

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY COMMITTEE**

July 6, 2012

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

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

Chair and Members:

Your Policy Committee, having met on November 2, 2011, April 9, 2012, April 13, 2012 (reconvene), April 17, 2012, May 23, 2012, and June 13, 2012, makes reference to the following:

1. County Communication 09-229, from Michael J. Molina, Chair, Committee of the Whole, relating to proposed amendments to the Revised Charter of the County of Maui (1983), as amended (“Charter”).
2. County Communication 11-165, from Council Chair Danny A. Mateo, transmitting a proposed resolution entitled “PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR’S APPOINTMENT OF THE PLANNING DIRECTOR”. The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the Charter should be amended to require Council approval of the Mayor’s appointment of the Planning Director.
3. Correspondence dated March 30, 2012, from the Chair of your Committee, transmitting a proposed resolution entitled “PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR’S APPOINTMENT OF THE MANAGING DIRECTOR”. The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the Charter should be amended to require Council approval of the Mayor’s appointment of the Managing Director.

Currently, Sections 8-2.2, 8-3.2, and 8-11.5 of the Charter require Council approval of the Corporation Counsel, Prosecuting Attorney, and Director of Water Supply, respectively. Other department directors, such as the Planning Director and

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Managing Director, are appointed by the Mayor, without a requirement of Council approval. Section 6-2 of the Charter also provides for a process by which the Council shall confirm, or deny the confirmation of, the Mayor's appointments of the Corporation Counsel and Prosecuting Attorney.

Your Committee noted that the confirmation process it had engaged in at the start of the term had successfully allowed for a greater understanding of the capabilities and philosophies of the Mayor's appointments.

Your Committee discussed the importance of the positions of the Planning Director and Managing Director. Your Committee noted that the Planning Director sets the future direction of growth for the County. The Managing Director acts as the principal management aid to the Mayor. Moreover, in the temporary absence of the Mayor from the State or the temporary disability of the Mayor, the Managing Director acts as Mayor.

Nonetheless, your Committee expressed concerns with the impact the Council approval process could have on the Mayor's ability to recruit qualified directors and assemble his or her own team. Your Committee noted that, particularly with respect to the position of Managing Director, the Mayor would need to have a high level of trust in the appointed individual and share similar philosophical goals. Further, even in the absence of approval authority, your Committee noted that the Council could engage in a process by which it could question the Mayor's appointed directors early in the term. Your Committee, therefore, decided against recommending that either proposal be placed on the ballot.

Your Committee voted 7-1 to recommend the filing of County Communication 11-165, relating to Council approval of the Mayor's appointment of the Planning Director. Committee Chair Hokama, Vice-Chair Carroll, and members Baisa, Couch, Mateo, Pontanilla, and White voted "aye". Committee member Cochran voted "no". Committee member Victorino was excused.

Your Committee voted 8-0 to recommend the filing of correspondence dated March 30, 2012, relating to Council approval of the Mayor's appointment of the Managing Director. Committee Chair Hokama, Vice-Chair Carroll, and members Baisa, Cochran, Couch, Mateo, Pontanilla, and White voted "aye". Committee member Victorino was excused.

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Your Policy Committee RECOMMENDS the following:

1. That County Communication 11-165 be FILED; and
2. That the correspondence dated March 30, 2012, from the Chair of your Committee, be FILED.

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

  
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R. RIKI HOKAMA, Chair

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