

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.

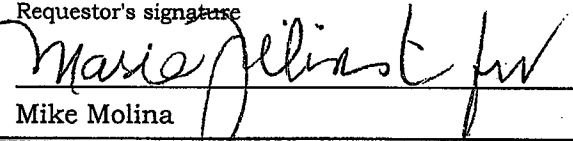
RECEIVED

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: ☒ [X] 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)

☒ [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 

(Rev. 7/03)

Resolution

No. _____

APPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF WATER SUPPLY

WHEREAS, by letter dated January 2, 2019, received by the Council on January 8, 2019, Mayor Michael P. Victorino notified the Council he appointed Jeffrey T. Pearson as the Director of Water Supply, pursuant to Sections 6-2(5) and 8-11.5 of the Revised Charter of the County of Maui (1983), as amended; and

WHEREAS, Charter Section 6-4 authorizes 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 2.14.090, Maui County Code, attached hereto as Exhibit "A," establishes additional qualifications for the Director of Water Supply 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

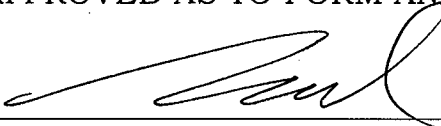
WHEREAS, Charter Section 8-11.5 states: "The director of water supply shall be appointed by the mayor with the approval of the council"; now, therefore,

Resolution No. _____

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

1. That it deems Jeffrey T. Pearson to have satisfied the minimum qualifications for the position of Director of Water Supply;
2. That it hereby approves the appointment of Jeffrey T. Pearson as the Director of Water Supply; and
3. That a certified copy of this resolution be transmitted to the Mayor.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel
County of Maui

get:misc:001(4)areso02:ske

2.14.090 - Director of water supply.

The director of water supply shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience in a management capacity, either in public service or private business, or both.
2. As set forth in the charter, the director or deputy director shall be a registered engineer.
3. As a part of or in addition to the five years of management experience, three years of responsible budgetary experience.
4. As a part of or in addition to the five years of management experience, three years of experience in one or more of the following functions:
 - a. Administering operations of a water purveyor, including day-to-day management and control of all water systems.
 - b. Preparing long-range capital improvement plans and up-to-date water use and development plans.
 - c. Implementing long-range capital improvement plans and water use and development plans.
 - d. Preparing an annual operating and capital budget.
5. A bachelor's degree from an accredited college or university in engineering, 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.