

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

February 15, 2019

Committee
Report No. _____

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 WILLIAM ROBERT SPENCE AS THE DIRECTOR OF THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS." The purpose of the proposed resolution is to approve the Mayor's appointment of William Robert Spence as the Director of Housing and Human Concerns, pursuant to Charter Sections 6-2(5) and 8-10.2.

Your Committee notes Charter Section 8-10.2 provides that the Director of Housing and Human Concerns 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

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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. Spence as the Director of Housing and Human Concerns 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 Housing and Human Concerns; 2) Ordinance 4841 (2018), relating to the minimum qualifications of the Director of Housing and Human Concerns; and 3) William Spence'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 HOUSING AND HUMAN CONCERNS," 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 HOUSING AND HUMAN CONCERNS." 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.

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.

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According to his resume, Mr. Spence began his service as Director of Housing and Human Concerns in July 2018. By Resolution 18-137, the Council approved Mr. Spence's appointment to the position. Mr. Spence served as Planning Director from January 2011 through July 2018. He also served as a land use planning consultant from 2002 to 2011 and as a County staff planner from 1992 to 2002.

Your Committee met with Mr. Spence. In his opening remarks, Mr. Spence said a goal of his as Director is to promote the development of affordable housing. He acknowledges the need for residents to secure rental or owned housing, and intends to pursue smart-growth initiatives to achieve this goal.

Mr. Spence told your Committee that, if confirmed as Director, he would prioritize instituting a program to address the construction of affordable housing units. He plans to determine the best use of the County-owned parcel adjacent to the University of Hawaii Maui College campus and the County-owned lots in Maui Lani. He expressed support for increasing the annual allocation of certified real property tax revenue to the Affordable Housing Fund beyond the level of 2 percent required by the Charter.

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

After reviewing Mr. Spence's experience and capabilities and giving due consideration to public testimony, your Committee recommended his nomination be disapproved. Your Committee was concerned whether Mr. Spence meets the minimum qualifications set forth in Section 2.14.060, Maui County Code, particularly those in paragraph 3, which states: "As a part of or in addition to the five years of administrative experience, three years of experience in developing, supervising and coordinating programs and projects designed to meet housing and/or human needs."

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Your Committee was also concerned that after six months as Director under the prior Administration, Mr. Spence had not yet implemented a plan to incorporate recommendations from the County of Maui Affordable Housing Policy Plan Final Report and County of Maui Affordable Housing Implementation Plan Final Report prepared by SMS, dated August 15, 2018, nor had he established a clear strategy to address the County's housing shortage.

Your Committee commended Mr. Spence for his commitment to public service.

Your Committee voted 6-1 to recommend adoption of the proposed resolution to disapprove the appointment of William Robert Spence as Director of Housing and Human Concerns and filing of the revised proposed resolution to approve the appointment. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, King, Paltin, and Sinenci voted "aye." Committee member Lee voted "no." Committee members Hokama and Sugimura were excused.

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

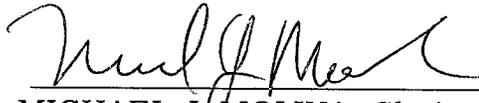
1. That Resolution _____, attached hereto, entitled "DISAPPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF HOUSING AND HUMAN CONCERNS," be ADOPTED; and
2. That the proposed resolution, attached hereto, entitled "APPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF HOUSING AND HUMAN CONCERNS," be FILED.

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



MICHAEL J. MOLINA, Chair

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Resolution

No. _____

DISAPPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF HOUSING AND HUMAN CONCERNS

WHEREAS, by letter dated January 2, 2019, received by the Council on January 8, 2019, Mayor Michael P. Victorino notified the Council he appointed William Robert Spence as the Director of Housing and Human Concerns, pursuant to Sections 6-2(5) and 8-10.2 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 8-10.2 states: "The director of housing and human concerns 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 William Robert Spence as the Director of Housing and Human Concerns; 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

Resolution

No. _____

APPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF HOUSING AND HUMAN CONCERNS

WHEREAS, by letter dated January 2, 2019, received by the Council on January 8, 2019, Mayor Michael P. Victorino notified the Council he appointed William Robert Spence as the Director of Housing and Human Concerns, pursuant to Sections 6-2(5) and 8-10.2 of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, Charter Section 6-4 authorized the Council to establish specific qualifications for administrative heads appointed by the Mayor in addition to any set forth in the Charter; and

WHEREAS, Section 2.14.060, Maui County Code, attached hereto as Exhibit "A," establishes additional qualifications for the Director of Housing and Human Concerns effective January 2, 2019; 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

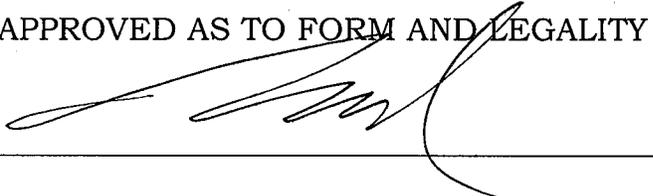
WHEREAS, Charter Section 8-10.2 states: "The director of housing and human concerns shall be appointed by the mayor with the approval of the council"; now, therefore,

Resolution No. _____

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

1. That it deems William Robert Spence to have satisfied the minimum qualifications for the position of Director of Housing and Human Concerns;
2. That it hereby approves the appointment of William Robert Spence as the Director of Housing and Human Concerns; and
3. 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

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2.14.060 - Director of housing and human concerns.

The director of housing and human concerns shall have the following minimum 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.
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 developing, supervising and coordinating programs and projects designed to meet housing and/or human needs.
4. A 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.