

HOLD FOR MEETING

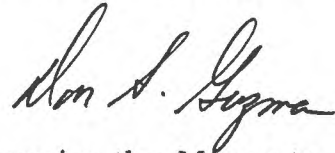
June 1, 2016, PIA Committee meeting

PIA-10(9)

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE
Amendment Summary Form

Legislation: Proposed resolution to amend 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.

Proposer: Don S. Guzman, Council Vice-Chair.



Description: Amends the proposed resolution to require the Mayor to provide documents to the Council supporting qualifications of nominees to the positions of Corporation Counsel, Prosecuting Attorney, and Director of Water Supply.

Motion: Move to amend the proposed resolution, entitled "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," in accordance with the marked-up version attached.

Effect: The amendment would require the Mayor to provide documents to the Council supporting qualifications of nominees to the positions of Corporation Counsel, Prosecuting Attorney, and Director of Water Supply.

Reasons: The amendment would allow the Council to more thoroughly vet the Mayor's nominees for Corporation Counsel, Prosecuting Attorney, and Director of Water Supply by evidencing their credentials and experience.

Attachments: Marked-up resolution showing proposed revisions.

paf:scb:15-059b

AND THE MAYOR TO PROVIDE DOCUMENTS SUPPORTING
QUALIFICATIONS OF NOMINEES FOR CORPORATION COUNSEL,
PROSECUTING ATTORNEY, AND DIRECTOR OF WATER SUPPLY

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

Exhibit 1

6[3]. That material to be repealed is bracketed and new material is underscored; and

7[4]. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

8[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

9[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

10[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

11[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

scb:is-059b
paf:pg-15-115a

*and to require the Mayor to
submit documents to the Council
supporting qualifications of nominees
to the positions of Corporation Counsel,
prosecuting Attorney, and Director of
the Department of Water Supply.*

EXHIBIT 1

“6. When the mayor appoints the corporation counsel or prosecuting attorney, the mayor shall provide with the written notice of appointment to the council copies of the following documents:

a. A certificate of good standing from the Hawaii Supreme Court showing the appointee is qualified to practice law in the State of Hawaii;

b. Official transcripts of the appointee’s postsecondary academic record;

c. A current curricula vitae or resume showing the appointee’s entire history of employment in the practice of law;

d. The appointee’s signed authorization for the release of liability for former employers relating to the furnishing of information about the appointee’s employment;

e. At least three references relating to the appointee’s practice of law; and

f. At least two personal references relating to the appointee’s character.

7. When the mayor appoints the director of water supply, the mayor shall provide with the written notice of appointment to the council copies of the following documents:

a. The appointee’s engineering license, if any;

b. Official transcripts of the appointee’s postsecondary academic record;

c. A current curricula vitae or resume showing the appointee’s entire history of employment in engineering, public administration, nonprofit administration, or business administration;

d. The appointee’s signed authorization for the release of liability for former employers relating to the furnishing of information about the appointee’s employment;

e. At least three references relating to the appointee’s practice of law; and

f. At least two personal references relating to the appointee’s character.

8. In the event the mayor fails to timely provide to the council the documents listed under paragraphs 6 or 7 of this section, the appointment is null and void.”

EXHIBIT 1

3. That pursuant to Charter Section 14-1(1), it hereby proposes Charter Section 8-2.2, pertaining to the corporation counsel, be amended to read as follows:

Section 8-2.2. Corporation Counsel. “1. The corporation counsel 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.

2. The corporation counsel shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law for at least three years.

3. An applicant for the position of corporation counsel shall provide to the mayor all documents requested by the mayor described by Section 6-2(6) of this Charter.”

4. That pursuant to Charter Section 14-1(1), it hereby proposes Charter Section 8-3.2, pertaining to the prosecuting attorney, be amended to read as follows:

Section 8-3.2. Prosecuting Attorney. “1. The prosecuting attorney 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.

2. The prosecuting attorney shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law for at least three years.

3. An applicant for the position of prosecuting attorney shall provide to the mayor all documents requested by the mayor described by Section 6-2(6) of this Charter.”

5. That pursuant to Charter Section 14-1(1), it hereby proposes Charter Section 8-11.5, pertaining to the director and deputy director of water supply, be amended to read as follows:

Section 8-11.5. Director and Deputy Director of Water Supply. “1. The director of the department of water supply 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.

2. The director of the department of water supply shall have a minimum of five years of experience in a management capacity, either in public service or private business, or both. The deputy director of the department of water supply shall be appointed by the mayor and may be removed by the mayor. The director or deputy of the department of water supply shall be a registered engineer.

EXHIBIT 1

3. An applicant for the position of director of water supply shall provide to the mayor all documents requested by the mayor described by Section 6-2(7) of this Charter.”