

REQUEST FOR LEGAL SERVICES

RECEIVED
CORPORATION COUNSEL

Date: **March 23, 2018**
From: **Yuki Lei Sugimura, Chair**
Policy, Economic Development, and Agriculture Committee

2018 MAR 27 AM 11: 39

TRANSMITTAL

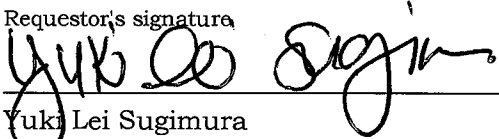
Memo to: **DEPARTMENT OF THE CORPORATION COUNSEL**
Attention: Edward S. Kushi, Jr., Esq.

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

Background Data: The attached revised proposed bill relating to qualifications for the Corporation Counsel and the Prosecuting Attorney incorporates revisions made by the Committee at its meeting of March 20, 2018. Please review and approve the revised proposed bill as to form and legality, if appropriate, and include a signed hard copy with your response.

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

RECEIVED
OFFICE OF THE
COUNTY COUNCIL
2018 MAR 28 AM 8:08

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): March 27, 2018, at 10 a.m.
REASON: To meet posting deadline for April 6, 2018 Council meeting.

FOR CORPORATION COUNSEL'S RESPONSE

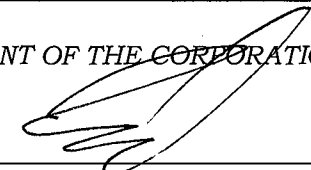
ASSIGNED TO: <u>ESK</u>	ASSIGNMENT NO. <u>2017-0098</u>	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

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

DEPARTMENT OF THE CORPORATION COUNSEL

Date 3/27/18

By 
(Rev. 7/03)

pea:ltr:027acc14:ske

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS
FOR THE 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 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 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 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 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 or defending against such proceedings.

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.

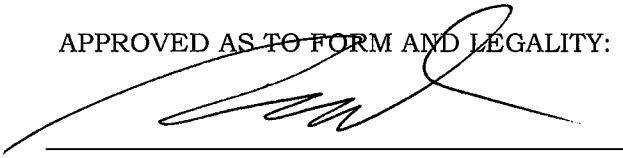
c. Drawing and presenting indictments to a grand jury for consideration.

d. Prosecuting administrative violations of liquor laws."

SECTION 4. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 5. This ordinance shall take effect on January 2, 2019.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to be 'J. M. ...', is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

pea:misc:027abill10(corp counsel-pros atty)