

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 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 KARLA H. PETERS AS THE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION." The purpose of the proposed resolution is to approve the Mayor's appointment of Karla H. Peters as Director of Parks and Recreation, pursuant to Charter Sections 6-2(5) and 8-6.2.

Your Committee notes Charter Section 8-6.2 provides that the Director of Parks and Recreation 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

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receiving notice of the appointment by the Mayor, or the appointment shall be deemed confirmed. Accordingly, the deadline for the Council to confirm or deny the appointment of Ms. Peters as the Director of Parks and Recreation 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 Parks and Recreation; 2) Ordinance 4840 (2018), relating to the minimum qualifications of the Director of Parks and Recreation; and 3) Karla H. Peters' 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 PARKS AND RECREATION," 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 PARKS AND RECREATION." 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. Peters started her employment with the County and the Department in 1997 as a Division Secretary. In her 21 years with the Department, she has taken on progressively greater responsibilities, as evidenced by her promotions to Parks Project Manager in 2000, Capital Improvement Projects Coordinator in 2008, and Parks Maintenance Superintendent in 2015.

Your Committee found Ms. Peters' tenure with the Department has enabled her to understand the Department's recreational programs and permitting processes.

Your Committee received numerous written testimonies in support of Ms. Peters' appointment.

After reviewing Ms. Peters' experience and capabilities and giving due consideration to public testimony, your Committee was satisfied Ms. Peters met the minimum qualifications for the Director of Parks and Recreation position and recommended her appointment be approved. Your Committee was particularly impressed with her ability to work efficiently and effectively with staff, consultants, contractors, State and County agencies, and community groups to accomplish the Department's mission, goals, and objectives.

Your Committee voted 7-0 to recommend adoption of the revised proposed resolution to approve the appointment of Karla H. Peters as Director of Parks and Recreation and filing of the proposed resolution to disapprove the appointment. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, King, Lee, Sinenci, and Sugimura voted "aye." Committee members Kama and Paltin were excused.

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

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

WHEREAS, by letter dated January 2, 2019, received by the Council on January 8, 2019, Mayor Michael P. Victorino notified the Council he appointed Karla H. Peters as the Director of Parks and Recreation, pursuant to Sections 6-2(5) and 8-6.2 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 2.14.040, Maui County Code, attached hereto as Exhibit "A," establishes additional qualifications for the Director of Parks and Recreation 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

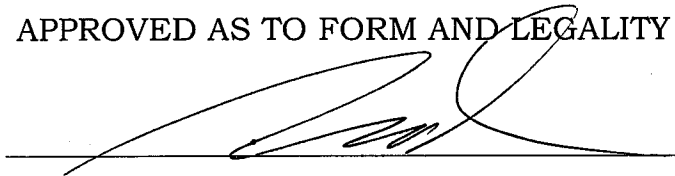
WHEREAS, Charter Section 8-6.2 states: "The director of parks and recreation shall be appointed by the mayor with the approval of the council"; now, therefore,

Resolution No. _____

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

1. That it deems Karla H. Peters to have satisfied the minimum qualifications for the position of Director of Parks and Recreation;
2. That it hereby approves the appointment of Karla H. Peters as the Director of Parks and Recreation; 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 'R. H. Peters', is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

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2.14.040 - Director of parks and recreation.

The director of parks and recreation 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. Planning, design, construction, maintenance, or operation of parks and recreational facilities.
 - b. Developing and implementing programs for cultural, recreational, or other leisure activities.
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 DIRECTOR OF PARKS AND RECREATION

WHEREAS, by letter dated January 2, 2019, received by the Council on January 8, 2019, Mayor Michael P. Victorino notified the Council he appointed Karla H. Peters as the Director of Parks and Recreation, pursuant to Sections 6-2(5) and 8-6.2 of the Revised Charter of the County of Maui (1983), as amended; and

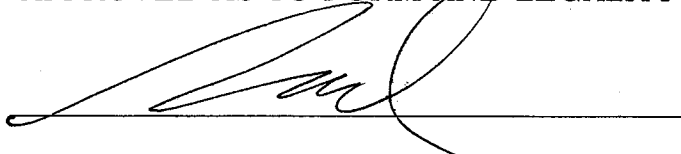
WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty days after receiving notice of the appointment by the Mayor; and

WHEREAS, Charter Section 8-6.2 states: "The director of parks and recreation 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 Karla H. Peters as the Director of Parks and Recreation; 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