

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 DAVID C. GOODE AS THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS." The purpose of the proposed resolution is to approve the Mayor's appointment of David C. Goode as the Director of Public Works, pursuant to Charter Sections 6-2(5) and 8-5.2.

Your Committee notes Charter Section 8-5.2 provides that the Director of Public Works 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. Goode as the Director of Public Works 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 Public Works; 2) Ordinance 4840 (2018), relating to the minimum qualifications of the Director of Public Works; and 3) David Goode'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 PUBLIC WORKS," 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 PUBLIC WORKS." 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. Goode has served as Director of Public Works since 2011. He has also served as Director or Deputy Director of Public Works and Waste Management, the precursor to the Department of

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Public Works and Environmental Management, from 1995 to 2002. Mr. Goode received his Bachelor of Science in Electrical Engineering in 1984.

Your Committee met with Mr. Goode. In his opening remarks, Mr. Goode said a goal of his as Director is to continue to make strides by working collaboratively with departments to address issues relating to highway and road repairs and maintenance, and emergency response. He said he understands the safety concerns of his employees and wants to ensure they are given sufficient tools, including training, to do their jobs.

Mr. Goode told your Committee that, if confirmed as Director, he would prioritize the electronic filing and review of permits once the Maui Automated Permitted and Planning System, or MAPPS, is online. He would also work on expanding the countywide pavement preservation program to address an increased number of highway and road repairs and maintenance. He is committed to addressing issues such as sea level rise and lowering carbon emissions, and has pledged to make affordable housing a priority.

Your Committee received numerous written testimonies in support of and in opposition to Mr. Goode's appointment.

After reviewing Mr. Goode's experience and capabilities and giving due consideration to public testimony, your Committee was satisfied Mr. Goode met the minimum qualifications for the Director of Public Works position and recommended his appointment be approved. Your Committee was particularly impressed with several initiatives he made in the past eight years as Director under the prior Administration, including amendments to the Subdivision Code, Building Code, Plumbing Code, and Electrical Code; repairing over 31 lane miles of roadway through the enhanced efforts of the pavement preservation crew; and being responsive to the community in times of emergency.

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Your Committee voted 5-3 to recommend adoption of the revised proposed resolution to approve the appointment of David C. Goode as Director of Public Works and filing of the proposed resolution to disapprove the appointment. Committee Chair Molina and members Kama, Lee, Sinenci, and Sugimura voted "aye." Committee Vice-Chair Rawlins-Fernandez and members King and Paltin voted "no." Committee member Hokama was excused.

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

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

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



MICHAEL J. MOLINA, Chair

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Resolution

No. _____

APPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF PUBLIC WORKS

WHEREAS, by letter dated January 2, 2019, received by the Council on January 8, 2019, Mayor Michael P. Victorino notified the Council he appointed David C. Goode as the Director of Public Works, pursuant to Sections 6-2(5) and 8-5.2 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 2.14.020, Maui County Code, attached hereto as Exhibit "A," establishes additional qualifications for the Director of Public Works 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 8-5.2 states: "The director of public works 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 David C. Goode to have satisfied the minimum requirements for the position of Director of Public Works;
2. That it hereby approves the appointment of David C. Goode as the Director of Public Works; 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 'A. J. Ares', is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

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2.14.020 - Director of public works.

The director of public works shall have the following minimum qualifications:

1. As set forth in the charter, five years of experience 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 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. Administering building, housing, and subdivision ordinances and rules.
 - b. Approving proposed subdivision plans.
 - c. Planning, designing, building, or maintaining highways, drainage, and flood control systems.
4. A bachelor's degree from an accredited college or university in engineering, business administration, public administration, or other relevant discipline, or a combination of education and work experience substantially equivalent to such a bachelor's degree.

EXHIBIT "A"

Resolution

No. _____

DISAPPROVING THE MAYOR'S APPOINTMENT FOR DIRECTOR OF PUBLIC WORKS

WHEREAS, by letter dated January 2, 2019, received by the Council on January 8, 2019, Mayor Michael P. Victorino notified the Council he appointed David C. Goode as the Director of Public Works, pursuant to Sections 6-2(5) and 8-5.2 of the Revised Charter of the County of Maui (1983), as amended; and

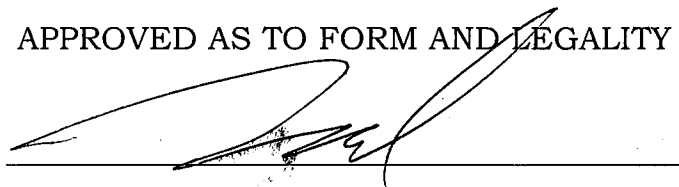
WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty days after receiving notice of the appointment by the Mayor; and

WHEREAS, Charter Section 8-5.2 states: "The director of public works 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 David C. Goode as the Director of Public Works; 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