

ORDINANCE NO. _____

BILL NO. 99 (2026)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.56, MAUI COUNTY
CODE, TO ESTABLISH PROHIBITIONS CONCERNING NEPOTISM

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

SECTION 1. This Ordinance's is to ensure that hiring, supervision, and employment decisions within the County of Maui are based on merit, qualifications, ability, and equal opportunity, rather than family relationships or favoritism.

Section 2. Chapter 2.56, Maui County Code is amended by adding a new section to read as follows:

"Section 2.56.090 Nepotism. A. Definitions. For purposes of this section, unless a different meaning clearly appears from the context, the following definitions apply:

"Household member" means an individual who resides in the same dwelling unit as an employee.

"Relative" means the employee's parent, grandparent, stepparent, child, grandchild, stepchild, foster child, adopted child, sibling, half-sibling, stepsibling, parent's sibling, first cousin, sibling's child, spouse, spouse's parent, child-in-law, or sibling-in-law, or any individual who is a member of the employee's immediate family through the Hawaiian hānai custom.

B. Prohibitions. No employee may:

- 1. Appoint, hire, promote, retain, demote, discharge, or terminate a relative or household member from a paid position in the employee's employing agency.**
- 2. Participate in an interview or discussion regarding the appointment, hiring, promotion, retention, demotion, discharge, or termination of**

- a relative or household member from a paid position in the employee's employing agency.
- 3. Supervise a relative or household member.
- 4. Award a contract to, or otherwise take official action on, a contract with a business if the employee knows, or reasonably should know, that the employee's relative or household member is an executive officer or holds a substantial ownership interest in that business.

C. Exceptions.

- 1. The prohibitions contained in subsections B(1) and B(2) do not prohibit an employee from performing ministerial acts that may impact a relative or household member if those acts are part of the normal job functions of the employee.
- 2. The prohibition contained in subsection B(3) does not apply where an employee:
 - a. Has a physical impairment requiring the employment of a particular relative or household member; if the employee discloses the prospective employment to the Board before the appointment or hire is made; or
 - b. Disqualifies oneself from taking any official action directly affecting the relative or household member.
- 3. The prohibitions contained in subsection B(4) regarding contracts do not apply where an employee:
 - a. Is a supervisor or director who is unable to waive or disengage from completing their official duties, or from taking official action, and is legally required to take action that directly impacts a relative or household member receiving an award, or other official action on a contract.
 - b. Has complied with the disclosure requirements of section 2.56.060 and the Rules of the Maui County Board of Ethics.
 - c. Posts a notice of intent to award a contract and files a copy of the notice with the Board at least five days before awarding the

contract. If the posting and filing of the award in advance is otherwise prohibited by law, notice must be posted and filed as soon as practicable. Such notice of intent must describe the employee's relationship with the relative or household member, the relative or household member's relationship with the entity receiving the contract, any action taken or to be taken affecting the relative or household member's business, and the dollar value of the contract.

4. Upon request, the board of ethics may grant a waiver to an employee or agency that is unable to comply with the prohibitions in this section for good cause, including a demonstrated lack of qualified personnel or applicants.
5. This section does not prohibit a county agency from appointing, hiring, promoting, retaining, demoting, discharging, or terminating a relative or household member of an employee employed by the agency.

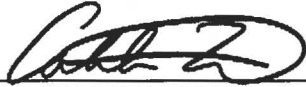
D. Penalties.

1. Any employee who knowingly violates this section is subject to the administrative fines in section 2.56.010.
2. Any favorable County action obtained by a relative or household member of an employee in violation of this section is voidable in accordance with section 2.56.030.
3. The above penalties are in addition to and independent of any other right of any public official or agency to effect disciplinary action or other criminal proceedings against a person who has violated this section."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect on January 1, 2027.

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Caleb P. Rowe', is written over a horizontal line.

CALEB P. ROWE

Department of the Corporation Counsel

County of Maui

LF 2026-0489

2026-06-20 Anti-Nepotism Rule Sec 2.56.090

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "John R. Lee", is written over a horizontal line.

Upon the request of the Mayor.