

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Tom Cook
Gabe Johnson
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Nohelani U'u-Hodgins



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

June 27, 2024

Director of Council Services
David M. Raatz, Jr., Esq.
Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

RECEIVED
2024 JUN 28 AM 11:31
OFFICE OF THE
COUNTY CLERK

Ms. Moana M. Lutey, County Clerk
Office of the County Clerk
County of Maui
Wailuku, Hawaii 96793

Dear Ms. Lutey:

SUBJECT: **AMENDMENT TO RESOLUTION 24-96, CD1**
(PAF 24-161)

I am placing the attached proposed amendment to Resolution 24-96, CD1, "PROPOSING AN AMENDMENT TO ARTICLE 13 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ALLOW REAPPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS TO ONE SUCCESSIVE TERM," on the next Council meeting agenda.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

ALICE L. LEE
Council Chair

paf:cmn:24-161d

Attachment

COUNTY COMMUNICATION NO. 24-22

July 5, 2024, Council meeting

RESOLUTION 24-96, CD1

MAUI COUNTY COUNCIL
Amendment Summary Form

Legislation: Resolution 24-96, CD1, proposing a Charter amendment to allow reappointment of board and commission members to one successive term.

Proposer: Council Chair Alice L. Lee.

Description: Replaces the undefined "partial term" with "a seat filled under Charter Section 13-2(18)." Clarifies that once two consecutive terms have been served, the member may not serve an additional term on the same board or commission. Inserts a transitional provision to state how a term being served by a member on the effective date of the Charter amendment will be treated. Corrects Ramseyer format.

Motion: Move to amend Resolution 24-96, CD1, by substituting the attached proposed FD1 version.

Effect: The attached proposed FD1 version does the following:

First, amends the wording of Charter Section 13-2(5) to read as follows:

"5. [No] A member of any board or commission [shall be] is eligible for [a second] appointment to a second term on the same board or commission [prior to the expiration of two years, provided that members of any board or commission initially appointed for a term not exceeding three years shall be eligible to succeed themselves for an additional term.], served consecutively with the first term, except that a seat filled under Subsection 18 does not count as a term. A member who has served two consecutive terms may not serve an additional term on the same board or commission. No member of any board or commission [shall] may serve beyond the time [when his or her] their term expires unless the member is specifically reappointed. A vacancy [shall be] is automatically created [upon] on the expiration of a member's term, [which] and the vacancy [shall] must be filled [as provided for herein.] in accordance with the charter."

Second, amends the resolution by inserting a new BE IT RESOLVED paragraph 2 to incorporate a transitional provision in Charter Article 15 to read as follows:

“Section 15-7. Transitional Provision Relating to a Member’s Successive Appointment to the Same Board or Commission. Upon adoption of the proposed 2024 amendment to Section 13-2(5), any member serving on a board or commission on the amendment’s effective date of July 1, 2025, will have that term of service counted as the first term, unless the member was appointed under Section 13-2(18).”

Third, amends the ballot question to read as follows:

“Shall the Charter be amended, effective July 1, 2025, to minimize the risk of vacancies on boards and commissions generally, and specifically with regard to dedicated seats for members residing in less populous areas, by allowing the appointment of members of boards and commissions to a second consecutive term, without an intervening waiting period?”

Fourth, amends the resolution’s title to add a reference to Article 15, rennumbers the BE IT RESOLVED paragraphs, corrects Ramseyer formatting, and incorporates other nonsubstantive revisions.

Attachment: Proposed FD1 version.

paf:cmn:24-161g

Resolution

No. 24-96, CD1, FD1

PROPOSING AN AMENDMENT TO ARTICLES 13 AND 15 OF
THE REVISED CHARTER OF THE COUNTY OF MAUI (1983),
AS AMENDED, TO ALLOW REAPPOINTMENT OF MEMBERS
OF BOARDS AND COMMISSIONS TO ONE SUCCESSIVE
TERM

WHEREAS, the Maui County Council proposes that the question be placed on the next General Election ballot of whether the Revised Charter of the County of Maui (1983), as amended, should be further amended to allow the reappointment of members of boards and commissions for one successive term without an intervening waiting period; and

WHEREAS, Section 13-2(5) of the Charter provides that no member of a board or commission is eligible for a second appointment to the same board or commission prior to the expiration of two years; and

WHEREAS, Section 13-103(1)(c) of the Revised Charter of the City and County of Honolulu provides that members of boards and commissions may be reappointed for a second term without an intervening waiting period; and

WHEREAS, Section 26-34(a) of Hawai'i Revised Statutes provides that members of State boards and commissions may be reappointed for a second term without an intervening waiting period; and

WHEREAS, disallowing reappointment for a second term to boards and commissions without an intervening waiting period results in vacancies that may not be filled for a period of time; and

WHEREAS, vacancies on boards and commissions with dedicated seats for members residing in less populous areas prevent those bodies from establishing quorum and conducting business and serve to restrict less populous communities from meaningful participation and representation in local government through participation on boards and commissions; and

WHEREAS, members of the State of Hawaii and City and County of Honolulu Ethics Commissions are often reappointed to second terms, which increases those bodies' effectiveness; now, therefore,

Resolution No. 24-96, CD1, FD1

BE IT RESOLVED by the Council of the County of Maui:

1. That, in accordance with Charter Section 14-1(1), it proposes Charter Section 13-2(5) be amended to read as follows, with deleted material in brackets and new material underscored:

“5. [No] A member of any board or commission [shall be] is eligible for [a second] appointment to a second term on the same board or commission [prior to the expiration of two years, provided that members of any board or commission initially appointed for a term not exceeding three years shall be eligible to succeed themselves for an additional term.], served consecutively with the first term, except that a seat filled under Subsection 18 does not count as a term. A member who has served two consecutive terms may not serve an additional term on the same board or commission. No member of any board or commission [shall] may serve beyond the time [when his or her] their term expires unless the member is specifically reappointed. A vacancy [shall be] is automatically created [upon] on the expiration of a member’s term, [which] and the vacancy [shall] must be filled [as provided for herein.] in accordance with the charter.”

2. That, in accordance with Charter Section 14-1(1), it proposes Charter Article 15 be amended by adding a new section to be appropriately designated and to read as follows, with new material underscored:

“Section 15-7. Transitional Provision Relating to a Member’s Successive Appointment to the Same Board or Commission. Upon adoption of the proposed 2024 amendment to Section 13-2(5), any member serving on a board or commission on the amendment’s effective date of July 1, 2025, will have that term of service counted as the first term, unless the member was appointed under Section 13-2(18).”

3. That, in accordance with Charter Section 14-2(1), this Resolution be submitted to the voters of the County of Maui at the next General Election;

Resolution No. 24-96, CD1, FD1

4. That the County Clerk prepare the necessary ballot for presentation to the voters at the next General Election;

5. 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 July 1, 2025, to minimize the risk of vacancies on boards and commissions generally, and specifically with regard to dedicated seats for members residing in less populous areas, by allowing the appointment of members of boards and commissions to a second consecutive term without an intervening waiting period?”

6. That, in accordance with Charter Section 14-2(2), the County Clerk must publish the proposed amendment in this Resolution in its entirety in a newspaper of general circulation;

7. That, on approval by a majority of the voters voting on the proposed amendment and on official certification of the result, the amendment proposed in this Resolution takes effect on July 1, 2025;

8. That, as authorized by Charter Section 14-4, the County Clerk must revise and publish in its entirety a revised Charter including amendments adopted in this Resolution and renumber provisions and cross-references as may be necessary by the approval of the revisions or amendments; and

9. That certified copies of this Resolution be transmitted to the Mayor and the County Clerk.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

INTRODUCED BY:



KEANI N.W. RAWLINS-FERNANDEZ