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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

October 27, 2020

Mr. Sananda K. Baz, Managing Director
Department of Management
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Baz:

SUBJECT: COUNTY RECORDS MANAGEMENT SYSTEM (GET-62)

At its meeting of October 20, 2020, the Governance, Ethics, and Transparency Committee considered a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.84, MAUI COUNTY CODE, RELATING TO MANAGEMENT OF RECORDS." The purpose of the proposed bill is to amend Section 2.84.060, Maui County Code, to repeal the requirement for a records disposition committee, and incorporate nonsubstantive revisions.

Section 2.84.060 states "records disposition lists and schedules submitted by agencies shall be reviewed by the managing director ..." Further, a "records disposition committee, composed of the managing director, director of finance, the corporation counsel, the county clerk, and the chairperson of the finance committee of the county council" will review and approve records disposition lists and schedules submitted by agencies.

May I please request you respond to the following:

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?
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.

Mr. Sananda K. Baz
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3. Who is responsible for notifying agencies of the requirements of Section 2.84.060 including the management of County records overall? Please explain.
4. What is your position on the proposed bill?

May I further request you provide a written response **no later than November 9, 2020**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Shelly Espeleta at ext. 7134, or Pauline Martins at ext. 8039).

Sincerely,

Michael J. Molina
MICHAEL J. MOLINA, Chair
Governance, Ethics, and Transparency
Committee

get:ltr:062amd01:ske

Attachment

cc: Mayor Michael P. Victorino

REQUEST FOR LEGAL SERVICES

Date: October 5, 2020
From: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee

TRANSMITTAL

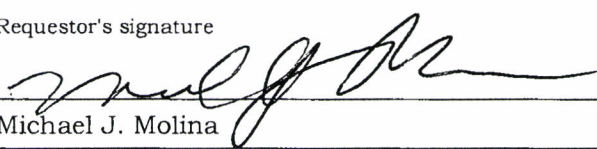
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Gary Murai, Esq.

Subject: COUNTY RECORDS MANAGEMENT SYSTEM (GET-62)

Background Data: Please see the attached bill.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY

OTHER:

Requestor's signature  Michael J. Molina	Contact Person Shelly Espeleta (Telephone Extension: 7134)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): October 13, 2020

REASON: For possible posting on October 20, 2020 Committee meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>gmj</u>	ASSIGNMENT NO. <u>2020-0065</u>	BY: <u>SPW</u>
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date 10-14-2020 By gmurai

(Rev. 7/03)

get:ltr:062acc01:ske

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.84, MAUI COUNTY
CODE, RELATING TO MANAGEMENT OF RECORDS

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

SECTION 1. Section 2.84.060, Maui County Code, is repealed.

“[2.84.060 Records disposition committee. Records disposition lists and schedules submitted by agencies shall be reviewed by the managing director for the identification and selection of those records series which have sufficient historical value to warrant their preservation for archival purpose, or as required by law, ordinance or resolution to be retained permanently or for a specified period of time. After this identification and selection, the lists and schedules shall be submitted for approval to a committee, designated as the records disposition committee, composed of the managing director, director of finance, the corporation counsel, the county clerk, and the chairperson of the finance committee of the county council. Any county officer of the committee may designate a representative to act in the officer’s place and stead all matters covered by this section. The committee shall return the approved records disposition lists and schedules to the appropriate department or agency through the managing director for implementation.]”

SECTION 2. Section 2.84.070, Maui County Code, is amended as follows:

“2.84.070 Approved lists and schedules. Approved records disposition lists and records disposition schedules are mandatory, except no records pertaining to unsettled accounts, claims, incomplete investigations, audits or litigation [shall] may be destroyed until all such matters have been permanently resolved.”

SECTION 3. Section 2.84.080, Maui County Code, is amended as follows:

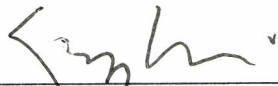
“2.84.080 Exceptions. Any request for exceptions to records disposition standards for records series on already approved records

disposition lists and schedules other than those exceptions [set forth] identified in section 2.84.070 [shall] may be submitted to the managing director [and the records disposition committee] in accordance with the requirements of this chapter.”

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



GARY MURAI
Department of the Corporation Counsel
County of Maui
LF2020-0065
GET-62 2020-10-14 Amd 2.84