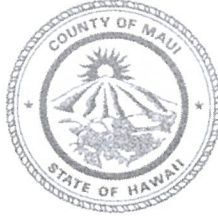


MICHAEL P. VICTORINO  
Mayor

SANDY K. BAZ  
Managing Director

JOSIAH K. NISHITA  
Deputy Managing Director



DEPARTMENT OF MANAGEMENT  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

December 18, 2020



Honorable Michael P. Victorino  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

For Transmittal to:

Michael J. Molina, Chair  
Governance, Ethics, and Transparency Committee  
Maui County Council  
200 South High Street  
Wailuku, HI 96793

Michael P. Victorino 12/23/20  
Mayor Date

Dear Mr. Molina:

SUBJECT: **COUNTY RECORDS MANAGEMENT SYSTEM** (GET-62)

Thank you for your correspondence dated December 7, 2020 regarding the County's records management system. I apologize for the delay. Our office did not have a record of receiving your correspondence dated October 27, 2020.

In your correspondence, you request responses to the following questions:

- 1. When was the last time the records disposition committee met to review and approve records disposition lists and schedules submitted by agencies? How often does the committee meet?**

In 2005, the Hawaii State Legislature passed Act 177, relating to government records. One of the purposes of this Act was to allow State and County agencies to create and maintain their records in an electronic format as an alternative to paper and microfilmed records.

Act 177, Session Laws of Hawaii ("SLH") 2005, also revised Section 46-43, Hawaii Revised Statutes ("HRS"). Further information can be found in a Corporation Counsel Opinion dated March 7, 2006:

“Before the adoption of Act 177, HRS Section 46-43 required counties to have a committee, comprised of the director of finance, the county’s legal advisor, and members of the finance committee of

the legislative body of the county, to review matters relating to document retention and destruction. Act 177 amended HRS Section 46-43 by deleting the reference to such committee and assigning the responsibility of determining the care, custody, and disposition of county records to the director of finance, ‘with the approval of the county legislative body and the county’s legal advisor’.

County’s existing ordinance on the management of records, Chapter 2.84, Maui County Code, was adopted in 1983 pursuant to Ordinance No. 1332 and amended in 1998 pursuant to Ordinance No. 2691. As a result of Act 177, portions of Chapter 2.84, Maui County Code, have been rendered obsolete and in need of either revision or repeal...”<sup>1</sup>.

The last Disposition Committee meeting was held prior to the effective date of Act 177, SLH 2005. Please check with the County Clerk for the minutes and/or notes of the Disposition Committee meetings for further information.

**2. Who is responsible for overseeing and convening the records disposition committee to review and approve records disposition lists and schedules, once submitted by agencies? Please explain.**

Please see response above. Act 177, SLH 2005, assigned the responsibility of determining the care, custody, and disposition of county records to the Director of Finance, with the approval of the legislative body and the county’s legal advisor.

**3. Who is responsible for notifying agencies of the requirements of Section 2.84.060 including the management of County records overall? Please explain.**

Please see response above.

**4. What is your position on the proposed bill?**

The Department of Management supports amending Section 2.84, Maui County Code, to align with the requirements of Act 177, SLH 2005.

We are aware that there have been questions in the past about any conflicts between the State law, Maui County Code, or Maui County Charter, as it relates to records management and disposition, and have attached additional relevant Corporation Counsel Opinions that further discuss those matters.

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<sup>1</sup> March 7, 2006 Corporation Counsel Opinion, Pages 1-2

Please let us know if there is anything else we can assist with.

Sincerely,



Sandy K. Baz  
Managing Director

Attachments