

# COUNTY OF MAUI

*<http://www.co.maui.hi.us/>*

The County of Maui consists of the islands of Maui, Molokai, Lanai, and Kahoolawe, and all other islands lying within three nautical miles off the shores thereof and waters adjacent thereto, except that portion of the island of Molokai known as Kalaupapa, Kalawao, and Waikolu, and commonly known and designated as the Kalaupapa Settlement. The County is a corporate body with all powers authorized by the State Constitution, the laws of the State of Hawaii, and the Maui County Charter.

## LEGISLATIVE BRANCH

### County Council

Except as otherwise provided by the Charter of the County of Maui, legislative powers are vested in and exercised by the County Council, which consists of nine members elected at-large for two-year terms. No Council member may serve more than five consecutive full terms. Each member is a resident of one of the following areas: the island of Lanai, the island of Molokai, East Maui (Hana-Keanae-Kailua), West Maui, Makawao-Haiku-Paia, "Upcountry" (Pukalani-Kula-Ulupalakua), South Maui, Kahului, and Wailuku-Waihee-Waikapu.

The County Council is the lawmaking body of the County of Maui and determines policies and programs for the County. The Council is responsible for the enactment of ordinances affecting county law and the adoption of resolutions setting public and county policy. Among its powers are the adoption of a general plan setting forth the County's broad policies for long-range development; setting policies, appropriating funds, and providing legislative oversight for the County's public safety, environmental protection, housing, recreation, transportation, and other community needs; enactment and monitoring of a water conservation plan, and amendments to the water use and development plan for the county; enactment of zoning and other land use ordinances affecting the development of property; enactment of the annual legislative and executive budget ordinances and their balancing through the enactment of revenue producing resolutions and/or ordinances where necessary; adoption of a pay plan; authorization for the issuance and repayment of general obligation and revenue bonds; authorizing proceedings in eminent domain; requiring periodic and special reports relating to the functions and operation of county departments; retaining special counsel for matters presenting a real necessity for such employment; and investigation of the operations of any county agency or function and any matter subject to legislation by the Council.

**Office of the County Clerk.** The Office of the County Clerk consists of the County Clerk and necessary staff. The County Clerk is appointed and may be removed by the Council. The County Clerk is the clerk of the Council; takes charge of, safely keeps and disposes of all books, papers, and records which may be properly filed with the Office and keeps in separate files all bills, ordinances, resolutions, and rules, and cumulative indices of same; has custody of

the county seal; conducts all elections held within the County as provided by law; certifies ordinances, adopts rules for the classification, storage, and destruction of all records of the County; and performs such other functions as may be prescribed by the Council or law.

**Office of Council Services.** The Office of Council Services provides research, clerical, and logistical support to the committees and members of the Council in the performance of their official legislative duties. The role of the central staff is to focus on the legislative work of the Council and its committees. The office directly supports the policy-making process in the following ways: by enabling compliance with procedural requirements; by researching and organizing information on policy issues; by helping Council members coordinate and carry out the legislative process; and by responding to requests for information from the general public. In addition, the central staff provides the following types of support: fiscal, facilities, procurement, and personnel administration processing for Council members' individual offices; administrative assistance to the office of the Council Chair; and services for recurring major legislative activities, which include annual budget deliberations, monitoring of state legislation, community plan reviews, and Hawaii State Association of Counties' functions. The central staff also assists with Council-initiated projects undertaken as a check on the administrative authority of the executive branch.

## EXECUTIVE BRANCH

Except as otherwise provided by the Charter, the executive power of the County is vested in and exercised by the Executive Branch which is headed by the Mayor.

### Mayor

The Mayor, who must be a voter and resident of the County of Maui, is elected for a term of four years and is limited to serving not more than two consecutive full terms. The Mayor is the chief executive officer of the County. Among the powers and duties enumerated by the Charter, the Mayor exercises supervision, directly or through the Managing Director, over executive agencies; appoints the necessary staff for which appropriations have been made by the Council; recommends to the Council a pay plan for all County officers and employees whose compensation is not otherwise provided for by law; submits an operating budget and a capital program annually to the Council for its consideration, and controls, manages, and executes the annual operating budget and capital program; makes annual and periodic reports informing the public of County policies, programs, and operations; approves or vetoes bills passed by the Council; enters into contracts with other counties, the State, or the United States for the performance of any function or activity which the County is authorized to perform; prepares and processes applications for state, federal, or other governmental funds on behalf of the County; and exercises other powers and performs other duties prescribed by the Charter or by law.

## **Department of Management**

The Department of Management is headed by the Managing Director, who is appointed and may be removed by the Mayor. The Managing Director serves as the principal management aide to the Mayor; supervises and evaluates the administrative functions, management, and performance and prescribes standards for the administrative practices of all agencies, departments, boards, and commissions assigned by the Mayor; and performs other duties required by the Charter or assigned by the Mayor.

## **Department of the Corporation Counsel**

The Department of the Corporation Counsel consists of the Corporation Counsel, who is appointed and may be removed by the Mayor with the approval of the Council, and necessary staff. The Corporation Counsel must be an attorney licensed to practice law and in good standing before the Hawaii Supreme Court and have practiced law in the State for at least three years. The Corporation Counsel appoints such deputies corporation counsel and staff as authorized by the Council. Deputies corporation counsel are exempt from civil service and serve at the pleasure of the Corporation Counsel. The Corporation Counsel is the chief legal advisor and legal representative of the Council, the Mayor, all departments, boards and commissions, and officers and employees in matters relating to their official duties. In addition, the Corporation Counsel represents the County in all legal proceedings and performs such other duties as assigned by the Mayor.

## **Department of the Prosecuting Attorney**

The Department of the Prosecuting Attorney consists of the Prosecuting Attorney and necessary staff. The Prosecuting Attorney is appointed and may be removed by the Mayor with the approval of the Council. The Prosecuting Attorney must be an attorney licensed to practice law and in good standing before the Hawaii Supreme Court and have practiced law in the State for at least three years.

The Prosecuting Attorney attends all courts in the County and conducts, on behalf of the people, all prosecutions for offenses against state laws, County ordinances, and rules; appears in and prosecutes every criminal case where there is a change of venue from the courts in the County; institutes proceedings for the arrest and indictment of persons suspected of public offenses; draws all indictments and attends before the grand jury cases presented for its consideration; prosecutes administrative violations of the liquor laws before the Board of Liquor Adjudication; performs such other duties as assigned by the Mayor; and appoints necessary staff, including deputy prosecuting attorneys.

## **Department of Finance**

The Department of Finance consists of the Director of Finance, who is appointed and may be removed by the Mayor, and necessary staff. The Director must have had a minimum of five years of experience in a public or private financial position, including at least three years in an administrative capacity.

The duties of the Director of Finance include preparing bills for the collection of money due to the County; collecting accounts receivable by the County; maintaining an accurate and complete account of receipts and disbursements; managing County funds; contracting the services of independent contractors; issuing, selling, and paying interest on redeemable bonds and maintaining custody of official bonds; preparing payrolls and pension rolls; renting or leasing County property and awarding concessions; preparing and maintaining an inventory of lands, equipment, or other property controlled by the County; submitting quarterly statements of revenues and expenditures to the Council; selling real property upon which improvement assessments or real property taxes are not paid within the period prescribed; disposing of real or personal property not needed by any department of the County pursuant to policies established by ordinance; and administering the real property taxation function of the County.

**Real Property Tax Review Board.** The Real Property Tax Review Board consists of five members appointed by the Mayor with the approval of the Council to five-year terms. The Board hears all appeals relating to real property assessments filed with the Director of Finance.

## **Department of Public Works**

The Department of Public Works consists of a Director and necessary staff. The Director of Public Works is appointed and may be removed by the Mayor. The Director must have had a minimum of five years of experience in an administrative capacity. The Director administers the building, housing, and subdivision ordinances and rules; approves proposed subdivision plans; supervises and maintains the County's highways, drainage and flood control systems, and maintains the County's buildings.

## **Department of Parks and Recreation**

The Department of Parks and Recreation consists of the Director of Parks and Recreation and necessary staff. The Director is appointed and may be removed by the Mayor. The Director must have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both. The Director plans, designs, constructs, maintains, and operates all parks and recreational facilities of the County, and develops and implements programs for cultural, recreational, and other leisure activities for the people of the County.

## Department of Fire and Public Safety

The Department of Fire and Public Safety consists of a Fire and Public Safety Commission, a Fire Chief, and necessary staff.

**Public Safety Commission.** The Public Safety Commission consists of nine members appointed by the Mayor with the approval of the Council to five-year terms. The Commission reviews the operations of the Department of Fire Control and recommends changes to improve the performance of emergency functions and the provision of public safety services; receives and investigates any complaints brought forth by the public against the conduct of the Department or any of its members and submits a written report of its findings and recommendations to the Fire Chief for disposition; and adopts such rules as it may consider necessary for the conduct of its business and regulations of the matters committed to its charge by law.

**Fire Chief.** The Fire Chief is appointed and may be removed by the Mayor and must have had a minimum of five years of experience in fire control, including at least three years in an administrative capacity. The Fire Chief provides fire protection to the people and property of the County; investigates the cause, origin, and circumstances of fires; adopts rules relating to the protection of persons and property against fires; approves building plans as provided by law; coordinates and provides rescue protection personnel in the County; and provides for the mitigation and stabilization of hazardous materials and related incidents.

## Department of Planning

The Department of Planning consists of the Maui Planning Commission, Molokai Planning Commission, Lanai Planning Commission, Planning Director, a Board of Variances and Appeals, and necessary staff.

**Planning Director.** The Planning Director serves as the administrative head of the Department, chief planning officer of the County, and the technical advisor to the Mayor, Council, and Planning Commissions on all planning and related matters. The duties of the Planning Director include recommending revisions of the general plan at least every ten years to guide the development of the County; preparing proposed zoning ordinances, zoning maps and rules, and any amendments or modifications; and reviewing the lists of and prioritizing proposed capital improvements.

The Planning Director is appointed and may be removed by the Mayor. The Planning Director must have had five years of experience in the planning field, including at least three years in an administrative capacity.

**Planning Commissions.** Each Planning Commission consists of nine members appointed by the Mayor with the approval of the Council to five-year terms. The members of each Planning Commission are residents of the respective island of their Commission. The Director of Public Works and Director of the Department of Water Supply are ex-officio non-voting members.

The Maui Planning Commission is concerned with the area encompassing the islands of Maui and Kahoolawe and all other islands lying within three nautical miles of their shores and adjacent waters. The Molokai Planning Commission is concerned with the area encompassing the island of Molokai and all other islands lying within three nautical miles of its shores and adjacent waters, except that portion of the island commonly known as the Kalaupapa Settlement. The Lanai Planning Commission is concerned with the area encompassing the island of Lanai and all other islands lying within three nautical miles of its shores and adjacent waters.

The appropriate Planning Commission advises the Mayor, Council, and Planning Director in matters concerning planning programs; reviews the general plan and any revisions, and recommends their approval or rejection; reviews proposed land use ordinances and any amendments, and recommends their approval or rejection; adopts rules pursuant to land use ordinances or law; and acts as the authority on all matters relating to the Coastal Zone Management law. In reviewing the general plan, zoning ordinances, or any amendments, the Commission holds public hearings prior to making its recommendations.

**Board of Variances and Appeals.** The Board of Variances and Appeals consists of nine members appointed by the Mayor with the approval of the Council. The Board hears and determines applications for variances from the strict application of any zoning, subdivision, or building ordinances, and determines appeals alleging error from any person aggrieved by a decision or order of any department charged with the enforcement of zoning, subdivision, and building ordinances; provided that the Council may by ordinance confer to another county agency the authority to hear and determine appeals from the decisions of the building official in the administration of the Maui County building code, plumbing code, electrical code, and housing code, and from any order made by the County Fire Chief in the administration of applicable state law and the Maui County fire code, and the Director of Water Supply in the administration of the rules and regulations of the Department of Water Supply relating to matters involving any denial of the use of new or alternate materials, types of construction, equipment, devices, or appliances.

## **Department of Personnel Services**

The Department of Personnel Services consists of the Civil Service Commission, Director of Personnel Services, and necessary staff.

**Civil Service Commission.** The Civil Service Commission consists of five members appointed by the Mayor with the approval of the Council. The Commission adopts rules to carry out the provisions of the state civil service laws; requests an annual appropriation for the operation of the Department; hears appeals by any officer or employee aggrieved by any action of the Director of Personnel Services or by an appointing authority; and advises the Mayor and Director of Personnel Services on problems concerning personnel administration.

**Director of Personnel Services.** The Director of Personnel Services is appointed and may be removed by the Civil Service Commission. The Director must be thoroughly familiar

with the principles and methods of personnel administration and believe in applying merit principles and scientific administrative methods to public personnel administration. As administrative head of the Department, the Director is responsible for the personnel management program of the County and performs such duties as are prescribed by state civil service laws or assigned by the Mayor.

### **Department of Housing and Human Concerns**

The Department of Housing and Human Concerns consists of the Director of Housing and Human Concerns and necessary staff. The Director is appointed and may be removed by the Mayor and must have had at least five years of experience in an administrative capacity. The Director is responsible for developing programs designed to meet human needs in the County.

### **Department of Water Supply**

The Department of Water Supply consists of the Board of Water Supply, Director of Water Supply, a Deputy Director, and necessary staff. The Department makes studies, surveys, and investigations relating to the locations and sources of water supply within the County, the amounts available for current and prospective uses, the water resources which may be available for such uses, and the maximum sustainable yield of such sources. The Department also implements the County's general plan and community plans in the administration of its affairs.

**Board of Water Supply.** The Board of Water Supply consists of nine members, appointed by the Mayor with the approval of the Council. The Planning Director and the Director of Public Works serve as ex-officio non-voting members. The Board acts as advisor to the Director, the Mayor, and the Council in all matters concerning the County's water system. The Board also recommends the establishment and adjustment of rates and charges for furnishing water for submission to the Mayor for review and approval. If approved by the Mayor, proposed rates and charges shall be submitted to the Council for enactment by ordinance.

**Director and Deputy Director of Water Supply.** The Director of the Department of Water Supply is appointed and may be removed by the Mayor with the approval of the Council, and must have had a minimum of three years of experience in a management capacity. The Deputy Director is appointed and may be removed by the Mayor with the approval of the Council. The Director or Deputy Director must be a registered engineer. The Director manages and controls all water systems of the County; prepares and implements long-range capital improvement plans and up-to-date water use development plans for review by the Board of Water Supply and enactment by the Council by ordinance; and prepares an annual operating and capital budget for the Board of Water Supply's review and submission to the Mayor.

## **Department of Police**

The Department of Police consists of the Police Commission, Chief of Police, and necessary staff.

**Police Commission.** The Police Commission consists of nine members appointed by the Mayor with the approval of the Council to five-year terms. In addition to performing duties provided by law, the Commission adopts rules necessary for the discharge of its duties and investigates any charges brought by the public against the Department or its personnel and submits a written report of its findings and recommendations to the Chief of Police for disposition.

**Chief of Police.** The Chief of Police is appointed by the Police Commission and may be removed by the Commission only after being informed in writing of the charges and after being given a hearing before the Commission. The Chief of Police must have had a minimum of five years of experience in law enforcement, including at least three years in an administrative capacity. The Chief of Police is responsible for the preservation of the public peace; prevention of crimes; detection and arrest of law offenders; protection of the rights of persons and property; traffic safety and education; and supervision and training of police officers and other employees.

## **Department of Liquor Control**

The Department of Liquor Control consists of the Liquor Control Commission, Liquor Control Adjudication Board, Director of Liquor Control, and necessary staff.

**Liquor Control Commission.** The Liquor Control Commission is composed of nine members appointed by the Mayor with the approval of the Council to five-year terms. The Liquor Control Commission adopts rules for the administration of liquor control in the County and execution of state liquor control laws. The Commission also grants, renews, or refuses applications for licenses for the manufacture, importation, and sale of liquor in the County and performs other duties as provided by law.

**Liquor Control Adjudication Board.** The Liquor Control Adjudication Board consists of nine members appointed by the Mayor with the approval of the Council to five-year terms. It hears and determines administrative complaints of the Director regarding violations of state liquor control laws or rules of the Commission. The Board also imposes penalties for such violations.

**Director of the Department of Liquor Control.** The Director of the Department of Liquor Control is appointed and may be removed by the Liquor Control Commission. The Director must have had a minimum of five years of experience in law enforcement, including at least three years in an administrative capacity. The Director investigates violations of the state liquor control laws and rules of the Commission, and investigates applications for liquor licenses.

## **Department of Transportation**

The Department of Transportation consists of a Director and necessary staff. The Director of Transportation shall be appointed and may be removed by the Mayor. The Director shall have a minimum of five years of experience in an administrative capacity, either in public service or private business, or both. The Director is responsible for the planning and implementation of all modes of transportation in Maui County, including those in the air and those in the water and land. The Director is also responsible for the planning and developing an efficient program to facilitate the rapid, safe, and economical movement of people and goods in Maui County.

## **Department of Environmental Management**

The Department of Environmental Management consists of a Director and necessary staff. The Director of Environmental Management shall be appointed and may be removed by the Mayor. The Director shall have a minimum of five years of experience in an administrative capacity, either in public service or private business or both. The Director supervises waste management and control of pollution, including recycling, litter control, and protection of the unique beauty of Maui County. The Director is also responsible for the planning, design, building, operations, and maintenance of solid waste collection, processing and disposal systems, as well as sewer treatment plants, pump stations, sewer lines, reclaimed water distribution systems, and related programs.

## **Cost of Government Commission**

It is the declared policy of the County to promote economy, efficiency, and improved service in the transaction of the public business in the legislative and executive branches of the County. For the purpose of carrying out this policy, the Mayor, with the approval of the Council, appoints the Cost of Government Commission which consists of nine members. A member may be reappointed but may not serve for more than a total of four years. The Commission studies and investigates county organization and operations to determine changes to accomplish the aforementioned policy; is authorized to secure directly from any agency or employee of the County information necessary to carry out its duties; and submits a report of its findings and recommendations to the Mayor and Council not later than eleven months after its appointment.

## **Civil Defense Agency**

The Civil Defense Agency has powers, duties, functions, and organization as provided by law. The Fire and Public Safety Commission reviews the operations of the Agency and recommends changes to improve the performance of emergency functions and the provision of public safety services. The Commission receives and investigates any complaints brought by the

public against the conduct of the Agency or any of its members and submits a written report of its findings and recommendations to the Civil Defense Administrator for disposition.

### **Salary Commission**

The Salary Commission consists of nine members appointed by the Mayor with the approval of the Council. The term of office of Commission members ends with the term of office of the Mayor. The Commission determines the compensation of elected officials and appointed directors and deputy directors of all county departments provided, however, that in establishing the compensation of appointed department heads and their deputies, the Commission consults with those boards and commissions which have appointing authority for department heads.

### **Board of Ethics**

The Board of Ethics consists of nine members appointed by the Mayor with the approval of the Council. Among its powers and duties, the Board adopts rules for the enforcement of the Code of Ethics; initiates, receives, hears, and investigates complaints of violations of the Code; initiates impeachment proceedings against elected or appointed officers found to have violated the Code; renders advisory opinions; prescribes forms for and examines all disclosure statements; and on issues before it, makes findings of fact and conclusions of law and transmits them to the appropriate appointing authority and Prosecuting Attorney for disposition.

# COUNTY OF MAUI

