

KATHY L. KAOHU
County Clerk



JAMES G.M. KRUEGER
Deputy County Clerk

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COUNTY OF MAUI
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COUNTY COUNCIL

March 30, 2020

Honorable Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Molina:

At its meeting of March 27, 2020, Committee Report No. 20-39 failed to pass. Council then filed Committee Report No. 20-39.

Respectfully,

A handwritten signature in cursive script that reads "Kathy L. Kaohu".

KATHY L. KAOHU
County Clerk

/lks

Enclosure

cc: Director of Council Services

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

March 13, 2020

**Committee
Report No.** 20-39

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 February 25, 2020, 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 December 3, 2019, Council Chair Kelly T. King transmitted a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH THAT COUNCIL AND MAYORAL TERMS WILL START ON THE FIRST MONDAY IN DECEMBER FOLLOWING A GENERAL ELECTION."

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 change the Council and mayoral terms to start on the first Monday in December following a general election.

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 discussed the benefit of reducing the current "lame duck" period following the elections as one of the reasons for this proposal.

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

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**Committee
Report No.** 20-39

Your Committee further discussed how the shortened period between the election and the Council and Mayor taking office would be impacted by any election challenges. The deadline to submit objections to the election results is 20 days after election day.

Your Committee concluded the electorate should be allowed to consider this proposal.

Your Committee voted 5-3 to recommend passage of the proposed resolution on first reading. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members King, Paltin, and Sinenci voted "aye." Committee members Kama, Lee, and Sugimura voted "no." Committee member Hokama was excused.

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 THAT COUNCIL AND MAYORAL TERMS WILL START ON THE FIRST MONDAY IN DECEMBER FOLLOWING A GENERAL ELECTION," be PASSED ON FIRST READING and be ORDERED TO PRINT.

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



MICHAEL J. MOLINA, Chair

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that the recommendations contained in COMMITTEE REPORT NO. 20-39 were adopted by the Council of the County of Maui, State of Hawaii, on the 27th day of March, 2020, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS-FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	No	Aye	No	No	Aye	Aye	Aye	Aye	No



COUNTY CLERK

Resolution

No. _____

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, TO ESTABLISH THAT
COUNCIL AND MAYORAL TERMS WILL START
ON THE FIRST MONDAY IN DECEMBER
FOLLOWING A GENERAL ELECTION

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 Charter Section 3-2, "Election of Council and Term of Office," be amended by amending Subsection 5 to read as follows:

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

2. That, in accordance with Charter Section 14-1(1), it proposes that Charter Section 3-5, "Procedure; Meetings; Rules and Journal; Voting," be amended by amending Subsection 1 to read as follows:

"1. The council [shall] must meet in the council room at the county building for its organization at two o'clock p.m. on the [second day] first Monday of [January] December following its election, [or on the following Monday if the second day be a Saturday or Sunday,] at which time it [shall] must elect one of its members as chair and presiding officer of the council. Until [such time as] the chair [shall be] is elected, the mayor [shall] will preside at [such] the organizational meeting, [provided that] but the mayor [shall] will not have a vote. The council [shall] must also elect a vice-chair who [shall] will act as the presiding officer in [the event of] the chair's absence or disability. The council [shall] must appoint a presiding officer pro tempore from its own members who will act as the presiding officer in [the event of] the absence or disability of both the chair and vice-chair."; and

Resolution No. _____

3. That, in accordance with Charter Section 14-1(1), it proposes that Charter Section 7-2, "Election of Mayor and Term of Office," be amended by amending Subsection 5 to read as follows:

"5. The voters of the county [shall] will elect a mayor whose term of office [shall] will be four [(4)] years beginning at twelve o'clock meridian on the [second day] first Monday of [January] December following the mayor's election. A mayor [shall] may not serve more than two consecutive full terms of office."; and

4. That, in accordance with Charter Section 14-1(1), it proposes that Article 15, "Transitional Provisions," be amended by adding a new section to read as follows:

"Section 15-6. Transition Provisions for Terms of Office for Council and Mayor.

1. Upon adoption of the 2020 amendments to Sections 3-2, 3-5, and 7-2, the then-current councilmembers will continue serving until January 2, 2021, in accordance with the terms of office in effect at the time of their election. The terms of office for councilmembers elected in 2020 will begin on January 2, 2021 and end on December 5, 2022, and this period of time is deemed a full term of office. The terms of office for councilmembers elected at later elections will be in accordance with the schedule adopted in the 2020 amendments.

2. Upon adoption of the 2020 amendments to Sections 3-2, 3-5, and 7-2, the then-current mayor will continue serving until January 2, 2023, in accordance with the term of office in effect at the time of the current mayor's election. The term of office for the mayor duly elected in 2022 will begin on January 2, 2023 and end on December 7, 2026, and this period of time is deemed a full term of office. The term of office for mayors elected at later elections will be in accordance with the schedule adopted in the 2020 amendment."

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

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

Resolution No. _____

7. That, in accordance with Charter Section 14-1(1), it proposes that the following question be placed on the next general election ballot:

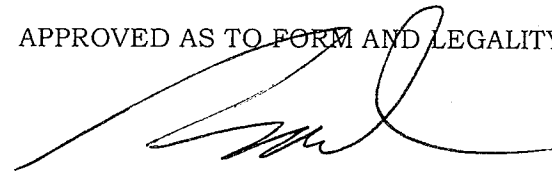
“Shall the Charter be amended, effective January 2, 2021, to require the terms of office for the Mayor and Councilmembers to begin on the first Monday of December, after the general election in which they are elected, rather than the second day of January after the election?”; and

8. That, in accordance with Charter Section 14-2(2), the County Clerk is directed publish the proposed amendment as set forth in this resolution in its entirety in a newspaper of general circulation; and

9. That, upon approval by the majority of the voters voting on the proposed amendment, the amendment proposed in this resolution takes effect immediately; and

10. That certified copies of this resolution be transmitted to the County Clerk and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



EDWARD S. KUSHI, JR.

Department of the Corporation Counsel

County of Maui

2019-1439

2019-11-26 PAF 19-288 Resolution