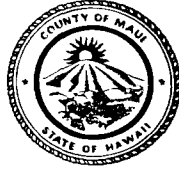


ALAN M. ARAKAWA  
Mayor



BRIAN T. MOTO  
Acting Corporation Counsel

DEPARTMENT OF THE CORPORATION COUNSEL

COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
TELEPHONE: (808) 270-7740 FAX 270-7152

January 17, 2003

Dain P. Kane  
Chair  
Maui County Council  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

RECEIVED  
03 JAN 17 P1 57  
OFFICE OF THE  
COUNTY COUNCIL

Re: Deputy Director of Civil Defense (PAF 03-004)

Dear Chair Kane:

This correspondence responds to your request dated January 13, 2003 regarding the above-referenced subject matter. Attached to this letter is a resolution regarding the appointment of Mayor Alan M. Arakawa as the State Deputy Director of Civil Defense for the County of Maui. In preparation of this letter our office contacted Edward T. Texeira, Vice-Director, Civil Defense, State of Hawaii, who provided information to your questions regarding compensation, timing of Council's approval, and disapproval of the appointment as follows:

**Compensation:**

1. With the repeal of Chapter 77, Hawaii Revised Statutes (HRS), it does not appear that there is any clear statutory authority for the County of Maui to compensate a State deputy director of civil defense position. Under HRS §128-3(d) deputy directors of civil defense serve without compensation from the State. This county, like other counties in this state, has not provided compensation to the appointed deputy director of civil defense, since the appointee (*i.e.* the Mayor) already receives full-time pay by the county.

**Council's Failure to take Action:**

- 2) If the Council fails to take action in approving the Mayor's appointment as the State Deputy Director of Civil Defense for the County of Maui, the State Vice-Director of Civil Defense opined that his department will appoint Mayor Arakawa as the "Interim" State Deputy Director of Civil Defense for the County of Maui. The Vice-Director stated that, should an emergency occur and the County Council not yet approved the Mayor's appointment, the Office of Civil Defense will use Mayor Arakawa as the "interim" State Deputy Director of Civil Defense for the County of

Dain P. Kane  
Chair  
Maui County Council  
**Re: Deputy Director of Civil Defense (PAF 03-004)**  
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Maui, as the Mayor is considered the head of all local organizations for civil defense, i.e. the departments of police, fire, water, and public works. <sup>1</sup>

**Council's Disapproval:**

- 3) If Council disapproves Mayor Arakawa's appointment, the State Civil Defense Office will take the same action as outlined above in answer 2, and under HRS Chapter 128 the Mayor, as the appointed "interim" State Deputy Director of Civil Defense for the county, shall be the head of all local organizations for civil defense.

If I can be of any further assistance, please feel free to contact me with your concerns.

Very truly yours,

  
JOHN D. KIM  
Deputy Corporation Counsel

APPROVED FOR TRANSMITTAL:

  
BRIAN T. MOTO  
Acting Corporation Counsel

JDK:epg

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cc: Edward T. Teixeira, Vice-Director, Civil Defense, State of Hawaii

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<sup>1</sup> The Vice-Director pointed out that the position of State Deputy Director is not a pro forma appointment, but it allows connectivity and linkage between the various county organizations for civil defense with the State Director's office. In case of an emergency, time is of the essence, effective and quick communication is paramount to an effective response by local government. Therefore, a direct link to local organizations for civil defense is the "lynch pin" to a successful response to any emergency. That "lynch pin" is the person who is the head of all local organizations for civil defense. The Vice-Director is of the opinion that the Mayor of Maui County is that person.

# Resolution

No. \_\_\_\_\_

APPROVING THE APPOINTMENT OF  
MAYOR ALAN M. ARAKAWA AS THE STATE DEPUTY DIRECTOR  
OF CIVIL DEFENSE FOR THE COUNTY OF MAUI

WHEREAS, pursuant to § 128-3(d), Hawaii Revised Statutes, the State Director of Civil Defense shall, with the approval of Council of the County of Maui, appoint a Deputy Director of Civil Defense for the County of Maui; and

WHEREAS, Brigadier General Robert G.F. Lee, State Director of Civil Defense, has tendered the appointment to Mayor Alan M. Arakawa effective January 2, 2003, subject to the approval of Council; now, therefore,

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

1. That it hereby approves the appointment of Mayor Alan M. Arakawa as the State of Hawaii Deputy Director of Civil Defense for the County of Maui; and

2. That certified copies of this resolution be transmitted to Mayor Alan M. Arakawa and State Director of Civil Defense, Brigadier General Robert G.F. Lee.

APPROVED AS TO FORM AND LEGALITY:



JOHN D. KIM  
Deputy Corporation Counsel  
County of Maui