

REQUEST FOR LEGAL SERVICES

Date: January 16, 2019
From: Mike Molina, Chair
Governance, Ethics, and Transparency Committee
TRANSMITTAL
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Edward S. Kushi, Esq.

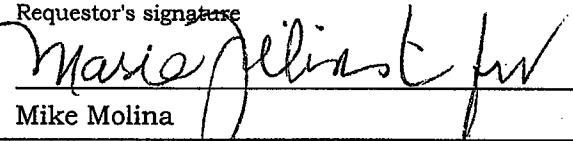
RECEIVED

By Department of the Corporation Counsel at 9:48 am, Jan 16, 2019

Subject: APPOINTMENT AND REMOVAL OF ADMINISTRATIVE HEADS OF DEPARTMENTS
(GET-1)

Background Data: Please review and approve as to form and legality the attached revised proposed resolutions to allow for approval of the following appointments for administrative heads of departments: Managing Director, Corporation Counsel, Prosecuting Attorney, Director of Water Supply, Director of Finance, Director of Public Works, Director of Environmental Management, Planning Director, Director of Housing and Human Concerns, Director of Transportation, and Director of Parks and Recreation. A hard copy is requested with your response.

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

Requestor's signature  Mike Molina	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): Wednesday, January 16, 2019
REASON: For posting on January 23, 2019 GET Committee meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>ESK</u>	ASSIGNMENT NO. <u>2019-0065</u>	BY: <u>lak</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): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date 1/16/19

By 

Resolution

No. _____

APPROVING THE MAYOR'S APPOINTMENT FOR MANAGING DIRECTOR

WHEREAS, by letter dated January 2, 2019, received by the Council on January 8, 2019, Mayor Michael P. Victorino notified the Council he appointed Sananda K. Baz as the Managing Director, pursuant to Sections 6-2(5) and 8-1.2 of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, Charter Section 6-4 of the Charter authorized the Council to establish specific qualifications for administrative heads appointed by the Mayor in addition to any set forth in the Charter; and

WHEREAS, Ordinance 4864 (2018), attached hereto as Exhibit "A," establishes additional qualifications for the Managing Director effective January 2, 2019; and

WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty days after receiving notice of the appointment by the Mayor; and

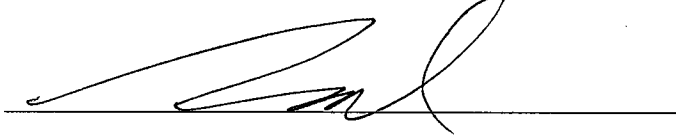
WHEREAS, Charter Section 8-1.2 states: "The managing director shall be appointed by the mayor with the approval of the council"; now, therefore,

Resolution No. _____

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

1. That it deems Sananda K. Baz to have satisfied the minimum qualifications for the position of Managing Director;
2. That it hereby approves the appointment of Sananda K. Baz as the Managing Director; and
3. That a certified copy of this resolution be transmitted to the Mayor.

APPROVED AS TO FORM AND LEGALITY

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

Department of the Corporation Counsel
County of Maui

get:misc:001(1)areso02:ske

ORDINANCE NO. 4864

BILL NO. 60 (2018)

A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS
FOR THE MANAGING DIRECTOR

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 Managing Director, 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:

"2.14.120 Managing director. The managing director shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience in an administrative capacity, either in public 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. Acting as the principal management aide to a chief executive officer.

EXHIBIT " A "

b. Supervising the administrative functions of agencies, departments, and boards and commissions.

c. Evaluating the management and performance of agencies under his or her supervision.

d. Prescribing standards of administrative practice to be followed by agencies under his or her supervision.

e. Supervising and coordinating the preparation and submittal of an annual operating budget and a capital program.

f. Supervising and coordinating the control, management, and execution of an annual operating budget and capital program.

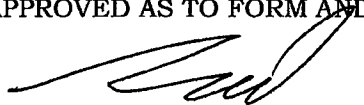
g. Supervising and coordinating a systematic and continual review of the finances, organizations, and methods of each department to assist in achieving the most effective expenditure of funds and to determine that such expenditures are in accordance with budget laws and controls in force.

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

SECTION 4. 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

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