

**COUNCIL OF THE COUNTY OF MAUI**  
**GOVERNANCE, ETHICS, AND**  
**TRANSPARENCY COMMITTEE**

November 10, 2020

**Committee**  
**Report No. \_\_\_\_\_**

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

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on September 22, 2020, October 6, 2020, and October 20, 2020, makes reference to County Communication 19-143, from Council Chair Kelly T. King, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.56, MAUI COUNTY CODE, RELATING TO BOARD OF ETHICS ADVISORY OPINIONS."

The purpose of the proposed bill is to amend Chapter 2.56, Maui County Code, to require, to the extent permitted by law, advisory opinions rendered by the Board of Ethics ("Board") be posted on the County's website within 30 calendar days from the date of the opinion, and advisory opinions already rendered be posted on the County's website within a reasonable amount of time.

A Deputy Corporation Counsel said the Board supports the intent of the bill and has started the process to be able to post copies of advisory opinions to the County website.

He added that advisory opinions within the last 10 years are able to be posted on the County website within 30 days because these documents are already in electronic format and, therefore, should be relatively easy to upload. Older opinions, going back to 1977, will need to be digitized first before uploading.

Your Committee noted the Department of the Corporation Counsel's Fiscal Year 2021 Budget contains an appropriation for the Board of Ethics webpage and scanning project in the amount of \$7,000.

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Your Committee further noted ethics bodies in other jurisdictions, such as the City and County of Honolulu Ethics Commission and the Hawaii State Ethics Commission, make copies of advisory opinions available on their respective websites.

Your Committee expressed support for the proposed bill and believes it will help County officials and the public with accessing the Board's advisory opinions.

Your Committee agreed to revise the proposed bill to reflect the current year and incorporate nonsubstantive revisions.

Your Committee notes the revised proposed bill would further the following components of the Countywide Policy Plan:

- Goal:

“Government services will be transparent . . .” (Page 77.)

- Objective:

“Improve the efficiency, reliability, and transparency of County government’s internal processes and decision making.” (Page 79.)

- Policy:

“Facilitate the community’s ability to obtain relevant documentation.” (Page 79.)

- Implementing Actions:

“Ensure and expand the use of online notification of County business.” (Page 79.)

“Expand government online services.” (Page 80.)

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Your Committee voted 8-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, King, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee member Hokama was excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revision and nonsubstantive revisions.

Your Governance, Ethics, and Transparency Committee RECOMMENDS the following:

1. That Bill \_\_\_\_\_ (2020), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.56, MAUI COUNTY CODE, RELATING TO BOARD OF ETHICS ADVISORY OPINIONS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-143 be FILED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



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MICHAEL J. MOLINA, Chair

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

BILL NO. \_\_\_\_\_ (2020)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.56, MAUI COUNTY  
CODE, RELATING TO BOARD OF ETHICS ADVISORY OPINIONS

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

SECTION 1. Chapter 2.56, Maui County Code, is amended by adding a  
new section to be appropriately designated and to read as follows:

**"2.56.070 Board of ethics advisory opinions. A. To the extent permitted by law, all advisory opinions rendered by the board of ethics in accordance with article 10, revised charter of the County of Maui (1983), as amended, must be posted on the County's website within thirty calendar days from the date of the opinion.**

**B. Advisory opinions rendered prior to the effective date of this ordinance must be posted on the County's website within a reasonable amount of time."**

SECTION 2. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 3. This ordinance will take effect upon approval.

APPROVED AS TO FORM AND LEGALITY:



Digitally signed by Gary Murai  
DN cn=Gary Murai, o=Corp Counsel,  
ou=C & D,  
email=gary.murai@co.mauhi.us, c=US  
Date 2020.10.28 14:06:06 -10'00'

GARY Y. MURAI

Department of the Corporation Counsel  
County of Maui  
LF 2019-0065

GET-25 2020-10-28 Ord New Sec 2.56.070  
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