

April 28, 2016

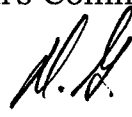
OFFICE OF THE
COUNTY COUNCIL

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RECEIVED

MEMO TO: Michael P. Victorino, Chair
Policy and Intergovernmental Affairs Committee

F R O M: Don Guzman, Council Vice-Chair



SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
PROPOSED CHARTER AMENDMENTS** (PIA-10)

The attached legislative proposal pertains to Item 10 on your committee's agenda.

paf:gjg:15-115b

Attachment

Resolution

No. _____

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, TO REQUIRE COUNCIL
APPROVAL OF THE MAYOR'S APPOINTMENT
OF THE DIRECTOR OF FINANCE

WHEREAS, currently the Revised Charter of the County of Maui (1983), as amended, provides no process by which the Council shall confirm, or deny the confirmation of, the Mayor's appointment of the Director of Finance; and

WHEREAS, the Director of Finance serves as the chief financial officer of the County and is charged with collecting and receiving money due to the County and maintaining and managing the County's deposits; and

WHEREAS, the Council raises money for the County through its power to borrow money and to legislate taxes, rates, fees, and assessments; and

WHEREAS, the respective duties of the Director of Finance and the Council require that the Director and Councilmembers work closely together to meet the financial needs of the County in service to the public; and

WHEREAS, the Director of Finance's broad fiscal responsibilities warrant the Council having approval authority over the appointment of the Director; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 8-4.2 of the Charter, pertaining to the Director of Finance, be amended to read as follows:

"Section 8-4.2. Director of Finance. The director of finance shall be appointed by the mayor with the approval of the council and may be removed by the mayor with the approval of the council. The director of finance shall have had a minimum of five years of experience in a public or

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private financial position, at least three years of which shall have been in an administrative capacity.”; and

2. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 6-2 of the Charter, pertaining to the Appointment and Removal of Officers and Employees, be amended to read as follows:

“Section 6-2. Appointment and Removal of Officers and Employees.

1. The administrative head of a department may not appoint more than the staff for which appropriations have been made by the council.

2. No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of the office or position.

3. The term of office of any administrative head of a department who is appointed by the mayor, including the corporation counsel, [and the] prosecuting attorney, director of water supply, and director of finance, shall end with the term of office of the mayor, except that any such administrative head may be earlier removed as provided for in this charter. Such officers shall not hold over more than sixty (60) days after their respective terms of office, and shall immediately vacate their respective offices at the end of the 60-day period or upon the appointment of a successor in accordance with this charter, whichever occurs first.

4. The mayor shall have the authority to appoint, on a temporary basis, an administrative head of any department, provided that such department is one where the administrative head is appointed by the mayor.

5. Within sixty (60) days of taking office, or within sixty (60) days after a vacancy is created, the mayor shall appoint the corporation counsel, [and] prosecuting attorney, director of water supply, and director of finance, with written notice of the appointment to the council. The council shall confirm or deny the confirmation within sixty (60) days after receiving notice of the appointment by the mayor. If the council does not act within the 60-day period, the appointment shall be deemed to be confirmed. The corporation counsel, [and] prosecuting attorney, director of water supply, and director of finance shall take office upon

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appointment but shall not continue in office if the council denies confirmation. If the appointment is not confirmed by the council, the mayor shall make a new appointment within sixty (60) days of the council's denial, and the council shall confirm or deny within sixty (60) days after receiving notice of the new appointment by the mayor. If council does not act within the 60-day period, the appointment shall be deemed to be confirmed."; and

3. That material to be repealed is bracketed and new material is underscored; and

4. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

5. That, pursuant to Section 14-2(1) of the Charter, it hereby proposes that the following question be placed on the next general election ballot:

Shall the Charter be amended to require Council approval of the Mayor's appointment of the Director of Finance?; and

6. That pursuant to Section 14-2(2) of the Charter, the County Clerk shall publish the proposed amendment in a newspaper of general circulation; and

7. That, pursuant to Section 14-2(3), upon approval by the majority of the voters voting on the proposed amendment and upon official certification of such result, the amendment proposed herein shall take effect; and

8. That certified copies of this resolution be transmitted to the Mayor and the County Clerk.

APPROVED AS TO FORM AND LEGALITY

Deputy Corporation Counsel
County of Maui