



PUBLIC MEETING NOTICE

COUNCIL OF THE COUNTY OF MAUI

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Committee Chair
Michael J. Molina

Committee Vice-Chair
Keani N.W.
Rawlins-Fernandez

Voting Members:
Riki Hokama
Tasha Kama
Kelly Takaya King
Alice L. Lee
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

Tuesday, June 23, 2020

9:00 a.m.

MEETING SITE:

Online Only

Phone testimony: 1-408-915-6290, meeting code 551 273 481

Video testimony: <https://bluejeans.com/551273481>

View live: Akaku, Channel 53 or mauicounty.us/agendas

*Subject to change without notice. Visit mauicounty.us for more information.

AGENDA

PROPOSED CHARTER AMENDMENTS (CHANGING THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS TO THE DEPARTMENT OF HOUSING, AND ESTABLISHING A DEPARTMENT OF HUMAN CONCERNS) (GET-10(4))

Description: The Committee is in receipt of the following:

1. Correspondence dated September 24, 2019, from the Committee Chair, transmitting a proposed resolution, entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, CHANGING THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS TO THE DEPARTMENT OF HOUSING AND ESTABLISHING A DEPARTMENT OF HUMAN CONCERNS." The purpose of the proposed resolution is to place on the next General Election ballot, the question of whether Articles 6 and 8 of the Revised Charter of the County of Maui (1983), as amended, should be amended, effective July 1, 2021, to require the Department of Housing and Human Concerns be divided to form two separate departments, a Department of Housing and a Department of Human Concerns.
2. Correspondence dated June 16, 2020, from the Committee Chair,

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transmitting a request for legal services from the Department of the Corporation Counsel dated June 4, 2020, with a revised proposed resolution amending the effective date of the amendment to December 30, 2021.

Status: The Committee may consider whether to recommend passage of the revised proposed resolution on first reading, with or without further revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Committee Chair 09-24-2019](#)

[Correspondence from Committee Chair 06-16-2020](#)

PROPOSED CHARTER AMENDMENTS (FREQUENCY OF COUNCIL MEETINGS) (GET-10(2))

Description: The Committee is in receipt of correspondence dated July 10, 2019, from Council Chair Kelly T. King, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO FREQUENCY OF COUNCIL MEETINGS." The purpose of the proposed 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, effective January 2, 2021, to require the Council to meet at least 21 times each year, rather than at least twice each month.

Status: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Council Chair 07-10-2019](#)

PROPOSED CHARTER AMENDMENTS (COUNCIL TERM LIMITS) (GET-10(13))

Description: The Committee is in receipt of correspondence dated February 19, 2020, from Councilmember Kelly Takaya King, transmitting 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 Revised Charter of the County of Maui (1983), as amended, should be amended, effective January 2, 2021, 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.

Status: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The

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Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Councilmember King 02-19-2020](#)

PROPOSED CHARTER AMENDMENTS (CONFLICTING INTERPRETATIONS OF THE CHARTER) (GET-10(8))

Description: The Committee is in receipt of correspondence dated December 30, 2019, from Council Vice-Chair Keani N.W. Rawlins-Fernandez, transmitting a proposed resolution entitled “PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO CONFLICTING INTERPRETATIONS OF THE CHARTER.” The purpose of the proposed 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, effective January 2, 2021, to establish standards for interpreting and complying with the Charter, including by requiring a judicial action to be filed within 30 days to seek clarity when a conflict in the interpretation of the Charter is identified.

Status: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Council Vice-Chair 12-30-2019](#)

PROPOSED CHARTER AMENDMENTS (ALLOW ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES TO SERVE AS LEGAL REPRESENTATIVES OF THE COUNCIL AND ITS MEMBERS) (GET-10(10))

Description: The Committee is in receipt of the following:

1. Correspondence dated December 30, 2019, from Council Vice-Chair Keani N. W. Rawlins-Fernandez, transmitting a proposed resolution entitled “PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ALLOW ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES TO SERVE AS LEGAL REPRESENTATIVES OF THE COUNCIL AND ITS MEMBERS.” The purpose of the proposed 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 (“Charter”), should be amended, effective January 2, 2021, to allow attorneys within the Office of Council Services to serve as legal representatives of the Council and its members.
2. Correspondence dated January 10, 2020, from Councilmember Kelly Takaya King, transmitting a proposed resolution entitled “PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY

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OF MAUI (1983), AS AMENDED, TO ALLOW ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES TO SERVE AS LEGAL REPRESENTATIVES OF THE COUNCIL AND ITS 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 allow attorneys within the Office of Council Services to serve as legal representatives of the Council and its members.

Status: The Committee may consider whether to recommend passage of either proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Council Vice-Chair 12-30-2019](#)

[Correspondence from Councilmember King 01-10-2020](#)

PROPOSED CHARTER AMENDMENTS (OFFICE OF COUNCIL SERVICES STAFF) (GET-10(14))

Description: The Committee is in receipt of correspondence dated February 13, 2020, from Councilmember Kelly Takaya King, transmitting a proposed resolution entitled “PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO OFFICE OF COUNCIL SERVICES STAFF.” The purpose of the proposed 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, effective January 2, 2021, to authorize the Council to appoint and remove a Director of Council Services and a Supervising Legislative Attorney, by resolution, and authorize the Director of Council Services to appoint and remove other necessary staff in the Office of Council Services.

Status: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Councilmember King 02-13-2020](#)

PROPOSED CHARTER AMENDMENTS (ESTABLISHING A DEPARTMENT OF AGRICULTURE) (GET-10(15))

Description: The Committee is in receipt of correspondence, dated June 9, 2020, from Councilmember Shane Sinenci, transmitting a proposed resolution entitled “PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ESTABLISHING A DEPARTMENT OF AGRICULTURE.” The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as

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amended, should be amended, effective July 1, 2022, to establish a Department of Agriculture to develop a sustainable regional agricultural system for Maui County by: 1) building the County's resiliency by increasing economic opportunities in the agricultural sector; 2) boosting resident health and food security through access to locally grown agricultural products; 3) promoting healthy ecosystems through natural-resource regeneration and protection; and 4) creating ethical standards for the Director of Agriculture and the Deputy Director of Agriculture upon leaving office.

Status: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Councilmember Sinenci 06-09-2020](#)

PROPOSED CHARTER AMENDMENTS (ALLOW THE COUNCIL TO APPOINT SEVEN MEMBERS OF THE PLANNING COMMISSIONS) (GET-10(16))

Description: The Committee is in receipt of correspondence dated June 9, 2020, from Council Vice-Chair Keani N.W. Rawlins-Fernandez, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ALLOW THE COUNCIL TO APPOINT SEVEN MEMBERS OF THE PLANNING COMMISSIONS." The purpose of the proposed 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, effective January 2, 2021, to allow the Council to appoint seven of the nine members of the Maui, Molokai, and Lanai planning commissions, with the Mayor appointing the remaining two members.

Status: The Committee may consider whether to recommend adoption of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Council Vice-Chair 06-09-2020](#)

PROPOSED CHARTER AMENDMENTS (RETENTION AND TERMINATION OF SPECIAL COUNSEL) (GET-10(9))

Description: The Committee is in receipt of correspondence, dated December 30, 2019, from Council Vice-Chair Keani N.W. Rawlins-Fernandez, transmitting a proposed resolution, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE RETENTION AND TERMINATION OF SPECIAL COUNSEL." The purpose of the proposed

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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, effective January 2, 2021, to authorize the County Council to retain and terminate special counsel by a simple-majority vote of its members.

Status: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Council Vice-Chair 12-30-2019](#)

PROPOSED CHARTER AMENDMENTS (APPOINTMENT OF TEMPORARY ADMINISTRATIVE HEADS) (GET-10(1))

Description: The Committee is in receipt of the following:

1. Correspondence dated March 22, 2019, from Council Chair Kelly Takaya King, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO APPOINTMENT OF TEMPORARY ADMINISTRATIVE HEADS." The purpose of the proposed resolution is to place on the next General Election ballot ("ballot") the question of whether the Revised Charter of the County of Maui (1983) ("Charter"), as amended, should be amended, effective January 2, 2021, to clarify that any person appointed as an acting head of a department should not have been previously denied by the Council as the administrative head for the same department.
2. Correspondence dated December 31, 2019, from Council Vice-Chair Keani N.W. Rawlins-Fernandez, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO APPOINTMENT AND REMOVAL OF OFFICERS AND EMPLOYEES." The purpose of the proposed resolution is to place on the ballot the question of whether the Charter should be amended, effective January 2, 2021, to prohibit the Mayor from appointing a temporary appointee as an administrative head of a department if that person was previously denied appointment as a department head within the same Mayoral term.

Status: The Committee may consider whether to recommend adoption of either proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Council Chair 03-22-2019](#)

[Correspondence from Council Vice-Chair 12-31-2019](#)

PROPOSED CHARTER AMENDMENTS (ESTABLISHING SHORTER

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LIFETIME TERM LIMITS FOR COUNCIL MEMBERS BY LIMITING THE NUMBER OF TERMS A PERSON MAY SERVE ON THE COUNCIL TO TWO FOUR-YEAR TERMS) (GET-10(7))

Description: The Committee is in receipt of correspondence dated December 26, 2019, from Presiding Officer Pro Tempore Tasha Kama, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH SHORTER LIFETIME TERM LIMITS FOR COUNCIL MEMBERS OF TWO FOUR-YEAR TERMS." The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Sections 3-2 and 15-4 of the Revised Charter of the County of Maui (1983), as amended, shall be amended, effective January 2, 2021, to establish shorter lifetime term limits for Councilmembers from five two-year terms to two four-year terms.

Status: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Presiding Officer Pro Tempore Kama 12-26-2019](#)

PROPOSED CHARTER AMENDMENTS (CHARTER COMMISSION) (GET-10(11))

Description: The Committee is in receipt of correspondence, dated December 30, 2019, from Council Vice-Chair Keani N.W. Rawlins-Fernandez, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO CHARTER COMMISSION." The purpose of the proposed 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, effective January 2, 2021, to authorize the Council to appoint nine members, and the Mayor to appoint two members, of the 11-member Charter Commission, which is required to study and review the operation of the County government.

Status: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

[Correspondence from Council Vice-Chair 12-30-2019](#)

CONTACT INFORMATION

Office of Council Services (808) 270-7838 (phone)
200 South High Street
Wailuku, Hawaii 96793

COMMITTEE STAFF

Shelly Espeleta, James Forrest, and Pauline Martins

BOARD PACKETS

The requirements of Chapter 92, HRS, have been suspended under Governor Ige's Supplementary Proclamation issued on April 25, 2020. While the Governor's proclamation is in effect, no failure to comply with Chapter 92, HRS, will invalidate a public agency's deliberations or actions taken.

TESTIMONY

Oral or written testimony on any agenda item will be accepted. Each testifier will be allowed to speak for three minutes on each item.

Oral testimony via phone by dialing in to 1-408-915-6290 and entering meeting code 551 273 481

Video testimony via BlueJeans link <https://bluejeans.com/551273481>

Email written testimony to get.committee@mauicounty.us

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