

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

July 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 June 23, 2020, and June 30, 2020 (reconvene), makes reference to County Communication 19-28, from Council Chair Kelly T. King, relating to proposed amendments to the Revised Charter of the County of Maui (1983), as amended ("Charter").

By correspondence dated February 19, 2020, Councilmember Kelly Takaya King transmitted a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH STRICTER TERM LIMITS FOR COUNCIL MEMBERS."

The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the Charter should be amended, effective January 2, 2021, to establish stricter term limits for Councilmembers by limiting the number of terms a person may serve as a Councilmember to five full two-year terms.

Your Committee notes Article 14 of the Charter sets procedures related to amending the Charter. The Council, by resolution adopted after two readings on separate days and passed by a vote of six or more members, may place a Charter amendment question on the ballot at the next General Election.

Your Committee notes the National Association of Counties published a report in 2011 entitled "History of County Term Limits." The report stated:

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“ . . . there are two types of term limits, the first is a limit on the number of consecutive terms an individual can hold office and the second is a limit on the number of terms individuals can hold office during their lifetimes.”

The Charter currently provides a limit of five consecutive Council terms, the first type of term limits. The proposed Charter amendment would establish a lifetime limit of five Council terms, the second type.

In addition, your Committee notes, the International City/County Management Association has advised that well-crafted term limits can result in a citizen legislature, rather than a body composed of full-time politicians, promoting fresh ideas.

Your Committee discussed the need to encourage governmental participation and leadership by a wide array of residents, which could be promoted by the proposed Charter amendment.

Your Committee recognized the benefits of a knowledge base provided by Councilmembers with prior experience. However, your Committee also expressed the need to develop new leaders, especially the youth in our community, to take on leadership roles in government.

Your Committee noted any terms of office served prior to January 2, 2021, would not count toward the term limits.

Your Committee voted 7-2 to recommend passage of the revised proposed resolution on first reading. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, King, Lee, Paltin, and Sinenci voted “aye.” Committee members Hokama and Sugimura voted “no.”

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Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, clarifying that prior service as a Councilmember would not be counted toward the term limits, and incorporating other nonsubstantive revisions.

Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH STRICTER TERM LIMITS FOR COUNCIL MEMBERS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

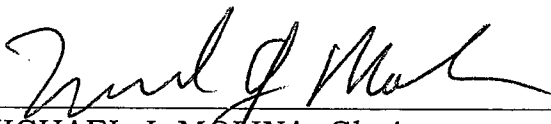
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This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL J. MOLINA, Chair

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Resolution

No. _____

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, TO ESTABLISH
STRICTER TERM LIMITS FOR COUNCIL
MEMBERS

WHEREAS, the Council seeks to implement stricter term limits for Councilmembers; and

WHEREAS, any terms of office served prior to the effective date of this amendment will not be counted toward the term limits; now, therefore,

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

1. That in accordance with Section 14-1(1), Revised Charter of the County of Maui (1983), as amended ("Charter"), it proposes that Subsection 5 of Section 3-2 of the Charter, pertaining to term limits for Council members, be amended to read as follows:

"5. The term of office of council members shall be for two (2) years, beginning at twelve o'clock meridian on the second day of January following their election. No member of the county council shall serve more than five [consecutive] full terms of office.";

2. That material to be repealed is bracketed;

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

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

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

Resolution No. _____

“Shall the Charter be amended to establish stricter term limits for Council members by limiting the number of terms a person may serve as a Council member to five full terms?”;

6. That, in accordance with Subsection 2 of Section 14-2 of the Charter, the County Clerk publish the proposed amendment as set forth in this Resolution in its entirety in a newspaper of General circulation;

7. That, if approved by the majority of the voters voting on the proposed amendment, the amendment proposed by this Resolution will take effect on January 2, 2021;

8. That its express intent is that “full term” means any uninterrupted time in office for at least two years starting on the effective date of the amendment proposed by this Resolution or any later date; and

9. That certified copies of this Resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



Digitally signed by Gary Murai
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o=Corp.Counsel, ou=C & D,
email=gary.murai@co.maui.hi.us
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Department of the Corporation Counsel
County of Maui

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