

REQUEST FOR LEGAL SERVICES

Date: March 9, 2018
From: Yuki Lei K. Sugimura, Chair
Policy, Economic Development, and Agriculture Committee

RECEIVED
CORPORATION COUNSEL

2018 MAR 12 PM 1:47

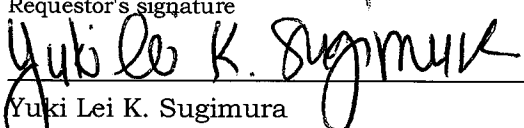
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Edward S. Kushi, Jr., Esq.

Subject: **ESTABLISHING ADDITIONAL QUALIFICATIONS FOR COUNTY ADMINISTRATIVE HEADS APPOINTED BY THE MAYOR** (PEA-27)

Background Data: The attached proposed bill includes specific qualifications for the Managing Director, Corporation Counsel, and Prosecuting Attorney. Please review and, if appropriate, approve as to form and legality. Provide a hard copy with your response.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☐ OTHER:

Requestor's signature  Yuki Lei K. Sugimura	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: <u>7134</u>)
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☐ ROUTINE (WITHIN 15 WORKING DAYS) ☐ RUSH (WITHIN 5 WORKING DAYS)
☐ PRIORITY (WITHIN 10 WORKING DAYS) ☐ URGENT (WITHIN 3 WORKING DAYS)
☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): Tuesday, March 13, 2018
REASON: Proposed bill will be considered at the Committee's meeting of March 20, 2018.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>ESK</u>	ASSIGNMENT NO. <u>2017-0096</u>	BY: <u>tkm</u>
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TO REQUESTOR: ☒ APPROVED ☐ DISAPPROVED ☒ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): as noted

DEPARTMENT OF THE CORPORATION COUNSEL

Date 3/14/18

By 

(Rev. 7/03)

pea:ltr:027acc12:ske

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS
FOR THE MANAGING DIRECTOR, CORPORATION COUNSEL, AND
PROSECUTING ATTORNEY

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 Managing Director, Corporation Counsel, and Prosecuting Attorney, 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:

"2.14.100 Managing director. The managing director shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience in an administrative capacity, either in public 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. Acting as the principal management aide to a chief executive officer.

b. Supervising the administrative functions of agencies, departments, and boards and commissions.

c. Evaluating the management and performance of agencies under his or her supervision.

d. Prescribing standards of administrative practice to be followed by agencies under his or her supervision.

e. Supervising and coordinating the preparation and submittal of an annual operating budget and a capital program.

f. Supervising and coordinating the control, management, and execution of an annual operating budget and capital program.

g. Supervising and coordinating a systematic and continual review of the finances, organizations, and methods of each department to assist in achieving the most effective expenditure of funds and to determine that such expenditures are in accordance with budget laws and controls in force.

4. A bachelor's degree from an accredited college or university in 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:

"2.14.110 Corporation counsel. The corporation counsel shall have the following minimum qualifications:

1. As set forth in the charter, the corporation counsel shall be an attorney licensed to practice and in good standing before the Hawaii supreme court.

2. As set forth in the charter, the corporation counsel shall have engaged in the practice of law for five years.

3. As a part of or in addition to the five years of experience in the practice of law, three years of civil litigation experience.

4. As a part of or in addition to the five years of experience in the practice of law, three years of responsible managerial and budgetary experience.

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

a. Serving as chief legal advisor or legal representative of a municipality or other governmental entity, its departments, boards and commissions, or officers and employees in matters relating to their official duties.

b. Representing a public or private entity in legal proceedings.

SECTION 4. Chapter 2.14, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

“2.14.120 Prosecuting attorney. The prosecuting attorney shall have the following minimum qualifications:

1. As set forth in the charter, the prosecuting attorney shall be an attorney licensed to practice and in good standing before the Hawaii supreme court.

2. As set forth in the charter, the prosecuting attorney shall have engaged in the practice of law for five years.

3. As a part of in addition to the five years of experience in the practice of law, three years of criminal litigation experience.

4. As a part of or in addition to the five years of experience in the practice of law, three years of responsible managerial and budgetary experience.

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

a. Attending and appearing in courts of competent jurisdiction, and prosecuting criminal offenses on behalf of a municipality or other governmental entity.

b. Instituting proceedings, or directing the chief of police of a municipality or other governmental entity to institute proceedings, before a judge of a court of competent jurisdiction for the arrest of persons charged with or reasonably suspected of criminal offenses.

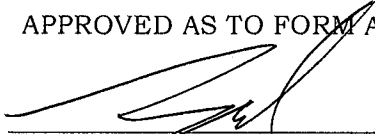
c. Drawing and presenting indictments to a grand jury for consideration.

d. Prosecuting administrative violations of liquor laws.”

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:

A handwritten signature in black ink, appearing to read 'Edward S. Kushi, Jr.', is written over a horizontal line.

EDWARD S. KUSHI, JR.
Department of the Corporation Counsel
County of Maui
PEA-27 2018-03-14 Ord Director
Qualifications (MD, CC, PA)