

# REQUEST FOR LEGAL SERVICES

RECEIVED  
CORPORATION COUNSEL

Date: August 8, 2017  
From: Yuki Lei Sugimura, Chair  
Policy, Economic Development, and Agriculture Committee

2017 AUG -8 PM 2: 00

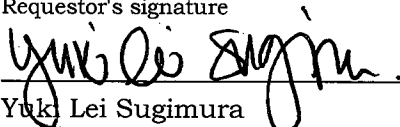
TRANSMITTAL  
Memo to:

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

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

Background Data: Please review and approve the attached revised proposed bill as to form and legality, and include the hard copy in your response.

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

Requestor's signature  Yuki Lei Sugimura	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: <u>7134</u> )
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- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): August 11, 2017  
REASON: For consideration at the August 14, 2017 PEA meeting.

### FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>ESK</u>	ASSIGNMENT NO. <u>2017-0096</u>	BY: <u>AKM</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):  
see attached, as revised per discussion w/ Council Services staff + member Sugimura.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 9/11/17

By 

pea:ltr:027acc03:ske

(Rev. 7/03)

Attachment

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

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS  
FOR COUNTY ADMINISTRATIVE HEADS APPOINTED BY THE MAYOR

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 County administrative heads appointed by the Mayor, 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. 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 Managing director.
- 2.14.030 Corporation counsel.
- 2.14.040 Prosecuting attorney.
- 2.14.050 Director of finance.
- 2.14.060 Director of public works.

- 2.14.070 Director of parks and recreation.
- 2.14.080 Planning director.
- 2.14.090 Director of housing and human concerns.
- 2.14.100 Director and deputy director of water supply.
- 2.14.110 Director of transportation.
- 2.14.120 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 (the "Charter").

**2.14.020 Managing director.** The managing director, at a minimum, shall have the following qualifications:

1. As set forth in the Charter, five years of experience in an administrative capacity, either in public or private business, or both, three years of which shall be of responsible managerial and budgetary experience.
2. Bachelor's degree from an accredited college or university in business administration, public administration, or other relevant discipline, or combination of education and work experience substantially equivalent to such a bachelor's degree.

**2.14.030 Corporation counsel.** The corporation counsel, at a minimum, as set forth in the Charter, shall have engaged in the practice of law for at least five years, three years of which shall have involved civil litigation, together with responsible managerial and budgetary experience.

**2.14.040 Prosecuting attorney.** The prosecuting attorney, at a minimum, as set forth in the Charter, shall have engaged in the practice of law for at least five years, three years of which shall have involved criminal litigation together with responsible managerial and budgetary experience.

**2.14.050 Director of finance.** The director of finance, at a minimum, shall have the following qualifications:

1. As set forth in the Charter, five years of experience in a public or private financial position, three years of which shall have been in responsible administrative and managerial capacity.
2. 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.

**2.14.060 Director of public works.** The director of public works, at a minimum, shall have the following 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, three years of which shall be of responsible managerial and budgetary experience.

2. 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.

**2.14.070 Director of parks and recreation.** The director of parks and recreation, at a minimum, shall have the following 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, three years of which shall be of responsible managerial and budgetary experience.

2. 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.

**2.14.080 Planning director.** The planning director, at a minimum, shall have the following qualifications:

1. As set forth in the Charter, five years of experience in the field on planning, three years of which:

A. shall have been in an administrative capacity in either public service or private business, or both.

B. shall have been of responsible managerial and budgetary experience.

2. 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.

**2.14.090 Director of housing and human concerns.** The director of housing and human concerns, at a minimum, shall have the following 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, three years of which shall be of responsible managerial and budgetary experience.

2. Bachelor's degree from an accredited college or university in business administration, public administration, sociology, or other relevant discipline, or a combination of education and work experience substantially equivalent to such a bachelor's degree.

**2.14.100 Director and deputy director of water supply.** A. The director of water supply, at a minimum, shall have the following 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, three years of which shall be of responsible budgetary experience.

2. 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.

B. The deputy director of water supply, at a minimum, shall have the following qualifications:

1. Three years of responsible managerial and budgetary experience, either in public service or private business, or both.

2. 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.

**2.14.110 Director of transportation.** The director of transportation, at a minimum, shall have the following qualifications:

1. As set forth in the Charter, five years of experience in administrative capacity, either in public service or private business, or both, three years of which shall be of responsible managerial and budgetary experience.

2. 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.

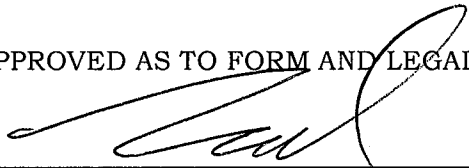
**2.14.120 Director of environmental management.** The director of environmental management, at a minimum, shall have the following qualifications:

1. As set forth in the Charter, five years of experience in an administrative capacity, either in public service or private business, or both, three years of which shall be of responsible managerial and budgetary experience.

2. 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 1, 2019.

APPROVED AS TO FORM AND LEGALITY:



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EDWARD S. KUSHI, JR.

Department of the Corporation Counsel

County of Maui

2017-0098

PEA-27 2017-09-11 Ordinance