

REQUEST FOR LEGAL SERVICES

Date: January 16, 2019
From: Mike Molina, Chair
Governance, Ethics, and Transparency Committee

RECEIVED

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

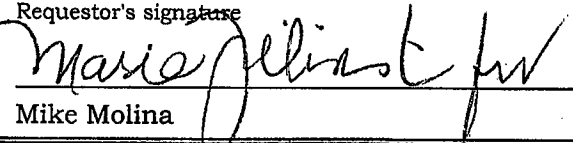
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Edward S. Kushi, Esq.

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: ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY
☐ [] OTHER:

Requestor's signature  Mike Molina	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: <u>7134</u>)
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☐ [] ROUTINE (WITHIN 15 WORKING DAYS) ☐ [] RUSH (WITHIN 5 WORKING DAYS)
☐ [] PRIORITY (WITHIN 10 WORKING DAYS) ☐ [] URGENT (WITHIN 3 WORKING DAYS)

☒ [X] 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: ☒ [X] 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 PLANNING 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 Michele McLean as the Planning Director, pursuant to Sections 6-2(5) and 8-8.2 of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, Charter Section 6-4 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, Section 2.14.070, Maui County Code, attached hereto as Exhibit "A," established additional qualifications for the Planning 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

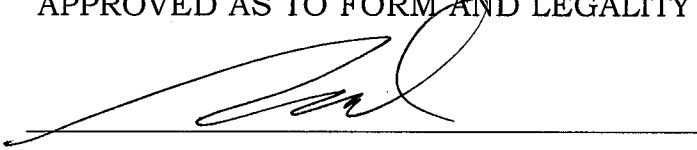
WHEREAS, Charter Section 8-8.2 states: "The planning director shall be appointed by the mayor with the approval of the council"; now, therefore,

Resolution No. _____

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

1. That it deems Michele McLean to have satisfied the minimum qualifications for the position of Planning Director;
2. That it hereby approves the appointment of Michele McLean as the Planning 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 'J. Ares', is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

get:misc:001(8)areso02:ske

2.14.070 - Planning director.

The planning director shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience in the field of planning, at least three of which shall have been 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 experience in the field of planning, three years of responsible managerial and budgetary experience.
3. As a part of or in addition to the five years of experience in the field of planning, three years of experience in one or more of the following functions:
 - a. Serving as the administrative head of a department of planning.
 - b. Serving as the chief planning officer or technical advisor on planning-related matters.
 - c. Recommending revisions to a general plan of a municipality or other governmental entity, on behalf of the municipality or other governmental entity, to guide its development.
 - d. Preparing, administering, and enforcing long-range planning programs.
 - e. Preparing, administering, and enforcing a cultural resource management program.
 - f. Preparing, administering, and enforcing zoning ordinances, zoning maps and regulations, including but not limited to, coastal zone management areas and shoreline setback issues, and any amendments thereto.
 - g. Reviewing lists of proposed capital improvement projects and recommending their order of priority.
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.