

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.

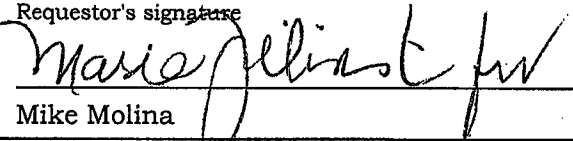
RECEIVED

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): _____

Date 1/16/19

By  DEPARTMENT OF THE CORPORATION COUNSEL

Resolution

No. _____

APPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF FINANCE

WHEREAS, by letter dated January 2, 2019, received by the Council on January 8, 2019, Mayor Michael P. Victorino notified the Council he appointed Scott K. Teruya as the Director of Finance, pursuant to Sections 6-2(5) and 8-4.2 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 2.14.080, Maui County Code, attached hereto as Exhibit "A," establishes additional qualifications for the Director of Finance 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

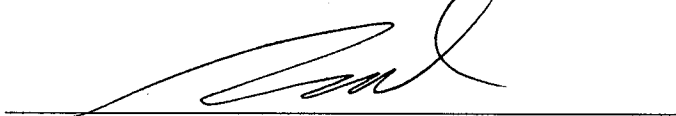
WHEREAS, Charter Section 8-4.2 states: "The director of finance shall be appointed by the mayor with the approval of the council"; now, therefore,

Resolution No. _____

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

1. That it deems Scott K. Teruya to have satisfied the minimum qualifications for the position of Director of Finance;
2. That it hereby approves the appointment of Scott K. Teruya as the Director of Finance; 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 "C. J. [unclear]", is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

get:misc:001(5)areso02:ske

2.14.080 - Director of finance.

The director of finance shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience in a public or private financial position, at least three of which shall have been in an administrative capacity.
2. As a part of or in addition to the five years of experience in a public or private financial position, three years of responsible managerial and budgetary experience.
3. As a part of or in addition to the five years of experience in a public or private financial position, three years of experience in one or more of the following functions:
 - a. Preparing bills for the collection of money due, or authorizing the preparation of such bills by others being supervised.
 - b. Collecting and receiving moneys due or receivable and issuing receipts therefor, or authorizing others to do so under prescribed conditions.
 - c. Keeping an accurate and complete account of receipts and disbursements.
 - d. Maintaining and managing a treasury and depositing moneys in depositories and instruments authorized by law.
 - e. Contracting for services of independent contractors and permitting disbursements to be made pursuant to established policies.
 - f. Bearing responsibility for issuing, selling, paying interest on, and redeeming bonds.
 - g. Preparing and issuing warrants and checks.
 - h. Preparing payrolls and pension rolls.
 - i. Selling real property upon which improvement assessments or real property taxes are not paid within the prescribed period, and disposing of real property or personal property not needed pursuant to established policies.
 - j. Renting or leasing property and awarding concessions.
 - k. Preparing and maintaining a perpetual inventory of all lands and equipment owned, leased, rented, or controlled.
 - l. Reviewing assessment rolls for assessable public improvements and issuing bills once approved.
 - m. Having custody of official's surety bonds.

- n. Submitting quarterly statements of revenue and expenditures for the preceding quarter and for the fiscal year up to and including the preceding quarter.
 - o. Administering the real property taxation function of a municipality or other governmental entity.
4. A bachelor's degree from an accredited college or university in finance, accounting, economics, business administration, public administration, or other relevant discipline, or a combination of education and work experience substantially equivalent to such a bachelor's degree.