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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

January 6, 2022

Ms. Maria Solomon, Chair  
Commission on Children and Youth  
c/o Department of Housing and Human Concerns  
County of Maui  
Wailuku, Hawaii 96793

Dear Ms. Solomon:

**SUBJECT: POLICE COMMISSION COMMENTS ON ORDINANCE  
5174 (2020), ESTABLISHING CHAPTER 9.40, MAUI  
COUNTY CODE, RELATING TO SOCIAL-HOST  
LIABILITY (GREAT-41)**

At its meeting of January 4, 2022, the Government Relations, Ethics, and Transparency Committee discussed the attached proposed bill to amend Chapter 9.40, Maui County Code, related to social-host liability. The bill would require the Police Commission adopt administrative rules and carry out appeal provisions. Because social-host liability deals with underage drinking, the Committee proposed the Commission on Children and Youth handle this responsibility instead of the Police Commission.

May I please request that the Commission on Children and Youth discuss this proposed change at its next meeting in January and provide comments to the Committee.

May I further request you transmit your response to [great.committee@mauicounty.us](mailto:great.committee@mauicounty.us) **no later than January 31, 2022**, and include the relevant Committee item number in the subject line of your response.

Ms. Maria Solomon  
January 6, 2022  
Page 2

Should you have any questions, please contact me or the Committee staff (Shelly Espeleta at ext. 7134, or Pauline Martins at ext. 8039).

Sincerely,

A handwritten signature in black ink that reads "Michael J. Molina". The signature is written in a cursive, flowing style.

MICHAEL J. MOLINA, Chair  
Government Relations, Ethics, and  
Transparency Committee

great:ltr:041ahc01:gap

Attachment

cc: Mayor Michael P. Victorino

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 9.40,  
MAUI COUNTY CODE, RELATING TO SOCIAL HOST LIABILITY

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 9.04.050, Maui County Code, is amended to read as follows:

- “[9.04.050] 9.40.050 Appeal procedure and standards.** A. In accordance with the charter and this chapter, the police commission may hear and determine appeals of this chapter.
- B. The [chief] police commission must adopt administrative rules [within ninety days of the effective date of this Ordinance] to carry out the appeal provisions of this chapter.
- C. An appeal may be granted only if the commission finds one of the following:
1. The subject decision or order was based on an erroneous finding of a material fact or erroneously applied the law.
  2. The subject decision or order was arbitrary and capricious in its application.
  3. The subject decision or order was a manifest abuse of discretion.
- D. A person filing an appeal must pay a fee as established in the annual budget ordinance.”

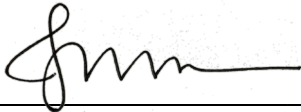
SECTION 2. Section 9.40.060, Maui County Code, is amended to read as follows:

**“9.40.060 Administration.** The chief will administer this chapter; except the chief may designate a social host administrator, who may exercise the chief's authority under this chapter, to the extent authorized by the chief[.]; except that the police commission will administer the appeal process.”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. Chapter 9.40, Maui County Code, takes effect on March 1, 2022.

APPROVED AS TO FORM AND LEGALITY:



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JENNIFER M.P.E. OANA  
Department of the Corporation Counsel  
County of Maui