

COUNCIL OF THE COUNTY OF MAUI

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

March 23, 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 January 22, 2018, and February 26, 2018, makes reference to County Communication 17-134, from Councilmember Yuki Lei K. Sugimura, relating to establishing additional qualifications for County department directors.

By correspondence dated February 21, 2018, the Department of the Corporation Counsel transmitted the following:

1. A revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT, AND ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PARKS AND RECREATION AND THE DIRECTOR OF TRANSPORTATION." The purpose of the revised proposed bill is to amend the additional qualifications for the Director of Public Works and the Director of Environmental Management established by Ordinance 4803 (2017), and to establish additional specific qualifications for the Director of Parks and Recreation and the Director of Transportation, pursuant to Section 6-4, Revised Charter of the County of Maui (1983), as amended ("Charter"); and
2. A revised proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF HOUSING AND HUMAN CONCERNS." The purpose of the revised proposed bill is to establish additional

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specific qualifications for the Director of Housing and Human Concerns, pursuant to the authority granted by Charter Section 6-4.

Your Committee notes Charter Section 6-4 provides that, in addition to any qualifications set forth in the Charter, specific qualifications for administrative heads appointed by the Mayor may be established by the Council by ordinance.

Your Committee also notes it began the process of establishing such additional qualifications after the Charter amendment was passed by voters at the 2016 general election. Your Committee initially considered a proposed bill, entitled "ESTABLISHING ADDITIONAL QUALIFICATIONS FOR COUNTY ADMINISTRATIVE HEADS APPOINTED BY THE MAYOR," to address all County department heads appointed by the Mayor. The proposed bill proved too cumbersome, and your Committee subsequently proceeded to consider revised proposed bills treating one to four directors at a time.

Your Committee further notes it previously reported on this matter through Committee Report 17-199, which recommended that a revised proposed bill, entitled "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT," be passed on first reading and ordered to print. At its meeting of December 15, 2017, the Council adopted the recommendation in Committee Report 17-199 (Ordinance 4803 (2017)).

At its meeting of February 26, 2018, your Committee considered revising the qualifications established by Ordinance 4803 for the Director of Public Works and the Director of Environmental Management.

As it relates to the Director of Public Works and the Director of Environmental Management, the revised proposed bill broadens the qualifications in Ordinance 4803 that are based on the powers, duties,

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and functions identified in Sections 8-5.3 and 8-15.3 of the Charter, respectively, to allow applicants to qualify irrespective of whether they have previously worked for the County of Maui.

Your Committee also discussed proposed qualifications for the Director of Parks and Recreation and the Director of Transportation. The revised proposed bill restates the minimum five years of experience in an administrative capacity, either in public service or private business, or both, as set forth in the Charter. Three years of responsible managerial and budgetary experience, as a part of or in addition to the five years of administrative experience, is further listed as a minimum qualification for both Director positions.

Your Committee also recommended the Director of Parks and Recreation have three years of experience in planning, design, construction, maintenance, or operation of parks and recreational facilities; or in developing and implementing programs for cultural, recreational, or other leisure activities, as possible additional minimum qualifications.

The revised proposed bill included as possible additional minimum qualifications for the Director of Transportation, three years of experience in planning and implementation of one or more modes of transportation, including those in the air, water, and land; planning and developing an efficient program to facilitate the rapid, safe, and economical movement of people and goods; or coordination of transportation programs by and between private, county, state, or federal agencies. Your Committee recommended the language for the first criterion be revised to allow for qualified applicants possessing experience in one or more modes of transportation—whether in the air, water, or land—rather than possessing experience in all three.

Additionally, your Committee recommended the Director of Parks and Recreation and the Director of Transportation each have a bachelor's

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degree in a relevant discipline, or a combination of education and work experience equivalent to such a degree.

With respect to the position of Director of Housing and Human Concerns, the revised proposed bill restates the minimum five years of administrative experience set forth in the Charter, either in public service or private business, or both. The revised proposed bill also requires that, as a part of or in addition to the five years of administrative experience, the candidate have three years of responsible managerial and budgetary experience. The bill further provides that the candidate, as an additional minimum qualification, have three years of experience in developing, supervising, and coordinating programs and projects designed to meet housing and human needs. A bachelor's degree in a relevant discipline, or a combination of education and work experience equivalent to such a degree, is also listed as an additional qualification.

Your Committee discussed the scope of the Director of Housing and Human Concerns position. Your Committee felt flexibility was needed for qualified applicants who possessed experience in either housing or human concerns and recommended the phrase "housing and human needs" be replaced by "housing and/or human needs" in the revised proposed bill.

Your Committee is in receipt of further revised proposed bills, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Committee notes the ordinances, if enacted, will take effect on January 2, 2019, consistent with Resolution 16-96 and the intent of the Charter amendment.

Your Committee voted 7-0 to recommend passage of the further revised proposed bills on first reading. Committee Chair Sugimura and members Atay, Carroll, Guzman, Hokama, King, and White voted "aye." Committee Vice-Chair Crivello and member Cochran were excused.

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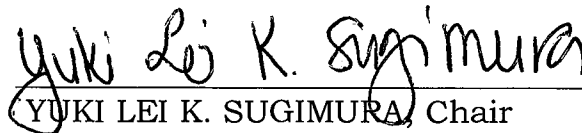
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Your Policy, Economic Development, and Agriculture Committee
RECOMMENDS the following:

1. That Bill _____ (2018), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT, AND ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PARKS AND RECREATION AND THE DIRECTOR OF TRANSPORTATION," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That Bill _____ (2018), attached hereto, entitled "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF HOUSING AND HUMAN CONCERNS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

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



YUKI LEI K. SUGIMURA, Chair

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AMENDING THE ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT, AND ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE DIRECTOR OF PARKS AND RECREATION AND THE DIRECTOR OF TRANSPORTATION

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose. The purpose of this ordinance is to amend the additional qualifications for the Director of Public Works and the Director of Environmental Management established by Ordinance 4803 (2017), and to establish additional qualifications for the Director of Parks and Recreation and the Director of Transportation, 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. Section 2.14.020, Maui County Code, is amended to read as follows:

"2.14.020 Director of public works. The director of public works 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 one or more of the following functions [described in sections 8-5.3(1), (2), or (3) of the charter.]:

a. Administering building, housing, and subdivision ordinances and rules.

b. Approving proposed subdivision plans.

c. Planning, designing, building, or maintaining highways, drainage, and flood control systems.

4. A bachelor's degree from an accredited college or university in engineering, business administration, public administration, or other relevant discipline, or a combination of education and work experience substantially equivalent to such a bachelor's degree."

SECTION 3. Section 2.14.030, Maui County Code, is amended to read as

follows:

"2.14.030 Director of environmental management. The director of environmental management 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 one or more of the following functions [described in sections 8-15.3(1), (2), (3), or (4) of the charter.]:

a. Supervising waste management, pollution control, recycling, or litter control in the protection of the environment.

b. Planning, designing, building, operating, or maintaining solid waste collection, processing, and disposal systems, including recycling programs.

c. Planning, designing, building, operating, or maintaining sewer treatment plants, pump stations, sewer lines, reclaimed water distribution systems, and related programs.

d. Guiding efforts to optimize opportunities for environmental and natural resource protection, sustainability, conservation, or restoration.

4. A bachelor's degree from an accredited college or university in engineering, environmental science, water resources, business administration, public administration, or other relevant discipline, or a combination of education and work experience substantially equivalent to such a bachelor's degree."

SECTION 4. Chapter 2.14, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

"2.14.040 Director of parks and recreation. The director of parks and recreation 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 one or more of the following functions:

a. Planning, design, construction, maintenance, or operation of parks and recreational facilities.

b. Developing and implementing programs for cultural, recreational, or other leisure activities.

4. A bachelor's degree from an accredited college or university in urban planning, environmental planning, business administration, public administration, or other relevant discipline, or a combination of education and work experience substantially equivalent to such a bachelor's degree."

SECTION 5. Chapter 2.14, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

"2.14.050 Director of transportation. The director of transportation 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 one or more of the following functions:

a. Planning and implementation of one or more modes of transportation, including those in the air, water, and land.

b. Planning and developing an efficient program to facilitate the rapid, safe, and economical movement of people and goods.

c. Coordination of transportation programs by and between private, county, state or federal agencies.

4. A bachelor's degree from an accredited college or university in urban planning, environmental planning, business administration, public administration, or other relevant discipline, or a combination of education and work experience substantially equivalent to such a bachelor's degree."

SECTION 6. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 7. This ordinance shall take effect on January 2, 2019.

APPROVED AS TO FORM AND LEGALITY:



EDWARD S. KUSHI, JR.

Department of the Corporation Counsel
County of Maui
2017-0098

PEA-27 2018-02-21 Proposed Ordinance
Additional Qualifications (PW, EM, Parks, Trans)

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS
FOR THE DIRECTOR OF HOUSING AND HUMAN CONCERNS

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 Director of Housing and Human Concerns, 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:

"2.14.060 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.

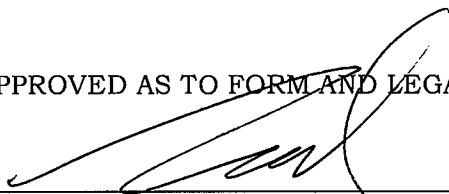
3. As a part of or in addition to the five years of administrative experience, three years of experience in developing, supervising and coordinating programs and projects designed to meet housing and/or human needs.

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."

SECTION 3. New material is underscored. In printing this bill, the County Clerk need not include the underscore.

SECTION 4. This ordinance shall take effect on January 2, 2019.

APPROVED AS TO FORM AND LEGALITY:



EDWARD S. KUSHI, JR.
Department of the Corporation Counsel
County of Maui
2017-0098
PEA-27 2018-02-27 Proposed Ordinance
Additional Qualifications (DHHC)