

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

October 18, 2019

Committee
Report No. _____

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 October 1, 2019, makes reference to County Communication 19-27, from Council Chair Kelly T. King, relating to amendments to the Rules of the Council.

By correspondence dated September 18, 2019, Committee Chair Michael J. Molina, transmitted a proposed resolution entitled "AMENDING THE RULES OF THE COUNCIL RELATING TO POSTING ITEMS ON COUNCIL AGENDA." The purpose of the proposed resolution is to amend the Rules of the Council by adding a Council Rule 28 relating to the automatic posting of items or matters transmitted to the Council Chair or County Clerk for posting, referral, or consideration by the Council on the Council meeting agenda.

Your Committee notes the Council adopted the Rules of the Council for the 2019-2021 Council term at its meeting of January 2, 2019 (Resolution 19-4, Draft 1).

Your Committee discussed the need for a "checks and balances" system between the Council Chair and Councilmembers relating to the posting of items or matters on Council meeting agendas. The Rule change would allow Councilmembers with a mechanism that would prevent items or matters from being withheld for posting on a Council meeting agenda by the Council Chair unless the Council Chair receives permission in writing from the Councilmember transmitting the item to delay posting.

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Your Committee discussed the discretion of the Council Chair to decide whether an item or matter should be posted on a Council meeting agenda or withheld, similar to the discretion Councilmembers are allowed in deciding whether an item or matter should be posted on their respective Committee agendas.

Your Committee discussed items or matters are sometimes withheld from posting as a way for the Council Chair or Councilmembers to balance the number of items or matters scheduled for discussion or because the item or matter is incomplete or not ready for posting.

Your Committee amended the proposed resolution to include items or matters "initiated by a Councilmember." Your Committee clarified that the automatic posting of an item or matter would occur on the next scheduled Council meeting agenda to cover special meetings or canceled meetings.

Your Committee voted 7-2 to recommend adoption of the revised proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Hokama, Kama, Lee, Paltin, and Sugimura voted "aye." Committee members King and Sinenci voted "no."

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Governance, Ethics, and Transparency Committee **RECOMMENDS** that Resolution _____, attached hereto, entitled "AMENDING THE RULES OF THE COUNCIL RELATING TO POSTING ITEMS ON COUNCIL AGENDA," be **ADOPTED**.

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



MICHAEL J. MOLINA, Chair

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Resolution

No. _____

AMENDING THE RULES OF THE COUNCIL RELATING TO POSTING ITEMS ON COUNCIL AGENDA

WHEREAS, by Resolution 19-4, Draft 1, the Council adopted the Rules of the Council on January 2, 2019; and

WHEREAS, the Council now wishes to amend the Rules of the Council; now, therefore;

BE IT RESOLVED by the Council of the County of Maui that Rule 28 of the Rules of the Council, relating to posting items on Council agenda, shall be established as follows:

“Rule 28. Posting items on Council Agenda.

Any item or matter initiated by a Councilmember and transmitted to the Council Chair or County Clerk for posting, referral, or consideration by the Council that has not been posted on the next regularly scheduled Council meeting shall be automatically posted on the following scheduled Council meeting, unless the Chair receives permission in writing from the Councilmember transmitting the item to delay posting.”

APPROVED AS TO FORM AND LEGALITY



EDWARD S. KUSHI, JR.
First Deputy Corporation Counsel
County of Maui

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