

COUNCIL OF THE COUNTY OF MAUI

**POLICY, ECONOMIC DEVELOPMENT,
AND AGRICULTURE COMMITTEE**

July 6, 2018

**Committee
Report No. _____**

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

Chair and Members:

Your Policy, Economic Development, and Agriculture Committee, having met on June 19, 2018, and June 20, 2018 (reconvene), makes reference to County Communication 17-11, from Council Chair Mike White, relating to proposed amendments to the Revised Charter of the County of Maui (1983), as amended ("Charter").

By correspondence dated April 30, 2018, Councilmember Stacy Crivello transmitted a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE APPOINTMENT, EVALUATION, AND REMOVAL OF THE DIRECTOR OF WATER SUPPLY, AND THE APPOINTMENT OF THE DEPUTY DIRECTOR OF WATER SUPPLY." The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the Charter shall be amended to have the Board of Water Supply appoint, evaluate, and remove the Director of Water Supply, and the Director of Water Supply appoint the Deputy Director of Water Supply.

Your Committee notes Article 14 of the Charter sets forth procedures related to amending the Charter. The Council, by resolution adopted after two readings on separate days and passed by a vote of six or more members, may place a Charter amendment question on the ballot at the next General Election.

Your Committee further notes Charter Section 8-11.5 outlines the current process for the Mayor to appoint and remove the Director of Water Supply with the approval of the Council, a process which has proven to be ineffective.

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Your Committee briefly discussed reverting to the process under the previous Charter when the Department of Water Supply was a semi-autonomous agency by having the Board of Water Supply ("Board") appoint, evaluate, and remove the Director of Water Supply. This method excluded the Mayor and Council from the process of appointing and removing the Director.

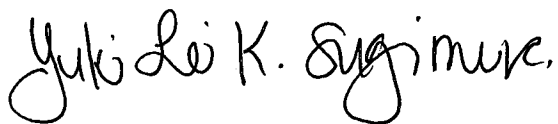
Your Committee noted the Board currently holds an advisory role to the Director of Water Supply, the Mayor, and the Council in all matters concerning the County's water system.

Your Committee also noted an alternate Charter amendment proposal to delete the requirement for Council approval when the Mayor removes the Director of Water Supply, has been referred to your Committee. In consideration of your Committee's approaching deadline of July 2, 2018, to thoroughly vet all remaining Charter amendment proposals, your Committee voted to file the proposed resolution.

Your Committee voted 5-0 to recommend filing of the correspondence. Committee Chair Sugimura, Vice-Chair Crivello, and members Cochran, Guzman, and King voted "aye." Committee members Atay, Carroll, Hokama, and White were excused.

Your Policy, Economic Development, and Agriculture Committee **RECOMMENDS** that correspondence dated April 30, 2018, be FILED.

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



YUKI LEI K. SUGIMURA, Chair

RECEIVED

April 30, 2018

2018 APR 30 PM 2: 01

OFFICE OF THE
COUNTY COUNCIL

MEMO TO: PEA-10 File

F R O M: Stacy Crivello
Councilmember



SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
PROPOSED CHARTER AMENDMENTS (PEA-10)**

The attached legislative proposal pertains to Item 10 on your Committee's agenda.

paf:cmn:18-051c

Attachment

Resolution

No. _____

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, RELATING TO THE
APPOINTMENT, EVALUATION, AND REMOVAL
OF THE DIRECTOR OF WATER SUPPLY, AND
THE APPOINTMENT OF THE DEPUTY
DIRECTOR OF WATER SUPPLY

WHEREAS, the Charter currently requires the Mayor to appoint and remove the Director of Water Supply with the approval of the Council; and

WHEREAS, it would better serve the public to return to a system where the Board of Water Supply appoints, evaluates, and removes the Director of Water Supply, and the Director appoints the Deputy Director; now, therefore,

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

1. That, pursuant to Section 14-1(1), Revised Charter of the County of Maui (1983), as amended ("Charter"), it hereby proposes that Section 6-2 of the Charter, pertaining to the Appointment and Removal of Officers and Employees, be amended by amending subsection 5 to read as follows:

"5. Within sixty (60) days of taking office, or within sixty (60) days after a vacancy is created, the mayor shall appoint the managing director, corporation counsel, prosecuting attorney, director of finance, director of public works, director of parks and recreation, planning director, director of housing and human concerns, [director of water supply,] director of transportation, and director of environmental management, with written notice of the appointment to the council. The council shall confirm or deny the appointment within sixty (60) days after receiving notice of the appointment by the mayor. If the council does not act within the 60-day period, the appointment shall be deemed to be confirmed. The appointee shall take office upon appointment by the mayor but shall not continue in office if

the council denies the appointment. If the appointment is denied by the council, the mayor shall make a new appointment within sixty (60) days of the council's denial, and the council shall confirm or deny within sixty (60) days after receiving notice of the new appointment by the mayor. If the council does not act within the 60-day period, the appointment shall be deemed to be confirmed."; and

2. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 8-11.4 of the Charter, pertaining to the Powers, Duties, and Functions of the Board of Water Supply, be amended to read as follows:

"Section 8-11.4. Powers, Duties, and Functions.

The board of water supply shall:

1. Review and submit to the mayor the department of water supply's request for an annual appropriation for operations and capital improvements.

2. Recommend the establishment and adjustment of rates and charges for furnishing water; such rates and charges shall be submitted to the mayor for review and approval. If approved by the mayor, proposed rates and charges shall be submitted to the council for enactment by ordinance.

3. Annually review and evaluate the performance of the director of water supply and submit a report to the mayor and the council.

[3.] 4. Perform such other duties and functions as shall be prescribed by law."; and

3. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 8-11.5 of the Charter, pertaining to the Director and Deputy Director of Water Supply, be amended to read as follows:

"Section 8-11.5. Director and Deputy Director of Water Supply. The director of water supply shall be appointed [by the mayor with the approval of the council, and may be removed by the mayor with the approval of the council.] and may be removed by the board of water supply. The director may be removed by the board of water supply only after being informed in writing of the charges which are resulting in the director's dismissal, and after being given a hearing before the board. The director of water supply shall

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have had a minimum of five years of experience in a management capacity, either in public service or private business, or both. The deputy director of water supply shall be appointed and removed by the [mayor and may be removed by the mayor.] director of water supply. The director or deputy director of water supply shall be a registered engineer.”; and

4. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 8-11.6 of the Charter, pertaining to the Powers, Duties, and Functions of the Director of Water Supply, be amended to read as follows:

“Section 8-11.6. Powers, Duties, and Functions.

The director of [the department of] water supply shall:

1. Administer the affairs of the department of water supply, and be responsible for the day-to-day management and control of all water systems of the county.

1. Appoint the deputy director of water supply.

[2.] 3. Prepare long-range capital improvement plans and up-to-date water use and development plans for review by the board of water supply and enactment by the council by ordinance.

[3.] 4. Implement enacted long-range capital improvement plans and water use and development plans.

[4.] 5. Prepare an annual operating and capital budget for the board of water supply's review and submit the department of water supply's request for an annual appropriation to the mayor.

[5.] 6. Perform such other duties and functions as shall be prescribed by law.”; and

5. That material to be repealed is bracketed and new material is underscored; and

6. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

7. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

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8. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that the following question be placed on the next general election ballot:

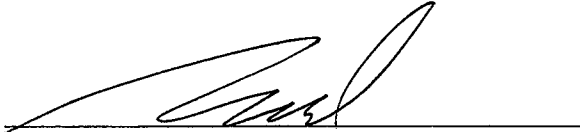
“Shall the Charter be amended, effective January 2, 2019, to have the board of water supply appoint, evaluate, and remove the director of water supply, and the director of water supply appoint the deputy director of water supply?”;
and

9. That, pursuant to Section 14-2(2) of the Charter, the County Clerk shall publish the proposed amendment as set forth in this resolution in its entirety in a newspaper of general circulation; and

10. That, upon approval by the majority of the voters voting on the proposed amendment, the amendment proposed herein shall take effect as of January 2, 2019; and

11. That certified copies of this resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



EDWARD S. KUSHI, JR.
Department of the Corporation Counsel
County of Maui
2018-0471
2018-04-30 Resolution