

REQUEST FOR LEGAL SERVICES

Date: December 6, 2024
From: Keani Rawlins-Fernandez, Chair
Efficiency Solutions and Circular Systems Committee

TRANSMITTAL
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Andrew Nelson, Esq.

Subject: BILL 127 (2024), RELATING TO IMPLEMENTING CHARTER SECTION 13-17, REQUIRING THE COUNTY TO OPERATE AS A BILINGUAL GOVERNMENT AND TO PUBLISH OFFICIAL MEETING AGENDAS IN ENGLISH AND 'ŌLELO HAWAI'I (ESCS-7)

Background Data: Please see proposed CD1 version of Bill 127 (2024). Please submit your response to escs.committee@mauicounty.us with a reference to ESCS-7.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER: _____

Requestor's signature  Keani Rawlins-Fernandez	Contact Person <u>Ellen McKinley or Megan Moniz</u> (Telephone Extension: <u>7661 or 7145, respectively.</u>)
---	--

ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): December 12, 2024
REASON: For posting on the 12/23/2024 Council agenda

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: AVN	ASSIGNMENT NO. 2023-0139	BY: jap
-------------------------	-----------------------------	------------------------

TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

Please see transmittal email.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 120924

By Andrew Nelson

(Rev. 7/03)

ORDINANCE NO. _____

BILL NO. 127, CD1 (2024)

A BILL FOR AN ORDINANCE TO IMPLEMENT CHARTER SECTION 13-17
REQUIRING THE COUNTY TO OPERATE AS A BILINGUAL GOVERNMENT AND
TO PUBLISH OFFICIAL MEETING AGENDAS IN ENGLISH AND ‘ŌLELO
HAWAI‘I

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

SECTION 1. This Ordinance’s purpose is to implement the Charter amendment designated as Charter Commission Proposal 2, approved by the electorate at the 2022 General Election, to affirm that the County will operate as a bilingual government.

SECTION 2. Title 2, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

“Chapter 2.02

BILINGUAL GOVERNMENT

Sections:

- 2.02.010 Official writings.
- 2.02.020 Public meeting agendas.

2.02.010 Official writings. This chapter is intended to implement charter section 13-17, which provides that the County must operate as a bilingual government, and to promote the use of ‘ōlelo Hawai‘i. Charter section 13-17 also provides that official writings of the County must be prepared and made available in both official State languages, English and ‘ōlelo Hawai‘i, as determined by ordinance.

2.02.020 Public meeting agendas. All official public meeting agendas required under part I, chapter 92, Hawai'i Revised Statutes, must be published in English and 'ōlelo Hawai'i."

SECTION 3. This Ordinance takes effect on September 1, 2025.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui
escs:misc:007abill01

INTRODUCED BY:

Keani Rawlins-Fernandez

KEANI N.W. RAWLINS-FERNANDEZ

ESCS Committee

From: Andrew V. Nelson <Andrew.V.Nelson@co.maui.hi.us>
Sent: Monday, December 9, 2024 5:40 PM
To: ESCS Committee
Cc: Ellen B. McKinley; Megan K. Moniz
Subject: RE: Bill 127, CD1: request for comparison
Attachments: 2024-12-09 RAFL McKinley, Bill 127(2024) relating to Charter Section 13-17.pdf

Hi ESCS Committee,

Attached is the signed Bill 127, CD1 (2024). Please note the following:

- The bill contains a reference to the Hawaii Revised Statutes that includes an 'okina. I'm not sure if it changed, but I think that the official name omits the 'okina.
- This is a policy consideration, but I'm sharing it in case it is helpful. In the proposed Section 2.02.020, it might be helpful to specify that the agenda may be posted separately in English and in 'ōlelo Hawai'i. The subject section could also specify that the failure to post the agenda in 'ōlelo Hawai'i prior to the meeting does not require cancellation of the meeting.

This would allow for the Maui County Council and board and commissions to comply with the Sunshine Law's agenda posting requirements (six days' prior, etc.) in the event that the 'ōlelo Hawai'i version isn't ready in time to meet the posting deadline. For board and commissions, it is fairly common for agendas to be drafted or subject to change close to the deadline for posting, which would make translating them in time difficult.

For instance, the Police Commission includes two standing items, letters of condemnation for personnel and complaints submitted to the Commission, which are typically added all the way up to posting. These can be described with relatively similar language though, so could be translated relatively quickly.

Thank you.

Andrew Nelson
Deputy Corporation Counsel
Dept. of the Corporation Counsel
County of Maui
200 S. High Street
Wailuku, HI 96793
Ph: (808) 270-7522

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, use, disclosure, or distribution by unintended recipients is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: ESCS Committee <ESCS.Committee@mauicounty.us>
Sent: Monday, December 9, 2024 1:59 PM
To: Andrew V. Nelson <Andrew.V.Nelson@co.maui.hi.us>
Cc: Ellen B. McKinley <Ellen.Mckinley@mauicounty.us>; Megan K. Moniz <megan.moniz@mauicounty.us>
Subject: RE: Bill 127, CD1: request for comparison

Hi Andrew,

Please see the attached redlined version of Bill 127, CD1 (2024), showing the changes. The effective date was the only substantive change. No version of the bill has yet been reviewed by Corporation Counsel.

Mahalo!

Ellen



Ellen McKinley

Legislative Analyst

County of Maui | Office of Council Services

Email: ellen.mckinley@mauicounty.us

Office: (808) 270-7661 | Cell: (808) 861-0062

From: Andrew V. Nelson <Andrew.V.Nelson@co.maui.hi.us>

Sent: Monday, December 9, 2024 1:51 PM

To: ESCS Committee <ESCS.Committee@mauicounty.us>

Cc: Ellen B. McKinley <Ellen.Mckinley@mauicounty.us>; Megan K. Moniz <megan.moniz@mauicounty.us>

Subject: Bill 127, CD1: request for comparison

Hi ESCS Comm.,

Can you please send me a comparison or the word files, so I can run one? I took a quick look and it seems that only the effective date has changed.

Thank you.

Andrew Nelson

Deputy Corporation Counsel

Dept. of the Corporation Counsel

County of Maui

200 S. High Street

Wailuku, HI 96793

Ph: (808) 270-7522

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, use, disclosure, or distribution by unintended recipients is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.