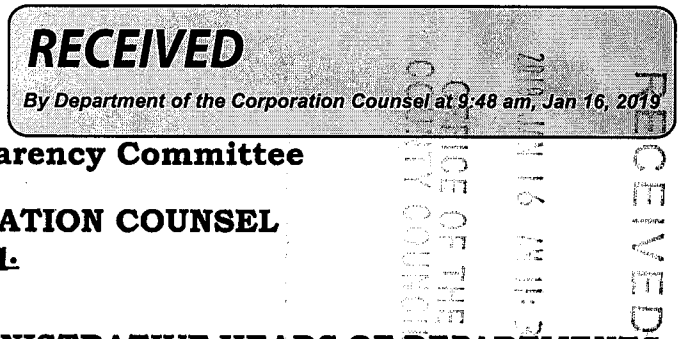


REQUEST FOR LEGAL SERVICES

Date: January 16, 2019
From: Mike Molina, Chair
Governance, Ethics, and Transparency Committee

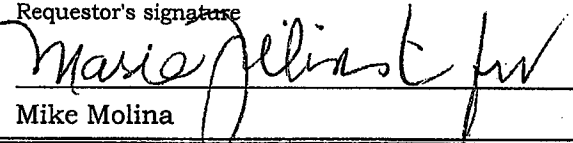


TRANSMITTAL
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Edward S. Kushi, Esq.

Subject: **APPOINTMENT AND REMOVAL OF ADMINISTRATIVE HEADS OF DEPARTMENTS**
(GET-1)

Background Data: Please review and approve as to form and legality the attached revised proposed resolutions to allow for approval of the following appointments for administrative heads of departments: 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. A hard copy is requested with your response.

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

Requestor's signature  Mike Molina	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: 7134)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): Wednesday, January 16, 2019
REASON: For posting on January 23, 2019 GET Committee meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>ESK</u>	ASSIGNMENT NO. <u>2019-0065</u>	BY: <u>lak</u>
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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): _____

Date 1/16/19 By 

Resolution

No. _____

APPROVING THE MAYOR'S APPOINTMENT FOR PROSECUTING ATTORNEY

WHEREAS, by letter dated January 2, 2019, received by the Council on January 8, 2019, Mayor Michael P. Victorino notified the Council he appointed John D. Kim as the Prosecuting Attorney, pursuant to Sections 6-2(5) and 8-3.2 of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, Charter Section 6-4 authorizes 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 2.14.110, Maui County Code, attached hereto as Exhibit "A," establishes additional qualifications for the Prosecuting Attorney 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 8-3.2 states: "The prosecuting attorney 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 John D. Kim to have satisfied the minimum qualifications for the position of Prosecuting Attorney;
2. That it hereby approves the appointment of John D. Kim as the Prosecuting Attorney; 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

get:misc:001(3)areso02:ske

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.