

ORDINANCE NO. _____

BILL NO. 44 (2018)

A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS
FOR THE CORPORATION COUNSEL AND PROSECUTING ATTORNEY

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 Corporation Counsel and Prosecuting Attorney, 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:

"2.14.100 Corporation counsel. The corporation counsel shall have the following minimum qualifications:

1. As set forth in the charter, the corporation counsel shall be an attorney licensed to practice and in good standing before the Hawaii supreme court.

2. As set forth in the charter, the corporation counsel shall have engaged in the practice of law for five years.

3. As a part of or in addition to the five years of experience in the practice of law, three years of civil 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. Serving as chief legal advisor or legal representative of a municipality or other governmental entity, its departments, boards and commissions, or officers and employees in matters relating to their official duties.

b. Representing a public or private entity in legal proceedings.

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

“2.14.110 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.

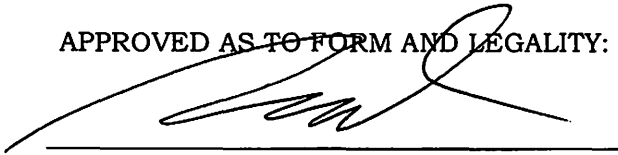
c. Drawing and presenting indictments to a grand jury for consideration.

d. Prosecuting administrative violations of liquor laws."

SECTION 4. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 5. This ordinance shall take effect on January 2, 2019.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to be 'M. J. ...', is written over a solid horizontal line.

Department of the Corporation Counsel
County of Maui

pea:misc:027abill10(corp counsel-pros atty)

DIGEST

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This bill proposes to establish additional specific qualifications for the Corporation Counsel and the Prosecuting Attorney.

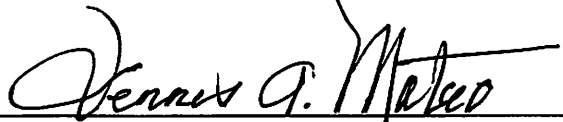
I, DENNIS A. MATEO, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 44 (2018) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 6th day of April, 2018, by the following vote:

AYES: Councilmembers Alika Atay, Eleanora Cochran, S. Stacy Crivello, G. Riki Hokama, Yuki Lei K. Sugimura, Vice-Chair Robert Carroll, and Chair Michael B. White.

NOES: None.

EXCUSED: Councilmembers Donald S. Guzman and Kelly T. King.

DATED at Wailuku, Maui, Hawaii, this 9th of April, 2018.



DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.