

**COUNCIL OF THE COUNTY OF MAUI**  
**GOVERNANCE, ETHICS, AND**  
**TRANSPARENCY COMMITTEE**

February 15, 2019

**Committee**  
**Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on January 29, 2019, and reconvened on February 1, 2019, February 5, 2019, and February 7, 2019, makes reference to County Communication 19-1, from Council Chair Mike White, relating to the appointment and removal of administrative heads of departments.

By correspondence dated January 2, 2019 (received on January 8, 2019), the Mayor notified the Council Chair of his appointments of the 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, pursuant to Section 6-2(5) of the Revised Charter of the County of Maui (1983), as amended ("Charter").

By correspondence dated January 14, 2019, the Mayor transmitted proposed resolutions for each administrative head to your Committee, including a proposed resolution entitled "APPROVING THE APPOINTMENT OF JEFFREY T. PEARSON AS THE DIRECTOR OF THE DEPARTMENT OF WATER SUPPLY." The purpose of the proposed resolution is to approve the Mayor's appointment of Jeffrey T. Pearson as the Director of Water Supply, pursuant to Charter Sections 6-2(5) and 8-11.5.

Your Committee notes Charter Section 8-11.5 provides that the Director of Water Supply shall be appointed by the Mayor with the approval of the Council. In addition, Charter Section 6-2(5) provides that the Council shall confirm or deny the confirmation within 60 days after receiving notice of the appointment by the Mayor, or the appointment shall

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be deemed confirmed. Accordingly, the deadline for the Council to confirm or deny the appointment of Mr. Pearson as the Director of Water Supply is March 9, 2019.

By correspondence dated January 14, 2019, the Mayor transmitted the following: 1) County of Maui Job Description for the Director of Water Supply; 2) Ordinance 4847 (2018), relating to the minimum qualifications of the Director of Water Supply; and 3) Jeffrey T. Pearson's resume.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed resolution, entitled "APPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF WATER SUPPLY," approved as to form and legality, incorporating the minimum qualifications for the position and nonsubstantive revisions. The Department also transmitted a proposed resolution entitled "DISAPPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF WATER SUPPLY." The purpose of the proposed resolution is to disapprove the appointment.

Your Committee notes by Resolution 16-96, the Council proposed an amendment to the Charter be placed on the General Election ballot to require Council approval of the Mayor's appointment of administrative heads of departments and allow additional qualifications for administrative heads appointed by the Mayor to be established by ordinance. The proposed Charter amendment was approved at the 2016 General Election.

Ordinances 4803, 4840, 4841, 4847, 4848, and 4864, respectively, established additional qualifications for administrative heads appointed by the Mayor in Chapter 2.14, Maui County Code. The effective date of the ordinances was January 2, 2019.

According to his resume, Mr. Pearson's most recent position prior to becoming Acting Director of Water Supply was as a Deputy Director at the State Department of Land and Natural Resources. Mr. Pearson served as

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a Capital Improvement Projects Head Engineer with the Department of Water Supply from 2011 to 2015 and as Deputy Director of Water Supply from 2003 to 2005. Mr. Pearson also had private work experience as a water manager and a senior project manager. Mr. Pearson is a civil engineer.

Your Committee met with Mr. Pearson. In his opening remarks, Mr. Pearson said a goal of his as Director is to ensure the availability of water for the community. He said there are a number of water-related issues that he intends to address, including surface water diversions, Upcountry Maui water meters, and water conservation.

Mr. Pearson told your Committee that, if confirmed as Director, he would prioritize addressing the Upcountry Maui water meter list. He would also work on addressing Central Maui water issues through a consent decree. In the Upcountry area, he is considering the drilling of a backup well at Pookela to address water shortage. He said the Department will work on completing capital improvement projects, such as Mahinahina Wells 1 and 2, that will help provide added capacity to West Maui.

Your Committee received numerous written testimonies in support of Mr. Pearson's appointment.

After reviewing Mr. Pearson's experience and capabilities and giving due consideration to public testimony, your Committee was satisfied Mr. Pearson met the minimum qualifications for the Director of Water Supply position and recommended his appointment be approved. Your Committee was particularly impressed with his knowledge of water issues after working in the field in both the private and public sectors.

Your Committee voted 7-2 to recommend adoption of the revised proposed resolution to approve the appointment of Jeffrey T. Pearson as Director of Water Supply and filing of the proposed resolution to disapprove the appointment. Committee Chair Molina and members

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Hokama, Kama, King, Lee, Sinenci, and Sugimura voted "aye." Committee Vice-Chair Rawlins-Fernandez and Paltin voted "no."

Your Governance, Ethics, and Transparency Committee  
RECOMMENDS the following:

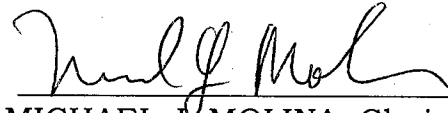
1. That Resolution \_\_\_\_\_, attached hereto, entitled "APPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF WATER SUPPLY," be ADOPTED; and
2. That the proposed resolution, attached hereto, entitled "DISAPPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF WATER SUPPLY," be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.

A handwritten signature in black ink, appearing to read "Michael J. Molina", is written over a horizontal line.

MICHAEL J. MOLINA, Chair

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# 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

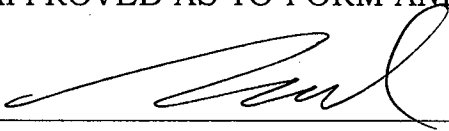
WHEREAS, Charter Section 8-11.5 states: "The director of water supply shall be appointed by the mayor with the approval of the council"; now, therefore,

**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



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Department of the Corporation Counsel  
County of Maui

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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.



# Resolution

No. \_\_\_\_\_

## DISAPPROVING 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

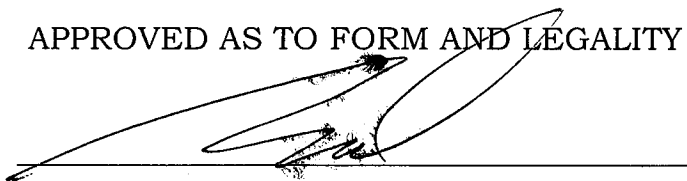
WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty days after receiving notice of the appointment by the Mayor; and

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,

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

1. That it hereby disapproves the appointment of Jeffrey T. Pearson as the Director of Water Supply; and
2. 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