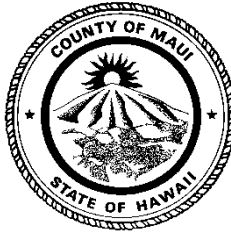


MICHAEL P. VICTORINO
Mayor

MOANA M. LUTEY
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First Deputy

LYDIA A. TODA
Risk Management Officer



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LETTER OF TRANSMITTAL

December 21, 2021

TO: GREAT COMMITTEE
FROM: JENNIFER M.P.E. OANA
Deputy Corporation Counsel

VIA: EMAIL HAND DELIVER COURT JACKET FACSIMILE

SUBJECT: GREAT-41

Item	Date	Description
1	12/21/2021	Proposed Bill for an Ordinance Amending Chapter 9.40, Maui County Code, Relating to Social Host Liability

- | | |
|--|---|
| <input type="checkbox"/> For filing. | <input type="checkbox"/> Attached as requested. |
| <input type="checkbox"/> For your files. | <input type="checkbox"/> Per your request. |
| <input type="checkbox"/> For your information. | <input type="checkbox"/> For review and approval. |
| <input checked="" type="checkbox"/> See Remarks below. | <input type="checkbox"/> Signature Required |

REMARKS:

Please find attached a proposed bill for consideration under GREAT-41.

ORDINANCE NO. _____

BILL NO. _____ (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 9.40,
MAUI COUNTY CODE, RELATING TO SOCIAL HOST LIABILITY

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

SECTION 1. Section 9.04.050, Maui County Code, is amended to read as follows:

“[9.04.050] 9.40.050 Appeal procedure and standards. A. In accordance with the charter and this chapter, the police commission may hear and determine appeals of this chapter.

B. The [chief] police commission must adopt administrative rules [within ninety days of the effective date of this Ordinance] to carry out the appeal provisions of this chapter.

C. An appeal may be granted only if the commission finds one of the following:

1. The subject decision or order was based on an erroneous finding of a material fact or erroneously applied the law.

2. The subject decision or order was arbitrary and capricious in its application.

3. The subject decision or order was a manifest abuse of discretion.

D. A person filing an appeal must pay a fee as established in the annual budget ordinance.”

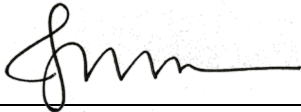
SECTION 2. Section 9.40.060, Maui County Code, is amended to read as follows:

“9.40.060 Administration. The chief will administer this chapter; except the chief may designate a social host administrator, who may exercise the chief's authority under this chapter, to the extent authorized by the chief[.]; except that the police commission will administer the appeal process.”

SECTION 3. 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 4. Chapter 9.40, Maui County Code, takes effect on March 1, 2022.

APPROVED AS TO FORM AND LEGALITY:



JENNIFER M.P.E. OANA
Department of the Corporation Counsel
County of Maui