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OFFICE OF THE
COUNTY COUNCIL

MEMO TO: GET-10 File

F R O M: Kelly T. King
Council Chair

Kelly King

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO A
CHARTER AMENDMENT TO CHANGE THE START OF COUNCIL
AND MAYORAL TERMS** (GET-10/PAF 19-288)

The attached legislative proposal pertains to Item 10 on the Committee's agenda.

paf:wac:19-288c

Attachment

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

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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

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

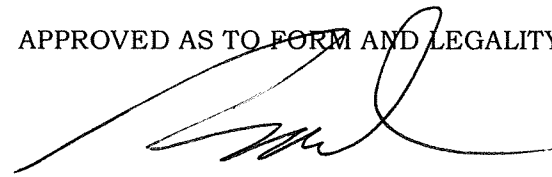
“Shall the Charter be amended, effective January 2, 2021, to require the terms of office for the Mayor and Councilmembers to begin on the first Monday of December, after the general election in which they are elected, rather than the second day of January after the election?”; and

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