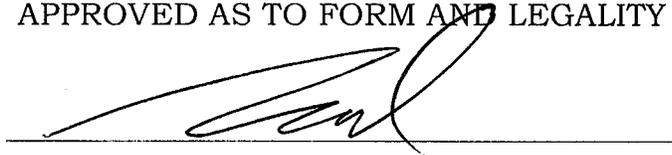
WHEREAS, Charter Section 8-5.2 states: "The director of public works shall be appointed by the mayor with the approval of the council"; now, therefore,

**Resolution No.** \_\_\_\_\_

BE IT RESOLVED by the Council of the County of Maui:

1. That it deems Rowena M. Dagdag-Andaya to have satisfied the minimum qualifications for the position of Director of Public Works;
2. That it hereby approves the appointment of Rowena M. Dagdag-Andaya as the Director of Public Works; and
3. That a certified copy of this resolution be transmitted to the Mayor.

APPROVED AS TO FORM AND LEGALITY

A handwritten signature in black ink, appearing to be 'R. M. ...', is written over a horizontal line.

Department of the Corporation Counsel  
County of Maui

2019-1911  
2019-04-01 PW Dir Approval Reso (Dagdag-Andaya)

2.14.020 – Director of public works.

The director of public works shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience in an administrative capacity, either in public service or private business, or both.
2. As a part of or in addition to the five years of administrative experience, three years of responsible managerial and budgetary experience.
3. As a part of or in addition to the five years of administrative experience, three years of experience in one or more of the following functions:
  - a. Administering building, housing, and subdivision ordinances and rules.
  - b. Approving proposed subdivision plans.
  - c. Planning, designing, building, or maintaining highways, drainage, and flood control systems.
4. A bachelor's degree from an accredited college or university in engineering, business administration, public administration, or other relevant discipline, or a combination of education and work experience substantially equivalent to such a bachelor's degree.

# Resolution

No. \_\_\_\_\_

## DISAPPROVING THE MAYOR'S APPOINTMENT OF ROWENA M. DAGDAG-ANDAYA FOR DIRECTOR OF PUBLIC WORKS

WHEREAS, by letter dated April 1, 2019, received by the Council on April 4, 2019, Mayor Michael P. Victorino notified the Council he appointed Rowena M. Dagdag-Andaya as the Director of Public Works, pursuant to Sections 6-2(5) and 8-5.2 of the Revised Charter of the County of Maui (1983), as amended; and

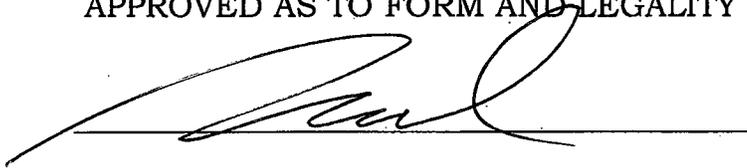
WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty days after receiving notice of the appointment by the Mayor; and

WHEREAS, Charter Section 8-5.2 states: "The director of public works shall be appointed by the mayor with the approval of the council"; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby disapproves the appointment of Rowena M. Dagdag-Andaya as the Director of Public Works; and
2. That a certified copy of this resolution be transmitted to the Mayor.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel  
County of Maui