

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY, ECONOMIC DEVELOPMENT,**  
**AND AGRICULTURE COMMITTEE**

April 6, 2018

**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 March 12, 2018, 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 March 5, 2018, the Department of the Corporation Counsel transmitted a revised proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE PLANNING DIRECTOR, THE DIRECTOR OF FINANCE, AND THE DIRECTOR OF WATER SUPPLY." The purpose of the revised proposed bill is to establish additional specific qualifications for the Planning Director, the Director of Finance, and the Director of Water Supply, pursuant to Section 6-4, Revised Charter of the County of Maui (1983), as amended ("Charter").

Your Committee notes Charter Section 6-4 provides that, in addition to any qualifications set forth in the Charter, specific qualifications for administrative heads appointed by the Mayor may be established by the Council by ordinance.

Your Committee further notes it began the process of establishing such additional qualifications after the voters passed a Charter amendment in the 2016 general election.

Your Committee further notes it previously reported on this matter through Committee Report 18-52, which recommended that the following revised proposed bills, entitled "A BILL FOR AN ORDINANCE AMENDING

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THE ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT, AND ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PARKS AND RECREATION AND THE DIRECTOR OF TRANSPORTATION” and “A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF HOUSING AND HUMAN CONCERNS,” be passed on first reading and be ordered to print. At its meeting of March 23, 2018, the Council adopted the recommendations in Committee Report 18-52 (Bills 36 and 37 (2018)).

With respect to the position of Planning Director, the revised proposed bill restates the minimum qualifications set forth in the Charter requiring a minimum of five years of experience in the field of planning, at least three of which shall have been in an administrative capacity, either in public service or private business, or both. The bill further requires three years of responsible managerial and budgetary experience, as a part of or in addition to the five years of experience in the field of planning.

Your Committee recommended that as a part of or in addition to the five years of experience in the field of planning, the Planning Director shall have three years of experience in one or more of the following functions: serving as the administrative head of a department of planning; serving as the chief planning officer or technical advisor on planning-related matters; recommending revisions to a general plan of a municipality or other governmental entity, on behalf of the municipality or other governmental entity, to guide its development; preparing, administering, and enforcing long-range planning programs; preparing, administering, and enforcing a cultural resource management program; preparing, administering, and enforcing zoning ordinances, zoning maps and regulations, and amendments; and reviewing lists of proposed capital improvement projects and recommending their order of priority. The bill further requires the Planning Director to have a bachelor’s degree in urban planning, environmental planning, business administration, public administration or other relevant discipline, or a combination of education and work

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experience substantially equivalent to such a degree, as an additional qualification.

Your Committee considered whether coastal zone management areas and shoreline setback issues should be additional responsibilities of the Planning Director. Your Committee recommended amending Section 2.14.070.3.f. of the proposed bill to read, "preparing, administering, and enforcing zoning ordinances, zoning maps and regulations, including but not limited to, coastal zone management areas and shoreline setback issues, and any amendments thereto."

With respect to the position of Director of Finance, the revised proposed bill restates the minimum qualifications set forth in the Charter requiring a minimum of five years of experience in a public or private financial position, at least three of which shall have been in an administrative capacity. The bill further requires three years of responsible managerial and budgetary experience, as a part of or in addition to the five years of experience in a public or private financial position.

Your Committee recommended that as a part of or in addition to the five years of experience in a public or private financial position, the Director of Finance shall have three years of experience in one or more of the following functions: preparing bills for the collection of money due, or authorizing the preparation of such bills by others being supervised; collecting and receiving moneys due or receivable and issuing receipts, or authorizing others to do so under prescribed conditions; keeping an accurate and complete account of receipts and disbursements; maintaining and managing a treasury and depositing moneys in depositories and instruments authorized by law; contracting for services or independent contractors and permitting disbursements to be made pursuant to established policies; bearing responsibility for issuing, selling, paying interest on, and redeeming bonds; preparing payrolls and pension rolls; selling real property upon which improvement assessments or real property taxes are not paid within the prescribed period, and disposing of

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real property or personal property not needed pursuant to established policies; renting or leasing property and awarding concessions; preparing and maintaining a perpetual inventory of all lands and equipment owned, leased, rented, or controlled; reviewing assessment rolls for assessable public improvements and issuing bills once approved; having custody of official's surety bonds, submitting quarterly statements of revenue and expenditures for the preceding quarter and for the fiscal year up to and including the preceding quarter; and administering the real property taxation function of a municipality or other governmental entity.

Your Committee considered consolidating the powers, duties, and functions of the Director of Finance because experience in at least one of the functions listed would not in itself qualify an individual for the position. Instead, your Committee chose not to deviate from the powers, duties, and functions as listed.

Additionally, your Committee recommended the Director of Finance have a bachelor's degree in finance, accounting, economics, business administration, public administration, or other relevant discipline, or a combination of education and work experience substantially equivalent to such a degree.

With respect to the position of Director of Water Supply, the revised proposed bill restates the minimum qualifications set forth in the Charter requiring five years of experience in a management capacity, either in public service or private business, or both. The revised proposed bill also requires, as a part of or in addition to the five years of management experience, three years of responsible budgetary experience. The bill further requires that as a part of or in addition to the five years of management experience, the Director of Water Supply shall have three years of experience in one or more of the following functions: administering operations of a water purveyor, including day-to-day management and control of all water systems; preparing long-range capital improvement plans and up-to-date water use and development plans; implementing long-range capital improvement plans and water use and

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development plans; and preparing an annual operating and capital budget. The bill further requires the Director of Water Supply to have a bachelor's degree in engineering, water resources, business administration, public administration or other relevant discipline, or a combination of education and work experience substantially equivalent to such a degree.

Your Committee discussed the requirement for the Director or Deputy Director of Water Supply to be a registered engineer, as stated in the Charter. Because the Director or Deputy Director of Water Supply, as administrative heads, oversee employees, some of whom are engineers, your Committee determined it is crucial for either to have strong, technical expertise in engineering as evidenced through being a registered engineer.

Your Committee is in receipt of a further revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Committee notes the bills, if enacted, will take effect on January 2, 2019, in conformance with Resolution 16-96, requiring Council approval of the Mayor's appointment of department directors and allow additional qualifications for department directors to be established by ordinance.

Your Committee voted 6-0 to recommend passage of the further revised proposed bill on first reading. Committee Chair Sugimura, Vice-Chair Crivello, and members Atay, Carroll, Cochran, and Guzman voted "aye." Committee members Hokama, King, and White were excused.

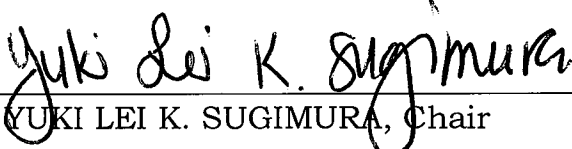
Your Policy, Economic Development, and Agriculture Committee RECOMMENDS that Bill \_\_\_\_\_ (2018), attached hereto, entitled "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE PLANNING DIRECTOR, THE DIRECTOR OF FINANCE, AND THE DIRECTOR OF WATER SUPPLY," be PASSED ON FIRST READING and be ORDERED TO PRINT.

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

  
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YUKI LEI K. SUGIMURA, Chair

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ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2018)

A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS  
FOR THE PLANNING DIRECTOR, THE DIRECTOR OF FINANCE, AND THE  
DIRECTOR OF WATER SUPPLY

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

SECTION 1. Purpose. The purpose of this ordinance is to establish additional qualifications for the Planning Director, the Director of Finance, and the Director of Water Supply, pursuant to Section 6-4, Revised Charter of the County of Maui (1983), as amended ("Charter"). 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. Chapter 2.14, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

**"2.14.070 Planning director.** The planning director shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience in the field of planning, at least three of which shall have been 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 experience in the field of planning, three years of responsible managerial and budgetary experience.

3. As a part of or in addition to the five years of experience in the field of planning, three years of experience in one or more of the following functions:

a. Serving as the administrative head of a department of planning.

b. Serving as the chief planning officer or technical advisor on planning-related matters.

c. Recommending revisions to a general plan of a municipality or other governmental entity, on behalf of the municipality or other governmental entity, to guide its development.

d. Preparing, administering, and enforcing long-range planning programs.

e. Preparing, administering, and enforcing a cultural resource management program.

f. Preparing, administering, and enforcing zoning ordinances, zoning maps and regulations, including but not limited to, coastal zone management areas and shoreline setback issues, and any amendments thereto.

g. Reviewing lists of proposed capital improvement projects and recommending their order of priority.

4. A bachelor's degree from an accredited college or university in urban planning, environmental planning, 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. Chapter 2.14, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

**"2.14.080 Director of finance.** The director of finance shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience in a public or private financial position, at least three of which shall have been in an administrative capacity.

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

3. As a part of or in addition to the five years of experience in a public or private financial position, three years of experience in one or more of the following functions:

a. Preparing bills for the collection of money due, or authorizing the preparation of such bills by others being supervised.



b. Collecting and receiving moneys due or receivable and issuing receipts therefor, or authorizing others to do so under prescribed conditions.

c. Keeping an accurate and complete account of receipts and disbursements.

d. Maintaining and managing a treasury and depositing moneys in depositories and instruments authorized by law.

e. Contracting for services of independent contractors and permitting disbursements to be made pursuant to established policies.

f. Bearing responsibility for issuing, selling, paying interest on, and redeeming bonds.

g. Preparing and issuing warrants and checks.

h. Preparing payrolls and pension rolls.

i. Selling real property upon which improvement assessments or real property taxes are not paid within the prescribed period, and disposing of real property or personal property not needed pursuant to established policies.

j. Renting or leasing property and awarding concessions.

k. Preparing and maintaining a perpetual inventory of all lands and equipment owned, leased, rented, or controlled.

l. Reviewing assessment rolls for assessable public improvements and issuing bills once approved.

m. Having custody of official's surety bonds.

n. Submitting quarterly statements of revenue and expenditures for the preceding quarter and for the fiscal year up to and including the preceding quarter.

o. Administering the real property taxation function of a municipality or other governmental entity.

4. A bachelor's degree from an accredited college or university in finance, accounting, economics, 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 4. Chapter 2.14, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

**“2.14.090 Director of water supply.** The director of water supply shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience in a management capacity, either in public service or private business, or both.

2. As set forth in the charter, the director or deputy director shall be a registered engineer.

3. As a part of or in addition to the five years of management experience, three years of responsible budgetary experience.

4. As a part of or in addition to the five years of management experience, three years of experience in one or more of the following functions:

a. Administering operations of a water purveyor, including day-to-day management and control of all water systems.

b. Preparing long-range capital improvement plans and up-to-date water use and development plans.

c. Implementing long-range capital improvement plans and water use and development plans.

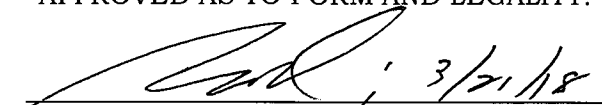
d. Preparing an annual operating and capital budget.

5. A bachelor’s degree from an accredited college or university in engineering, 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 5. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 6. This ordinance shall take effect on January 2, 2019.

APPROVED AS TO FORM AND LEGALITY:



EDWARD S. KUSHI, JR.  
Department of the Corporation Counsel  
County of Maui

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