

REQUEST FOR LEGAL SERVICES

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


TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Edward S. Kushi, Jr., Esq.

Subject: AMENDING CHAPTER 2.41, MAUI COUNTY CODE, RELATING TO ATTENDANCE AT BOARD, COMMISSION, AND COMMITTEE MEETINGS BY APPOINTED MEMBERS (GET-40)

Background Data: Please review the attached revised proposed bill and, if appropriate, approve as to form and legality. A hard copy of the revised proposed bill is requested with your response.

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): February 12, 2020
REASON: For possible posting on February 21, 2020 Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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 _____

By _____

(Rev. 7/03)

get:ltr:040acc02:ske

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.41,
MAUI COUNTY CODE, RELATING TO ATTENDANCE AT BOARD,
COMMISSION, AND COMMITTEE MEETINGS BY APPOINTED MEMBERS

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

SECTION 1. Chapter 2.41, Maui County Code, is amended by adding a
new section to be appropriately designated and to read as follows:

“2.41.090 Attendance at board, commission, and committee meetings by appointed members. A. It is vital to the proper function of County government that duly appointed members of all boards, commissions, and committees fully and faithfully serve and attend all duly noticed, regularly scheduled meetings of their respective boards, commissions, and committees.

B. It is the responsibility of departmental staff assigned to a respective board, commission, or committee to record and document the attendance of members at every duly noticed, regularly scheduled meeting.

C. Attendance of each member will be recorded and documented at every board, commission, or committee meeting as either present, absent or unexcused, or excused.

D. If a member is unable to attend a meeting of a board, committee, or commission of which they are a member, the member must notify the chairperson and departmental staff of the member’s non-attendance, including the reason for the non-attendance, at least forty-eight hours prior to the start of the meeting. Except in cases of an emergency, failure of a member to provide the requisite notice within the time period specified will result in the member’s non-attendance to be recorded and documented as unexcused or absent. In all other instances, it is the responsibility of the chairperson to determine whether a member’s non-attendance is excused.

E. In a six-month period, once a board, commission, or committee record reflects a member’s non-attendance of 50 percent or more meetings, or absences of at least 25 percent of meetings, within thirty days of the member’s last excused or unexcused absence, the chairperson of the board, commission, or committee must send a letter to the mayor, with a copy to the council, informing of the member’s attendance record.

F. If any board, commission, or committee chairperson fails to submit the letter to the mayor as set forth in subsection E, departmental staff will submit the letter on the board, commission, or committee's behalf.

G. If the absence of members create a lack of quorum for a posted meeting, the absence will be counted as unexcused for those members even if that meeting was not held.”

SECTION 2. This ordinance will take effect on approval.

APPROVED AS TO FORM AND
LEGALITY:

EDWARD S. KUSHI, JR.
Department of the Corporation Counsel
County of Maui

get:misc:040abill02:ske