

# REQUEST FOR LEGAL SERVICES

**Date:** February 20, 2018  
**From:** Yuki Lei K. Sugimura, Chair  
Policy, Economic Development, and Agriculture Committee

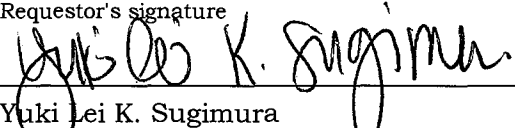
TRANSMITTAL

**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 revised proposed bill is based on the Committee's discussion at its meeting of January 22, 2018. Please review and if appropriate, approve as to form and legality. A hard copy is required with your response.

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

Requestor's signature  Yuki Lei K. Sugimura	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): Friday, February 23, 2018, noon  
REASON: Revised proposed bill will be considered at the Committee's meeting of February 26, 2018.

## FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF THE CORPORATION COUNSEL

Date \_\_\_\_\_

By \_\_\_\_\_

(Rev. 7/03)

pea:ltr:027acc08:ske

Attachment

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

APPROVED AS TO FORM AND LEGALITY:

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EDWARD S. KUSHI, JR.  
Department of the Corporation Counsel  
County of Maui

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