

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 23, 2019, and reconvened on January 30, 2019, and February 5, 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 MICHELE MCLEAN AS THE DIRECTOR OF THE DEPARTMENT OF PLANNING." The purpose of the proposed resolution is to approve the Mayor's appointment of Michele McLean as Planning Director, pursuant to Charter Sections 6-2(5) and 8-8.2.

Your Committee notes Charter Section 8-8.2 provides that the Planning Director 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 be deemed

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confirmed. Accordingly, the deadline for the Council to confirm or deny the appointment of Ms. McLean as the Planning Director is March 9, 2019.

By correspondence dated January 14, 2019, the Mayor transmitted the following: 1) County of Maui Job Description for the Planning Director; 2) Ordinance 4847 (2018), relating to the minimum qualifications of the Planning Director; and 3) Michele Chouteau McLean'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 PLANNING DIRECTOR," 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 PLANNING DIRECTOR." 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.

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Your Committee notes Ms. McLean served as the Deputy Planning Director starting in January 2011 and by Resolution 18-138, the Council confirmed her appointment as Planning Director. As noted in her resume, Ms. McLean passed the American Institute of Certified Planners examination in November 2018 and became certified in December 2018. Her resume also reflects prior work as a land use planner, legislative analyst, research analyst, and legislative assistant.

Your Committee met with Ms. McLean. In her opening remarks, Ms. McLean said a goal of hers as Director is to continue the work she has been doing as Director and Deputy Director under the prior Administration.

Ms. McLean told your Committee that, if confirmed as Director, she would prioritize the comprehensive rezoning of Interim-zoned land. She also plans to pursue the designation of Important Agricultural Lands and decennial updates to Community Plans, and work to ensure budgetary priorities are in line with the County's General Plan.

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

Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session.

After reviewing Ms. McLean's experience and capabilities and giving due consideration to public testimony, your Committee was satisfied Ms. McLean met the minimum qualifications for the Planning Director position and recommended her appointment be approved. Your Committee was particularly impressed with Ms. McLean's vast experience

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in the planning field, both in the public and private sectors, and the leadership she provides to her staff.

Your Committee voted 5-4 to recommend adoption of the revised proposed resolution to approve the appointment of Michele McLean as Planning Director and filing of the proposed resolution to disapprove the appointment. Committee Chair Molina and members Hokama, Kama, Lee, and Sugimura voted "aye." Committee Vice-Chair Rawlins-Fernandez and members King, Paltin, and Sinenci voted "no."

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

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


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

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MICHAEL J. MOLINA, Chair

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

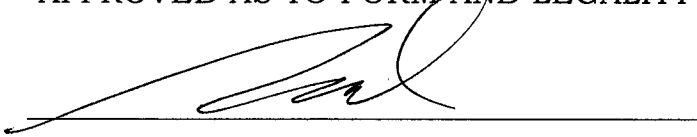
WHEREAS, Charter Section 8-8.2 states: "The planning director shall be appointed by the mayor with the approval of the council"; now, therefore,

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 'Paul', is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

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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.

Resolution

No. _____

DISAPPROVING 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

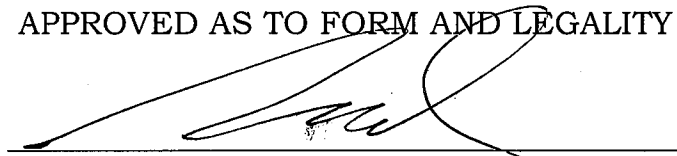
WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty days after receiving notice of the appointment by the Mayor; and

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

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

1. That it hereby disapproves the appointment of Michele McLean as the Planning Director; 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