

COUNCIL OF THE COUNTY OF MAUI

**POLICY, ECONOMIC DEVELOPMENT,
AND AGRICULTURE COMMITTEE**

December 15, 2017

**Committee
Report No. _____**

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

Chair and Members:

Your Policy, Economic Development, and Agriculture Committee, having met on August 14, 2017, October 17, 2017, November 13, 2017, and November 27, 2017, makes reference to County Communication 17-134, from Councilmember Yuki Lei K. Sugimura, relating to establishing additional qualifications for County department directors.

By correspondence dated August 7, 2017, the Chair of your Committee requested the Department of the Corporation Counsel review and approve as to form and legality a proposed bill entitled "ESTABLISHING ADDITIONAL QUALIFICATIONS FOR COUNTY ADMINISTRATIVE HEADS APPOINTED BY THE MAYOR." The purpose of the proposed bill is to establish additional qualifications for County administrative heads appointed by the Mayor, pursuant to Section 6-4, Revised Charter of the County of Maui (1983), as amended ("Charter").

Your Committee notes the proposed bill suggested qualifications using baseline trends for directors, while also considering needs specific to Maui County.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR COUNTY ADMINISTRATIVE HEADS APPOINTED BY THE MAYOR." The purpose of the revised proposed bill is to amend the Maui County Code by adding a new chapter to establish additional qualifications for administrative heads of departments by ordinance, pursuant to the authority granted by Charter Section 6-4.

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Your Committee notes the proposed addition of Section 6-4 to the Charter was presented to the voters through a question on the 2016 general election ballot. The proposal garnered the votes needed to become law.

Through the same ballot question, the voters also authorized the Council to confirm or deny the Mayor's appointments of the Managing Director, Director of Finance, Director of Public Works, Director of Parks and Recreation, Planning Director, Director of Housing and Human Concerns, Director of Transportation, and Director of Environmental Management. The Charter already authorized the Council to confirm or deny the Mayor's appointments of the Corporation Counsel, Prosecuting Attorney, and Director of Water Supply.

Your Committee also notes the Fire Chief, Director of Personnel Services, Chief of Police, and Director of Liquor Control are appointed and may be removed by the Fire and Public Safety Commission, Civil Service Commission, Police Commission, and Liquor Control Commission, respectively, without confirmation or denial by the Mayor or the Council.

Your Committee notes the revised proposed bill restates the minimum five years of administrative experience required of administrative heads by the Charter, either in public service or private business, or both. The revised proposed bill further requires that three of those years consist of responsible managerial and budgetary experience. A bachelor's degree in a relevant discipline, or a combination of education and work experience equivalent to such a degree, is also listed as an additional qualification.

Your Committee discussed the possibility of incorporating similar qualifications for deputy directors. The First Deputy Corporation Counsel said doing so would not be consistent with the intent of the Charter amendment. He advised a separate Charter amendment would be needed to authorize the Council to establish qualifications for deputy directors by ordinance. The First Deputy also said, with the exception of the Deputy

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Director of Water Supply who is appointed by the Mayor and may be removed by the Mayor, deputy directors for all other departments are appointed by their respective department directors.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT." The revised proposed bill establishes additional qualifications for two administrative heads only, the Director of Public Works and the Director of Environmental Management. By considering 2 administrative heads initially rather than all 11, your Committee would be positioned to consider an overall approach to additional qualifications, which could then be tailored as appropriate for the other department directors.

Your Committee discussed whether the authority granted by the Charter amendment extended to creating job descriptions for administrative heads appointed by the Mayor. Your Committee considered the "powers, duties, and functions" Charter provisions for each administrative head, noting those provisions already identify broad areas of responsibility for each position. In addition, the First Deputy advised qualifying criteria for a position are distinct from a job description, and that the Charter amendment specifically authorized the former and not the latter.

Your Committee noted a desire to supplement a director's minimum qualifications by requiring that the director have three years of experience in one or more of the Charter-mandated functions under the director's purview, and recommended the proposed bill be revised accordingly.

The Department of the Corporation Counsel transmitted a further revised proposed bill incorporating the requirement.

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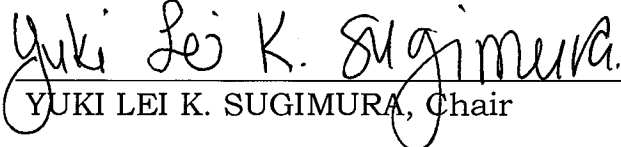
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Your Committee notes the ordinance, if enacted, will take effect on January 2, 2019, consistent with Resolution 16-96 and the intent of the Charter amendment.

Your Committee voted 8-0 to recommend passage of the revised proposed bill establishing additional qualifications for the Director of Public Works and Director of Environmental Management on first reading. Committee Chair Sugimura, Vice-Chair Crivello, and members Atay, Carroll, Cochran, Hokama, King, and White voted "aye." Committee member Guzman was excused.

Your Policy, Economic Development, and Agriculture Committee RECOMMENDS that Bill _____ (2017), attached hereto, entitled "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT," be PASSED ON FIRST READING and be ORDERED TO PRINT.

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



YUKI LEI K. SUGIMURA, Chair

ORDINANCE NO. _____

BILL NO. _____ (2017)

A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS
FOR THE DIRECTOR OF PUBLIC WORKS AND
THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose. The purpose of this ordinance is to establish additional qualifications, pursuant to Section 6-4, Revised Charter of the County of Maui (1983), as amended ("Charter"), for the Director of Public Works and the Director of Environmental Management, both of whom are appointed by the Mayor. Section 6-4 of the Charter authorizes the Council to establish specific qualifications for administrative heads appointed by the Mayor in addition to any set forth in the Charter. More specific qualifications will help identify skilled, experienced individuals to lead the County's departments, strengthen operations, and better serve the public.

SECTION 2. The Maui County Code is amended by adding a new chapter to be appropriately designated and to read as follows:

"Chapter 2.14

**SPECIFIC QUALIFICATIONS OF
ADMINISTRATIVE HEADS OF DEPARTMENTS**

Sections:

- 2.14.010 Additional qualifications.**
- 2.14.020 Director of public works.**
- 2.14.030 Director of environmental management.**

2.14.010 Additional qualifications. The specific qualifications of administrative heads of departments established in this chapter are in addition to any qualifications set forth in the revised charter of the County of Maui (1983), as amended (“charter”).

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 functions described in sections 8-5.3(1), (2), or (3) of the charter.

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.

2.14.030 Director of environmental management. The director of environmental management 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.

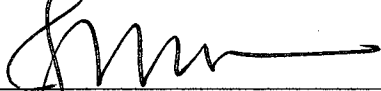
2. As a part of or in addition to the five years of administrative experience, three years of responsible managerial and budgetary experience.

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 functions described in sections 8-15.3(1), (2), (3), or (4) of the charter.

4. A bachelor’s degree from an accredited college or university in engineering, environmental science, water resources, business administration, public administration, or other relevant discipline, or a combination of education and work experience substantially equivalent to such a bachelor’s degree.”

SECTION 3. This ordinance shall take effect on January 2, 2019.

APPROVED AS TO FORM AND LEGALITY:



EDWARD S. KUSHI, JR.

fn Department of the Corporation Counsel

County of Maui

2017-0098

PEA-27 2017-11-16 Ordinance