

Resolution

No. 24-99, FD1

PROPOSING AN AMENDMENT TO ARTICLE 8 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO MAKE THE SALARY COMMISSION'S AUTHORITY CONSISTENT WITH THE CONSTITUTION OF THE STATE OF HAWAI'I

WHEREAS, the Maui County Council proposes that the question be placed on the next General Election ballot of whether the Revised Charter of the County of Maui (1983), as amended, should be further amended to require the Salary Commission to determine elected officials' and appointed directors' and deputy directors' salaries instead of compensation to maintain consistency with the Constitution of the State of Hawai'i; and

WHEREAS, Section 8-17.1 of the Charter states that the Salary Commission "shall determine the *compensation* of elected officials and appointed directors and deputy directors of all departments of the county" (emphasis added); and

WHEREAS, Section 3-122 of the Revised Charter of the City and County of Honolulu creates an "independent salary commission to establish the *salaries* of all elected officials" (emphasis added); and

WHEREAS, Section 29.01 of the Revised Charter of the County of Kaua'i requires the salary commission to establish the maximum salaries of all elected and appointed officers; and

WHEREAS, Section 13-28(d) of the Revised Charter of the County of Hawai'i requires the salary commission to review and compensate all county elected officials and appointed directors and deputy directors, which includes their total salaries and benefits, creating a distinction between salary and other employment benefits; and

WHEREAS, Article XVI, Section 3.5, of the Constitution of the State of Hawai'i creates a commission on salaries to specifically review and recommend salaries—not compensation, the latter of which would include other monetary benefits, such as travel costs; and

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WHEREAS, high travel costs because of limited travel options from Molokai and Lāna‘i to Maui are a barrier for qualified applicants applying for leadership positions in the County of Maui, preventing equitable employment opportunities among the islands; and

WHEREAS, the Salary Commission’s authority should align with the Constitution of the State of Hawai‘i to specifically approve salaries, not compensation, which would allow benefits to be managed by the Council or the Mayor; now, therefore

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

1. That, in accordance with Charter Section 14-1(1), it proposes Charter Section 8-17.1 be amended to read as follows, with deleted material in brackets and new material underscored:

“1. There shall be a salary commission, which shall consist of nine members appointed by the mayor with the approval of the council. The members of this commission shall have five-year terms, and can be reappointed once to a second five-year term. Two members shall be appointed or reappointed each year, except that only one member shall be appointed or reappointed every fifth year. The commission shall determine the [compensation] salaries of elected officials and appointed directors and deputy directors of all departments of the county; [provided, however,] in establishing the [compensation] salaries of appointed department heads and their deputies, the salary commission shall consult with those boards and commissions [which] that have appointing authority for department heads.”

2. That, in accordance with Charter Section 14-2(1), this Resolution be submitted to the voters of the County of Maui at the next General Election;

3. That the County Clerk prepare the necessary ballot for presentation to the voters at the next General Election;

4. That, in accordance with Charter Section 14-1(1), it proposes that the following question be placed on the next General Election ballot:

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“Shall the Charter be amended to require the Salary Commission to determine ‘salaries’ instead of ‘compensation’ for elected officials and appointed directors and deputy directors to maintain consistency with the Constitution of the State of Hawai‘i and remove fiscal barriers to create equity through benefits such as reimbursement of travel costs?”

5. That, in accordance with Charter Section 14-2(2), the County Clerk must publish the proposed amendment in this Resolution in its entirety in a newspaper of general circulation;

6. That, on approval by a majority of the voters voting on the proposed amendment and on official certification of the result, the amendment proposed in this Resolution takes immediate effect;

7. That, as authorized by Charter Section 14-4, the County Clerk must revise and publish in its entirety a revised Charter including amendments adopted in this Resolution and renumber provisions and cross-references as may be necessary by the approval of the revisions or amendments; and

8. That certified copies of this Resolution be transmitted to the Mayor and the County Clerk.

INTRODUCED BY:

Keani Rawlins-Fernandez

KEANI N.W. RAWLINS-FERNANDEZ

DIGEST

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AUTHORITY CONSISTENT WITH THE CONSTITUTION OF
THE STATE OF HAWAII

The purpose of this resolution is to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be amended, to allow the Salary Commission to determine the salaries, rather than the compensation, of elected officials and appointed directors and deputy directors of all County departments, consistent with the Constitution of the State of Hawai'i.

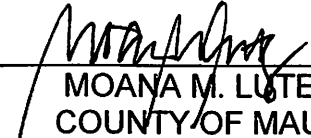
I, MOANA M. LUTEY, County Clerk of the County of Maui, State of Hawaii, DO
HEREBY CERTIFY that the foregoing RESOLUTION NO. 24-99, FD1 was passed on
First Reading by the Council of the County of Maui, State of Hawaii, on the 21st day of
June, 2024, by the following vote:

AYES: Councilmembers Tom Cook, Gabriel Johnson, Natalie A. Kama,
Tamara A. M. Paltin, Keani N. W. Rawlins-Fernandez, Shane M.
Sinenci, Vice-Chair Yuki Lei K. Sugimura, and Chair Alice L. Lee.

NOES: None.

EXCUSED: Councilmember Nohelani U'u-Hodgins.

DATED at Wailuku, Maui, Hawaii, this 24th of June, 2024.



MOANA M. LUTEY, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Resolution, in full, are on file in the Office of the
County Clerk, County of Maui, for use and examination by the public.