

DANNY A. MATEO  
County Clerk



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JOSHUA K. NISHITA  
Deputy County Clerk

2015 JAN 16 PM 3:07

OFFICE OF THE  
COUNTY COUNCIL

**OFFICE OF THE COUNTY CLERK**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
www.mauicounty.gov/county/clerk

January 16, 2015

Honorable Michael P. Victorino, Chair  
Policy and Intergovernmental Affairs Committee  
Council of the County of Maui  
Wailuku, Hawaii 96793

Dear Chair Victorino:

County Communication No. 15-14, references matters that were referred to the Council Chair for the 2015-2017 term at the Council meetings of December 5, 2014, and December 19, 2014.

At its meeting of January 16, 2015, the Council approved the recommended referrals as read by the County Clerk and filed County Communication No. 15-14.

Respectfully transmitted are copies of the following communications that were referred to your Committee:

COUNTY COMMUNICATIONS:

- No. 14-294 - Riki Hokama, Councilmember
- No. 14-313 - Robert Carroll, Councilmember

Respectfully,

A handwritten signature in black ink, appearing to read "J. Nishita".

JOSHUA K. NISHITA  
Deputy County Clerk

/jym  
Enclosures  
cc: Director of Council Services

Council Chair  
Gladys C. Baisa

Vice-Chair  
Robert Carroll

Presiding Officer Pro Tempore  
Michael P. Victorino

Council Members  
Elle Cochran  
Donald G. Couch, Jr.  
Stacy Crivello  
Don S. Guzman  
G. Riki Hokama  
Mike White



Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

December 2, 2014

RECEIVED  
2014 DEC -3 AM 11:00  
OFFICE OF THE  
COUNTY CLERK

The Honorable Gladys C. Baisa  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair Baisa:

**SUBJECT: CHARTER AMENDMENT ALLOWING THE COUNCIL  
TO INITIATE REMOVAL OF THE CORPORATION  
COUNSEL (PAF 14-196)**

May I request the attached proposed resolution, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, ALLOWING THE COUNCIL TO INITIATE REMOVAL OF THE CORPORATION COUNSEL", be placed on the next Council meeting agenda.

Sincerely,

Handwritten signature of Robert Carroll in cursive.

ROBERT CARROLL  
Council Vice-Chair

paf:scb:14-196c

Enclosure

COUNTY COMMUNICATION NO. 14-313

# Resolution

No. \_\_\_\_\_

PROPOSING AN AMENDMENT TO THE REVISED  
CHARTER OF THE COUNTY OF MAUI (1983), AS  
AMENDED, ALLOWING THE COUNCIL TO INITIATE  
REMOVAL OF THE CORPORATION COUNSEL

WHEREAS, Section 8-2.3 of the Revised Charter of the County of Maui (1983), as amended (“Charter”) provides that the Corporation Counsel shall be the chief legal advisor and legal representative of the County, the Council, the Mayor, all departments, all boards and commissions, and all officers and employees in matters relating to their official duties; and

WHEREAS, Section 8-2.2 of the Charter currently permits the removal of the Corporation Counsel only if initiated by the Mayor; and

WHEREAS, as the chief legal advisor of both the Council and the Mayor, the Council and the Mayor should be equally authorized to determine whether their respective interests are being adequately represented by the Corporation Counsel, and to initiate removal of the Corporation Counsel at their discretion; now, therefore,

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

1. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 8-2.2 of the Charter, pertaining to the Corporation Counsel, be amended to read as follows:

**“Section 8-2.2. Corporation Counsel.** The corporation counsel shall be appointed by the mayor with the approval of the council and may be removed by the mayor with the approval of the council[.], or by resolution approved by a two-thirds vote of the entire membership of the council with the approval of the mayor. The corporation counsel shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law for at least three years.”; and

2. That material to be repealed is bracketed and new material is underscored;  
and

**Resolution No. \_\_\_\_\_**

3. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

4. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

5. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that the following question be placed on the next general election ballot:

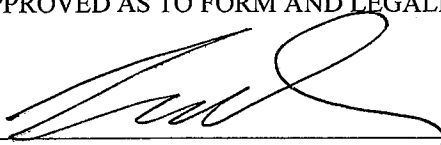
“Shall the Charter be amended to allow the Council or the Mayor, independently, to initiate removal of the County’s chief legal advisor and representative, the Corporation Counsel?”; and

6. That, pursuant to Section 14-2(2) of the Charter, the County Clerk publish this proposed amendment in a newspaper of general circulation; and

7. That, upon approval by the majority of the voters voting on the proposed amendment and upon official certification of such result, the amendment proposed herein shall take effect; and

8. That certified copies of this resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



A handwritten signature in black ink, appearing to be 'Paul', is written over a horizontal line.

Department of the Corporation Counsel  
County of Maui

paf:cmn:14-196a