

GET Committee

From: Mike J. Molina
Sent: Tuesday, June 16, 2020 11:25 AM
To: GET Committee
Cc: Pauline Martins; Shelly K. Espeleta; Gary Saldana; Laura L. McDowell
Subject: GET 10(04) Bifurcation of DHHC
Attachments: Dept_hsg_reso03.pdf

Attached please find revised proposed reso relating to the the above referenced item.

The revised reso simply adjusts the effective date from July 1, 2021 to December 30, 2021.

Please post this resolution for consideration at the GET meeting where Charter amendments are considered.

Thank you,
Mike


RECEIVED

By Dept. of the Corporation Counsel at 2:39 pm, May 21, 2020

REQUEST FOR LEGAL SERVICES**Date:** May 21, 2020**From:** Michael J. Molina, Councilmember

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Moana Lutey, Corporation Counsel, Esq.**Subject:** Proposed Charter Amendment to Section 8-10, Relating to the bifurcation of the Department of Housing and Human Concerns.**Background Data:** The proposed resolution was previously approved as to form and legality. However, the effective date of the charter amendment was revised. May I respectfully request your review of the revised proposed resolution and if appropriate, approve as to form and legality.**Work Requested:** ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☐ OTHER: ____

Requestor's signature 	Contact Person Gary Saldana (Telephone Extension: 5511)
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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): June 2, 2020REASON: For posting deadline for the June 16, 2020 GET Committee Meeting↓ **FOR CORPORATION COUNSEL'S RESPONSE** ↓

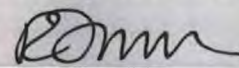
ASSIGNED TO: RMT	ASSIGNMENT NO. 2019-1368	BY: GMR
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TO REQUESTOR: ☒ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)
☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTEDCOMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

_____DEPARTMENT OF THE CORPORATION COUNSEL
2020.06.04

Date _____

By



14:12:42 -10'00'

(Rev. 7/03)

Resolution

No. _____

PROPOSING AMENDMENTS TO THE REVISED
CHARTER OF THE COUNTY OF MAUI (1983),
AS AMENDED, CHANGING THE DEPARTMENT
OF HOUSING AND HUMAN CONCERNS TO THE
DEPARTMENT OF HOUSING AND
ESTABLISHING A DEPARTMENT OF HUMAN
CONCERNS

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

1. That, pursuant to Section 14-1(1), Revised Charter of the County of Maui (1983), as amended ("Charter"), it hereby proposes that Article 6 of the Charter, pertaining to the Executive Branch, be amended as follows:

"ARTICLE 6 EXECUTIVE BRANCH

Section 6-1. Executive Power. The executive power of the county shall be vested in and exercised by the executive branch, which shall be headed by the mayor, except as otherwise provided by this charter.

Section 6-2. Appointment and Removal of Officers and Employees.

1. The administrative head of a department may not appoint more than the staff for which appropriations have been made by the council.

2. No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of the office or position.

3. The term of office of any administrative head of a department who is appointed by the mayor shall end with the term of office of the mayor, except that any such administrative head may be earlier removed as provided for in this charter. Such officers shall not hold over more than sixty (60) days after their respective terms of office, and shall immediately vacate their respective offices at the end of the 60-day period or upon the appointment of a successor in accordance with this charter, whichever occurs first.

4. The mayor shall have the authority to appoint, on a temporary basis, an administrative head of any department, provided that such department is one where the administrative head is appointed by the mayor.

5. Within sixty (60) days of taking office, or within sixty (60) days after a vacancy is created, the mayor shall appoint the managing director, corporation counsel, prosecuting attorney, director of finance, director of public works, director of parks and recreation, planning director, director of housing [and human concerns], director of water supply, director of transportation, [and] director of environmental management, and director of human concerns, with written notice of the appointment to the council. The council shall confirm or deny the appointment within sixty (60) days after receiving notice of the appointment by the mayor. If the council does not act within the 60-day period, the appointment shall be deemed to be confirmed. The appointee shall take office upon appointment by the mayor but shall not continue in office if the council denies the appointment. If the appointment is denied by the council, the mayor shall make a new appointment within sixty (60) days of the council's denial, and the council shall confirm or deny within sixty (60) days after receiving notice of the new appointment by the mayor. If the council does not act within the 60-day period, the appointment shall be deemed to be confirmed."

2. That, pursuant to Section 14-1(1), Revised Charter of the County of Maui (1983), as amended ("Charter"), it hereby proposes that Article 8, Chapter 10, of the Charter, pertaining to the Department of Housing and Human Concerns, be amended as follows:

**"CHAPTER 10
DEPARTMENT OF HOUSING [AND HUMAN CONCERNS]**

Section 8-10.1. Organization. There shall be a department of housing, [and human concerns] which shall consist of a director and the necessary staff.

Section 8-10.2. Director of Housing [and Human Concerns]. The director of housing [and human concerns] shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The director of housing [and human concerns] shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

Section 8-10.3. Powers, Duties and Functions. The director of housing [and human concerns] shall:

1. Develop a comprehensive approach to the effective administration and coordination of programs and plans of action designed to meet [human] housing needs in the county.

2. Develop, supervise and coordinate such programs and projects as shall be assigned by the mayor.

[3. Perform such other duties and functions as may be assigned by the mayor.]

3. Initiate the creation of affordable housing units.

4. Develop and implement a comprehensive housing plan for the county.

5. Administer and implement existing housing programs, such as community development block grants, HOME and housing trust fund, the affordable housing fund, and the consolidated annual performance evaluation report.

6. Promote and expand new housing opportunities for homeless and needy families throughout the county.

7. Increase affordable housing stock for homeless and very low to gap group individuals and families.

8. Perform such other duties and functions as may be assigned by the mayor."

3. That, pursuant to Section 14-1(1), of the Charter, it hereby proposes that the Charter be amended by adding a new Chapter under Article 8 to read as follows:

**"CHAPTER 16
DEPARTMENT OF HUMAN CONCERNS**

Section 8-16.1. Organization. There shall be a department of human concerns which shall consist of a director and the necessary staff.

Section 8-16.2. Director of Human Concerns. The director of human concerns shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The director of human concerns shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

Section 8-16.3. Powers, Duties and Functions. The director of human concerns shall:

1. Develop a comprehensive approach to the effective administration and coordination of programs and plans of action designed to meet human needs in the county.

2. Develop a comprehensive plan for addressing early childhood programs, grants management, immigrant services, and senior services.

3. Coordinate an office on aging and volunteer services to address community needs.

4. Participate and coordinate with community and social services organizations and agencies to develop programs to assist needy families within the county.

5. Develop, supervise, and coordinate such programs and projects as shall be assigned by the mayor.

6. Perform such other duties and functions as may be assigned by the mayor.”

4. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Chapters 16, and 17 of Article 8 of the Charter, pertaining to the Maui County Emergency Management Agency, and Salary Commission, respectively, be renumbered and amended as follows:

**“CHAPTER [16] 17
MAUI COUNTY EMERGENCY MANAGEMENT AGENCY**

Section [8-16.1] 8-17.1. Organization and Functions. There shall be a Maui County emergency management agency whose powers, duties, functions and organization shall be as provided by law. The fire and public safety commission, as established in Section 8-7.2 herein, shall review the operations of the agency and make

recommendations for changes which may be desirable to improve the performance of emergency functions and the provision of public safety services. The commission shall receive and investigate any complaints brought forth by the public against the conduct of the agency or any of its members and submit a written report of its findings and recommendations to the Maui County emergency management administrator for the administrator's disposition.

CHAPTER [17] 18
SALARY COMMISSION

Section [8-17.1] 8-18.1. Organization and Functions. There shall be a salary commission, which shall consist of nine members appointed by the mayor with the approval of the council. The members of this commission shall have five-year terms, and can be reappointed once to a second five-year term. Two members shall be appointed or reappointed each year, except that only one member shall be appointed or reappointed every fifth year. The commission shall determine the compensation of elected officials and appointed directors and deputy directors of all departments of the county provided, however, in establishing the compensation of appointed department heads and their deputies, the salary commission shall consult with those boards and commissions which have appointing authority for department heads."

5. That it does hereby propose that the following question be placed on the 2020 General Election ballot:

"Should the Department of Housing and Human Concerns be divided to form two separate departments, a Department of Housing and a Department of Human Concerns, and should the provisions of the Charter be modified by non-substantive 'housekeeping' measures related to this amendment?"

6. That material to be repealed is bracketed. New material is underscored; and

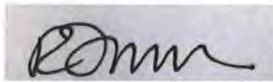
7. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

8. That the County Clerk prepare the necessary ballot for presentation to the voters at the 2020 General Election; and

9. That, upon approval by the majority of the voters as indicated by the number of votes cast and upon official certification of such result, the amendment proposed herein take effect on December 30, 2021; and

10. That certified copies of this resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND
LEGALITY:



2020.06.04 14:13:15
-10'00'

Department of the Corporation Counsel
County of Maui
2019-1368
2019-08-23 Resolution