

Resolution

No. 24-49

PROPOSING AN AMENDMENT TO ARTICLE 13 OF THE
REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS
AMENDED, TO ALLOW REAPPOINTMENT OF BOARD OF
ETHICS MEMBERS FOR 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 a member of the Board of Ethics for one successive term prior to the expiration of two years; and

WHEREAS, Section 13-2(5) of the Charter provides that no member of a board or commission is be 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 Hawaii 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 the Board of Ethics without an intervening waiting period results in vacancies that may not be filled for a period of time; and

WHEREAS, vacancies on the Board of Ethics prevent it from establishing quorum and conducting business, which delays the Board's consideration of ethics complaints, advisory opinions, and actions on issues of importance to the County and its employees; and

WHEREAS, members of the Board of Ethics become experts on ethics laws and the Board's procedures, and a significant amount of institutional knowledge is lost by disallowing reappointment to a second term without an intervening waiting period; and

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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,

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 by amending it to read as follows, with deleted material in brackets and new material underscored:

5. No member of any board or commission [shall be] is eligible for a second appointment to the same board or commission prior to the expiration of two years, [provided that] except members of any board or commission initially appointed for a term not exceeding three years [shall be] are eligible to succeed themselves for an additional term[.] and members of the Board of Ethics may be reappointed for a second term without an intervening waiting period. No member of any board or commission [shall] may serve beyond the time [when] his or her 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 14-2(1), this Resolution be submitted to the voters of the County of Maui at the next General Election;

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

4. 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 authorize the Mayor to reappoint members of the Board of Ethics of the County of Maui, with the approval of the Council, for one successive term without an intervening waiting period?

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5. 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;

6. 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;

7. 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

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

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INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Alice L. Lee". The signature is written in black ink and is positioned above a horizontal line.

ALICE L. LEE