

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

February 15, 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 January 23, 2019, and reconvened on January 30, 2019, and February 5, 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 January 2, 2019 (received on January 8, 2019), the Mayor notified the Council Chair of his appointments of the Managing Director, Corporation Counsel, Prosecuting Attorney, Director of Water Supply, Director of Finance, Director of Public Works, Director of Environmental Management, Planning Director, Director of Housing and Human Concerns, Director of Transportation, and Director of Parks and Recreation, pursuant to Section 6-2(5) of the Revised Charter of the County of Maui (1983), as amended ("Charter").

By correspondence dated January 14, 2019, the Mayor transmitted proposed resolutions for each administrative head to your Committee, including a proposed resolution entitled "APPROVING THE APPOINTMENT OF MICHAEL M. MIYAMOTO AS THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT." The purpose of the proposed resolution is to approve the Mayor's appointment of Michael M. Miyamoto as Director of Environmental Management, pursuant to Charter Sections 6-2(5) and 8-15.2.

Your Committee notes Charter Section 8-15.2 provides that the Director of Environmental Management shall be appointed by the Mayor with the approval of the Council. In addition, Charter Section 6-2(5) provides that the Council shall confirm or deny the confirmation within

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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 Mr. Miyamoto as the Director of Environmental Management is March 9, 2019.

By correspondence dated January 14, 2019, the Mayor transmitted the following: 1) County of Maui Job Description for the Director of Environmental Management; 2) Ordinance 4840 (2018), relating to the minimum qualifications of the Director of Environmental Management; and 3) Michael Mikio Miyamoto's resume.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed resolution, entitled "APPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF ENVIRONMENTAL MANAGEMENT," approved as to form and legality, incorporating the minimum qualifications for the position and nonsubstantive revisions. The Department also transmitted a proposed resolution entitled "DISAPPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF ENVIRONMENTAL MANAGEMENT." The purpose of the proposed resolution is to disapprove the appointment.

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.

Ordinances 4803, 4840, 4841, 4847, 4848, and 4864, respectively, established additional qualifications for administrative heads appointed by the Mayor in Chapter 2.14, Maui County Code. The effective date of the ordinances was January 2, 2019.

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According to his resume, Mr. Miyamoto obtained a Bachelor of Science degree and a Master's degree in Civil Engineering from the University of Lowell in Massachusetts. He is registered as a professional engineer in Delaware.

Mr. Miyamoto began his employment with the County in November 1999, when he was hired as a Civil Engineer in the Wastewater Reclamation Division, Department of Public Works and Environmental Management. He served as Deputy Director of Public Works from January 2005 to December 2010, and as Deputy Director of Environmental Management from January 2011 to January 2019.

Mr. Miyamoto said one of his short-term goals is to fill vacancies resulting from recent retirements, while maintaining customer service. His long-term goals include considering wastewater treatment alternatives to minimize the use of injection wells and working collaboratively with the Department of Water Supply to use recycled water as a resource. He also said he plans to revisit current landfill contracts.

After reviewing Mr. Miyamoto's experience and capabilities, your Committee was satisfied Mr. Miyamoto met the minimum qualifications for the Director of Environmental Management position and recommended his appointment be approved. Your Committee was particularly impressed with Mr. Miyamoto's commitment to public service and interest in innovation.

Your Committee voted 9-0 to recommend adoption of the revised proposed resolution to approve the appointment of Michael Miyamoto as Director of Environmental Management and filing of the proposed resolution to disapprove the appointment. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye."

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

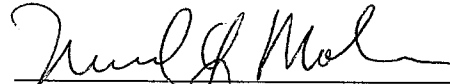
1. That Resolution _____, attached hereto, entitled
"APPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR
OF ENVIRONMENTAL MANAGEMENT," be ADOPTED; and
2. That the proposed resolution, attached hereto, entitled
"DISAPPROVING THE MAYOR'S APPOINTMENT FOR
DIRECTOR OF ENVIRONMENTAL MANAGEMENT," be FILED.

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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 FOR DIRECTOR OF ENVIRONMENTAL MANAGEMENT

WHEREAS, by letter dated January 2, 2019, received by the Council on January 8, 2019, Mayor Michael P. Victorino notified the Council he appointed Michael M. Miyamoto as the Director of Environmental Management, pursuant to Sections 6-2(5) and 8-15.2 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 2.14.030, Maui County Code, attached hereto as Exhibit "A," establishes additional qualifications for the Director of Environmental Management 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

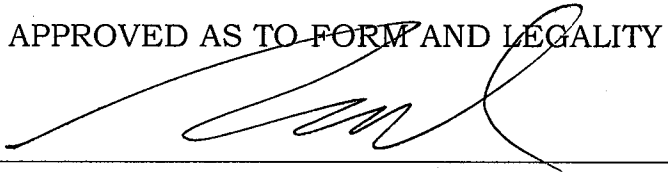
WHEREAS, Charter Section 8-15.2 states: "The director of environmental management shall be appointed by the mayor with the approval of the council"; now, therefore,

Resolution No. _____

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

1. That it deems Michael M. Miyamoto to have satisfied the minimum qualifications for the position of Director of Environmental Management;
2. That it hereby approves the appointment of Michael M. Miyamoto as the Director of Environmental Management; 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 'Tom', is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

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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 following functions:
 - a. Supervising waste management, pollution control, recycling, or litter control in the protection of the environment.
 - b. Planning, designing, building, operating, or maintaining solid waste collection, processing, and disposal systems, including recycling programs.
 - c. Planning, designing, building, operating, or maintaining sewer treatment plants, pump stations, sewer lines, reclaimed water distribution systems, and related programs.
 - d. Guiding efforts to optimize opportunities for environmental and natural resource protection, sustainability, conservation, or restoration.
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.

Resolution

No. _____

DISAPPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF ENVIRONMENTAL MANAGEMENT

WHEREAS, by letter dated January 2, 2019, received by the Council on January 8, 2019, Mayor Michael P. Victorino notified the Council he appointed Michael M. Miyamoto as the Director of Environmental Management, pursuant to Sections 6-2(5) and 8-15.2 of the Revised Charter of the County of Maui (1983), as amended; and

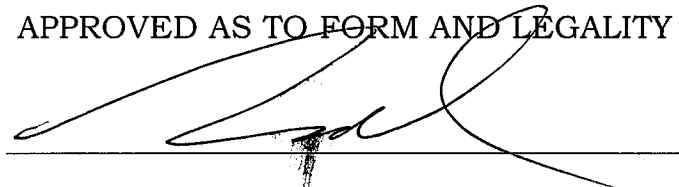
WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty days after receiving notice of the appointment by the Mayor; and

WHEREAS, Charter Section 8-15.2 states: "The director of environmental management 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 Michael M. Miyamoto as the Director of Environmental Management; 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