

COUNCIL OF THE COUNTY OF MAUI
POLICY COMMITTEE

February 16, 2007

Committee
Report No.

07-4

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

Chair and Members:

Your Policy Committee, having met on January 30, 2007, makes reference to County Communication No. 07-35, from the Mayor, relating to the appointment of Brian T. Moto as the Corporation Counsel.

By correspondence dated January 23, 2007, the Department of the Corporation Counsel transmitted a proposed resolution entitled "APPROVING THE APPOINTMENT OF BRIAN T. MOTO AS THE CORPORATION COUNSEL". The purpose of the proposed resolution is to approve the appointment of Brian T. Moto as the Corporation Counsel.

By correspondence dated January 29, 2007, the Chief of Police submitted written testimony in support of Mr. Moto's appointment.

Your Committee notes that "within sixty (60) days of taking office, or within sixty (60) days after a vacancy is created, the mayor shall appoint the corporation counsel and prosecuting attorney with written notice of the appointment to the council", pursuant to Section 6-2(5) of the Revised Charter of the County of Maui (1983), as amended (Charter).

Your Committee further notes that "the council shall confirm or deny the confirmation within sixty (60) days after receiving notice of the appointment by the mayor", pursuant to Section 6-2(5) of the Charter.

Your Committee further notes that the Council must approve or disapprove the appointment by March 12, 2007, or the appointment will be deemed approved.

Your Committee further notes that "the corporation counsel shall be appointed by the mayor with the approval of the council and may be removed by the mayor with the approval of the council", pursuant to Section 8-2.2 of the Charter.

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At its meeting, your Committee met with the Mayor, the First Deputy Corporation Counsel, and the Acting Corporation Counsel.

Your Committee received public testimony from two individuals in support of Mr. Moto's appointment.

Your Committee also received a copy of pages 4-4, 4-6, and 4-7 relating to the Department of the Corporation Counsel, Legal Services Program from the Program Budget, from Jim Smith.

In his opening remarks, Mr. Moto noted his 21 years of law practice, including 15 years of experience in County government, 4 of which as Corporation Counsel. He further noted his Department's accomplishments that includes (1) a strengthened litigation section; (2) working with diverse interest groups covering environmental and native Hawaiian issues; (3) rendering legal advice in a fair, balanced, and objective manner; (4) an increased assertiveness in insurance coverage disputes; (5) a reduced backlog of workman's compensation and small claims filed against the County; and (6) working collaboratively with the Council and other departments in implementing legislation on a variety of matters.

In considering specific goals for improving the Department, Mr. Moto stated his desire to (1) strengthen the drafting and counseling section, which is currently overburdened, with additional staff; (2) create specialty practice or subgroups that would encourage specialized skills, share workloads and ideas, and ensure a greater continuity of service; (3) create subsections within the Department specifically dedicated to planning and land use matters; and (4) respond to increased demands for legal services in a more timely manner.

After much discussion, your Committee voted to recommend adoption of the proposed resolution and filing of the communication.

Your Policy Committee RECOMMENDS the following:

1. That Resolution No. _____, attached hereto, entitled "APPROVING THE APPOINTMENT OF BRIAN T. MOTO AS THE CORPORATION COUNSEL", be ADOPTED; and
2. That County Communication No. 07-35 be FILED.

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Adoption of this report is respectfully requested.

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DANNY A. MATEO Chair

BILL KAUAKEA MEDEIROS Member

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GLADYS C. BAISA Member

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Resolution

No. _____

APPROVING THE APPOINTMENT OF
BRIAN T. MOTO AS THE
CORPORATION COUNSEL

WHEREAS, by letter dated January 8, 2007, Mayor Charmaine Tavares notified the Council that she appointed Brian T. Moto as the Corporation Counsel, pursuant to Sections 6-2(5) and 8-2.2 of the Revised Charter of the County of Maui (1983), as amended ("Charter"); and

WHEREAS, Charter Section 6-2(5) requires the Council to confirm or deny the appointment within sixty (60) days after receiving notice of the appointment by the mayor; and

WHEREAS, Charter Section 8-2.2 states that "[t]he corporation counsel 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 approves the appointment of Brian T. Moto as the Corporation Counsel; and

Resolution No. _____

2. That certified copies of this resolution be transmitted to the Mayor, the Managing Director, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



TRACI FUJITA VILLAROSA
First Deputy Corporation Counsel
County of Maui

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