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February 27, 2019

2019 FEB 27 AM 9:48

MEMO TO: Mike Molina, Chair, Governance, Ethics, and Transparency
Committee

OFFICE OF THE
COUNTY COUNCIL

F R O M: Josiah K. Nishita, County Clerk 

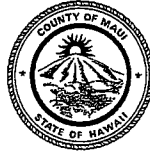
SUBJECT: **APPOINTMENT AND REMOVAL OF ADMINISTRATIVE HEADS
OF DEPARTMENTS (DIRECTOR OF PUBLIC WORKS) (GET-
1(6))**

We respectfully transmit for your information, a copy of committee report 19-10, as amended, and attached resolution entitled "DISAPPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF PUBLIC WORKS," adopted by the Council of the County of Maui on February 22, 2019.

As indicated by the timestamp on the transmittal letter, a certified copy was received by the Mayor on February 25, 2019 at approximately 11:00 a.m.

Attachment

JOSIAH K. NISHITA
County Clerk



MARGARET C. CLARK
Deputy County Clerk

RECEIVED

2019 FEB 25 AM 11:00

OFFICE OF THE MAYOR

COPY

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

February 25, 2019

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

Dear Sir:

We respectfully transmit for your information and attention as may be required, Committee Report No. 19-10, As Amended, adopted by the Council of the County of Maui on February 22, 2019.

- Resolution(s) attached.
- Grant application returned.
- Document(s) attached.
- Please return document upon execution.
- Please provide recorded copy for our files.

BILL FOR AN ORDINANCE:

- Final reading scheduled for
- Recommitted to committee following first reading.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Josiah K. Nishita".

JOSIAH K. NISHITA
County Clerk

Enclosure

COUNCIL OF THE COUNTY OF MAUI
**GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE**

February 15, 2019

**Committee
Report No.** 19-10
As Amended

NOTE: The recommendation contained in this committee report was amended by the Council at its reconvened meeting of February 22, 2019, by deleting the bracketed material and underscoring the new material. This committee report was then adopted as amended.

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on January 29, 2019, and reconvened on February 1, 2019, February 5, 2019, and February 7, 2019, makes reference to County Communication 19-1, from Council Chair Mike White, relating to the appointment and removal of administrative heads of departments.

By correspondence dated January 2, 2019 (received on January 8, 2019), the Mayor notified the Council Chair of his appointments of the Managing Director, Corporation Counsel, Prosecuting Attorney, Director of Water Supply, Director of Finance, Director of Public Works, Director of Environmental Management, Planning Director, Director of Housing and Human Concerns, Director of Transportation, and Director of Parks and Recreation, pursuant to Section 6-2(5) of the Revised Charter of the County of Maui (1983), as amended ("Charter").

By correspondence dated January 14, 2019, the Mayor transmitted proposed resolutions for each administrative head to your Committee, including a proposed resolution entitled "APPROVING THE APPOINTMENT OF DAVID C. GOODE AS THE DIRECTOR OF THE DEPARTMENT OF

COUNCIL OF THE COUNTY OF MAUI
GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE

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Committee
Report No. 19-10
As Amended

PUBLIC WORKS.” The purpose of the proposed resolution is to approve the Mayor’s appointment of David C. Goode as the Director of Public Works, pursuant to Charter Sections 6-2(5) and 8-5.2.

Your Committee notes Charter Section 8-5.2 provides that the Director of Public Works shall be appointed by the Mayor with the approval of the Council. In addition, Charter Section 6-2(5) provides that the Council shall confirm or deny the confirmation within 60 days after receiving notice of the appointment by the Mayor, or the appointment shall be deemed confirmed. Accordingly, the deadline for the Council to confirm or deny the appointment of Mr. Goode as the Director of Public Works is March 9, 2019.

By correspondence dated January 14, 2019, the Mayor transmitted the following: 1) County of Maui Job Description for the Director of Public Works; 2) Ordinance 4840 (2018), relating to the minimum qualifications of the Director of Public Works; and 3) David Goode’s resume.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed resolution, entitled “APPROVING THE MAYOR’S APPOINTMENT FOR DIRECTOR OF PUBLIC WORKS,” approved as to form and legality, incorporating the minimum qualifications for the position and nonsubstantive revisions. The Department also transmitted a proposed resolution entitled “DISAPPROVING THE MAYOR’S APPOINTMENT FOR DIRECTOR OF PUBLIC WORKS.” The purpose of the proposed resolution is to disapprove the appointment.

Your Committee notes by Resolution 16-96, the Council proposed an amendment to the Charter be placed on the General Election ballot to require Council approval of the Mayor’s appointment of administrative heads of departments and allow additional qualifications for administrative heads appointed by the Mayor to be established by ordinance. The proposed Charter amendment was approved at the 2016 General Election.

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Committee
Report No. 19-10
As Amended

Ordinances 4803, 4840, 4841, 4847, 4848, and 4864, respectively, established additional qualifications for administrative heads appointed by the Mayor in Chapter 2.14, Maui County Code. The effective date of the ordinances was January 2, 2019.

According to his resume, Mr. Goode has served as Director of Public Works since 2011. He has also served as Director or Deputy Director of Public Works and Waste Management, the precursor to the Department of Public Works and Environmental Management, from 1995 to 2002. Mr. Goode received his Bachelor of Science in Electrical Engineering in 1984.

Your Committee met with Mr. Goode. In his opening remarks, Mr. Goode said a goal of his as Director is to continue to make strides by working collaboratively with departments to address issues relating to highway and road repairs and maintenance, and emergency response. He said he understands the safety concerns of his employees and wants to ensure they are given sufficient tools, including training, to do their jobs.

Mr. Goode told your Committee that, if confirmed as Director, he would prioritize the electronic filing and review of permits once the Maui Automated Permitted and Planning System, or MAPPS, is online. He would also work on expanding the countywide pavement preservation program to address an increased number of highway and road repairs and maintenance. He is committed to addressing issues such as sea level rise and lowering carbon emissions, and has pledged to make affordable housing a priority.

Your Committee received numerous written testimonies in support of and in opposition to Mr. Goode's appointment.

After reviewing Mr. Goode's experience and capabilities and giving due consideration to public testimony, your Committee was satisfied Mr. Goode met the minimum qualifications for the Director of Public

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**GOVERNANCE, ETHICS, AND
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**Committee
Report No.** 19-10
As Amended

Works position and recommended his appointment be approved. Your Committee was particularly impressed with several initiatives he made in the past eight years as Director under the prior Administration, including amendments to the Subdivision Code, Building Code, Plumbing Code, and Electrical Code; repairing over 31 lane miles of roadway through the enhanced efforts of the pavement preservation crew; and being responsive to the community in times of emergency.

Your Committee voted 5-3 to recommend adoption of the revised proposed resolution to approve the appointment of David C. Goode as Director of Public Works and filing of the proposed resolution to disapprove the appointment. Committee Chair Molina and members Kama, Lee, Sinenci, and Sugimura voted "aye." Committee Vice-Chair Rawlins-Fernandez and members King and Paltin voted "no." Committee member Hokama was excused.

Your Governance, Ethics, and Transparency Committee RECOMMENDS the following:

1. That [Resolution _____,] the proposed resolution, attached hereto, entitled "APPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF PUBLIC WORKS," be [ADOPTED] FILED; and
2. That [the proposed resolution,] Resolution 19-32, attached hereto, entitled "DISAPPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF PUBLIC WORKS," be [FILED] ADOPTED.

COUNCIL OF THE COUNTY OF MAUI
**GOVERNANCE, ETHICS, AND
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Committee
Report No. 19-10
As Amended

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



MICHAEL J. MOLINA, Chair

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COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the recommendations contained in COMMITTEE REPORT NO. 19-10, As Amended were adopted by the Council of the County of Maui, State of Hawaii, on the 22nd day of February, 2019, by the following vote:

MEMBERS	Kelly T KING Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Alice L. LEE	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Aye	Aye	No	No	Aye	Aye	No



COUNTY CLERK

Resolution

No. 19-32

DISAPPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF PUBLIC WORKS

WHEREAS, by letter dated January 2, 2019, received by the Council on January 8, 2019, Mayor Michael P. Victorino notified the Council he appointed David C. Goode as the Director of Public Works, pursuant to Sections 6-2(5) and 8-5.2 of the Revised Charter of the County of Maui (1983), as amended; and

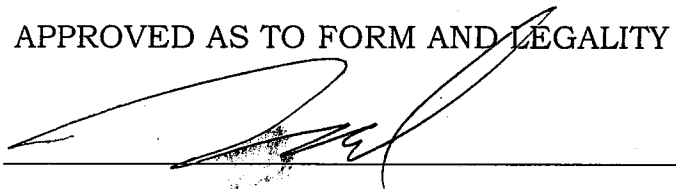
WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty days after receiving notice of the appointment by the Mayor; and

WHEREAS, Charter Section 8-5.2 states: "The director of public works shall be appointed by the mayor with the approval of the council"; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby disapproves the appointment of David C. Goode as the Director of Public Works; and
2. That a certified copy of this resolution be transmitted to the Mayor.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel
County of Maui

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is **HEREBY CERTIFIED** that **RESOLUTION NO. 19-32**, was adopted by the Council of the County of Maui, State of Hawaii, on the 22nd day of February, 2019, by the following vote:

MEMBERS	Kelly T KING Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Alice L. LEE	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Aye	Aye	No	No	Aye	Aye	No



COUNTY CLERK