

PEA Committee

From: Jim or Belinda <2jbhome@hawaiiantel.net>
Sent: Sunday, November 26, 2017 8:38 PM
To: PEA Committee
Subject: Testimony re Item PEA 27 tomorrow's mtg 11 27 17 at 9 am
Attachments: PEA 27 - REQUIRED QUALIFICATIONS FOR APPOINTMENT OF DIRECTORS BY MAYOR.odt

Please distribute the attached testimony to committee members.

thank you so much

Jim Smith

Jim Smith
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November 27, 2017

Testimony Regarding PEA 27 - related to qualifications for a Mayor's appointment of a Director to Departments and administrating agencies as defined or empowered by the Maui County Charter.

Aloha

The agenda for our Council's meeting on Friday, December 1, 2017 at Item CC 17-482 informs the Council that the mayor has removed the Director of Water Supply with an attached resolution seeking the approval of the Council for it's removal. The Charter requires that removal by approval of Council. On November 15, the Director of Water Supply was removed from Office. The Mayor acted without Council approval.

The Council proposes to add qualifications for the Mayor to comply with in its appointment of Directors but in the future when the mayor wants to appoint a Director, it simply puts forward a name that satisfies the Council then appoints as Deputy Director the person he really wants. The Director is removed and its appointee as Deputy becomes the Director. The Council approval is not required, and I think the proposed legislation misses this point. Approval of the Director without Council approval appears on its face an abuse of authority. The Mayor reinvents our Charter and views qualifications listed a mere formality.

Did the Mayor abuse its authority when it removed the Director of the Department of Water Supply? Until a court of competent jurisdiction answers this question, abuse will continue. Certainly an Opinion should be sought from an independent authority. It doesn't seem a question of the nature of qualifications sought to be imposed by the Council. The charter provides the answer, specifically, in Sections specific to executive departments. I ask that this item stay with this Committee pending receipt of an Opinion from an independent authority.

Jim Smith