

# REQUEST FOR LEGAL SERVICES

Date: March 5, 2018  
From: Yuki Lei K. Sugimura, Chair  
Policy, Economic Development, and Agriculture Committee

RECEIVED  
CORPORATION COUNSEL

2018 MAR 5 AM 9:34

TRANSMITTAL

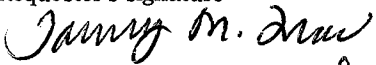
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Edward S. Kushi, Jr., Esq.

Subject: **ESTABLISHING ADDITIONAL QUALIFICATIONS FOR COUNTY ADMINISTRATIVE HEADS APPOINTED BY THE MAYOR** (PEA-27)

Background Data: The attached proposed bill includes specific qualifications for the Planning Director, the Director of Finance, and the Director of Water Supply. Please review and if appropriate, approve as to form and legality. Provide a hard copy with your response.

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

RECEIVED  
OFFICE OF THE  
COUNTY COUNCIL  
MARCH 5 PM 2:15

Requestor's signature  Yuki Lei K. Sugimura <i>fn</i>	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: <u>7134</u> )
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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, March 7, 2018  
REASON: Proposed bill will be considered at the Committee's meeting of March 12, 2018.

### FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>ESK</u>	ASSIGNMENT NO. <u>2017-0098</u>	BY: <u>tkm</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 3/5/18

By 

DEPARTMENT OF THE CORPORATION COUNSEL

(Rev. 7/03)

pea:ltr:027acc11:ske

Attachment

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2018)

A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS  
FOR THE PLANNING DIRECTOR, THE DIRECTOR OF FINANCE, AND THE  
DIRECTOR OF WATER SUPPLY

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 Planning Director, the Director of Finance, and the Director of Water Supply, 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:

**"2.14.070 Planning director.** The planning director shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience in the field of planning, at least three of which shall have been 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 experience in the field of planning, three years of responsible managerial and budgetary experience.

3. As a part of or in addition to the five years of experience in the field of planning, three years of experience in one or more of the following functions:

a. Serving as the administrative head of a department of planning.

b. Serving as the chief planning officer or technical advisor on planning-related matters.

c. Recommending revisions to a general plan of a municipality or other governmental entity, on behalf of the municipality or other governmental entity, to guide its development.

d. Preparing, administering, and enforcing long-range planning programs.

e. Preparing, administering, and enforcing a cultural resource management program.

f. Preparing, administering, and enforcing zoning ordinances, zoning maps and regulations, and any amendments thereto.

g. Reviewing lists of proposed capital improvement projects and recommending their order of priority.

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

**"2.14.080 Director of finance.** The director of finance shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience in a public or private financial position, at least three of which shall have been in an administrative capacity.

2. As a part of or in addition to the five years of experience in a public or private financial position, three years of responsible managerial and budgetary experience.

3. As a part of or in addition to the five years of experience in a public or private financial position, three years of experience in one or more of the following functions:

a. Preparing bills for the collection of money due, or authorizing the preparation of such bills by others being supervised.

b. Collecting and receiving moneys due or receivable and issuing receipts therefor, or authorizing others to do so under prescribed conditions.

c. Keeping an accurate and complete account of receipts and disbursements.

d. Maintaining and managing a treasury and depositing moneys in depositories and instruments authorized by law.

e. Contracting for services of independent contractors and permitting disbursements to be made pursuant to established policies.

f. Bearing responsibility for issuing, selling, paying interest on, and redeeming bonds.

g. Preparing and issuing warrants and checks.

h. Preparing payrolls and pension rolls.

i. Selling real property upon which improvement assessments or real property taxes are not paid within the prescribed period, and disposing of real property or personal property not needed pursuant to established policies.

j. Renting or leasing property and awarding concessions.

k. Preparing and maintaining a perpetual inventory of all lands and equipment owned, leased, rented, or controlled.

l. Reviewing assessment rolls for assessable public improvements and issuing bills once approved.

m. Having custody of official's surety bonds.

n. Submitting quarterly statements of revenue and expenditures for the preceding quarter and for the fiscal year up to and including the preceding quarter.

o. Administering the real property taxation function of a municipality or other governmental entity.

4. A bachelor's degree from an accredited college or university in finance, accounting, economics, 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:

**"2.14.090 Director of water supply.** The director of water supply shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience in a management capacity, either in public service or private business, or both.

2. As set forth in the charter, the director or deputy director shall be a registered engineer.

3. As a part of or in addition to the five years of management experience, three years of responsible budgetary experience.

4. As a part of or in addition to the five years of management experience, three years of experience in one or more of the following functions:

a. Administering operations of a water purveyor, including day-to-day management and control of all water systems.

b. Preparing long-range capital improvement plans and up-to-date water use and development plans.

c. Implementing long-range capital improvement plans and water use and development plans.

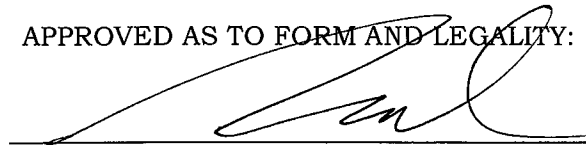
d. Preparing an annual operating and capital budget.

5. A bachelor's degree from an accredited college or university in engineering, 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 5. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 6. 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

pea:misc:027abill07(plan-finance-water):ske