

COUNCIL OF THE COUNTY OF MAUI

# GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

June 21, 2024

**Committee  
Report No.** \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Government Relations, Ethics, and Transparency Committee, having met on June 4, 2024, makes reference to Resolution 24-95, entitled “PROPOSING AN AMENDMENT TO ARTICLE 10 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO AUTHORIZE FULL-TIME STAFF FOR THE MAUI COUNTY BOARD OF ETHICS.”

Resolution 24-95’s purpose is to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended (“Charter”), should be amended, effective July 1, 2025, to authorize the Board of Ethics (“Board”) to appoint staff, including an executive director, and engage consultants as necessary to assist in the performance of its duties.

Your Committee notes Article 14 of the Charter sets procedures related to amending the Charter. The Council, by resolution adopted after two readings on separate days, and passed by a vote of six or more members, may place a Charter amendment question on the ballot at the next General Election.

By correspondence dated January 10, 2024, from the former Board Chair, the Council received a proposed Charter amendment related to providing full-time staff for the Board and reasons for the proposal.

Your Committee further notes that Resolution 24-95 was introduced as a result of the January 10, 2024, correspondence.

COUNCIL OF THE COUNTY OF MAUI

# GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Page 2

**Committee  
Report No.** \_\_\_\_\_

The correspondence and information shared by the Board's current Chair and Vice-Chair, and as discussed by your Committee, noted the following reasons for the proposal:

- The Department of Personnel Services is responsible for coordinating employee orientation, which includes an overview on ethics rules and laws. But the Department is not equipped to advise on ethics-related issues when asked. With full-time staff, the Board could administer the training themselves, oversee the content of the training, and provide necessary guidance as needed.
- Having full-time staff would allow County personnel direct and immediate access to the Board, including the ability to receive ethics advice to avoid potential violations. Currently, County personnel seeking advice need to wait until the next Board meeting is scheduled.
- Independent staff would avoid conflicts that arise when the Department of the Corporation Counsel is called upon to represent the Board, in addition to County agencies, officers, and employees who may have business before the Board.
- Without full-time staff, the Board is currently unable to independently investigate and prosecute ethics violations.
- Under the Board's current rules, investigations of ethics violations require the Chair to consult with Corporation Counsel about a complaint and then report on the same to the Board, even though the Board is a quasi-judicial body charged to hear and impartially decide ethics complaints. By receiving prior information from the "prosecutor" of a potential violation, the Board is compromised in its ability to remain an impartial body or at least ensure the public and the alleged violator that the Board is unbiased.

COUNCIL OF THE COUNTY OF MAUI

# GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Page 3

**Committee  
Report No.** \_\_\_\_\_

- Having full-time staff would allow the Board to disseminate and clarify information relating to County standards of conduct and filing of Financial Disclosure Statements (“FDS”), an educational component the County could greatly benefit from.
- Examinations of annual FDS and lobbying filings take up 80 to 90 percent of the Board’s meeting time. Having full-time staff review such documents would allow more time for the Board to focus on matters such as training, education, and other actions to ensure County personnel adhere to the highest standards of ethical conduct and avoid potential violations.

Your Committee agreed with the Board’s recommendations and noted that dedicated staff to perform these duties would also ease challenges resulting from achieving and maintaining quorum.

The correspondence also notes that Board staff should be exempt employees, similar to the staff of the City and County of Honolulu Ethics Commission and State of Hawai’i Ethics Commission.

Your Committee voted 7-0 to recommend passage of Resolution 24-95 on first reading. Committee Chair U‘u-Hodgins, Vice-Chair Paltin, and members Cook, Johnson, Kama, Sinenci, and Sugimura voted “aye.” Committee members Lee and Rawlins-Fernandez were excused.

Your Government Relations, Ethics, and Transparency Committee **RECOMMENDS** that Resolution 24-95, attached hereto, entitled “PROPOSING AN AMENDMENT TO ARTICLE 10 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO AUTHORIZE FULL-TIME STAFF FOR THE MAUI COUNTY BOARD OF ETHICS,” be **PASSED ON FIRST READING** and be **ORDERED TO PRINT**.

COUNCIL OF THE COUNTY OF MAUI  
**GOVERNMENT RELATIONS, ETHICS,  
AND TRANSPARENCY COMMITTEE**

Page 4

**Committee  
Report No.** \_\_\_\_\_

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

  
\_\_\_\_\_  
NOHELANI U'U-HODGINS, Chair

great:cr:24021(2)aa:kmat

# Resolution

No. 24-95

PROPOSING AN AMENDMENT TO ARTICLE 10 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO AUTHORIZE FULL-TIME STAFF FOR THE MAUI COUNTY BOARD OF ETHICS

WHEREAS, by correspondence dated January 10, 2024 (Exhibit "1"), the Chair of the Maui County Board of Ethics requested that the Council propose a Charter amendment "to provide for staff for the BOE"; 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 that Section 10-2 of the Revised Charter of the County of Maui (1983), as amended, be amended to read as follows, with deleted material in brackets and new material underscored:

"6. The council and mayor shall cooperate and provide financing [and personnel reasonably] required by the board in the performance of its duties. The board may appoint such staff and engage consultants as necessary to assist it in performance of its duties, including giving informal ethics opinions and advice and reviewing financial disclosure statements and lobbyist filings. The board's staff may include attorneys who, notwithstanding Section 8-2.3.3, may pursue ethics violation complaints and advise the board independently of the department of the corporation counsel. All staff positions are exempt from civil service and serve at the pleasure of the board. The executive director must be an attorney qualified to practice law in the State of Hawai'i. The salary of the board's staff must be fixed by ordinance."

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;

**Resolution No. 24-95**

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 Board of Ethics of the County of Maui to hire independent staff?”

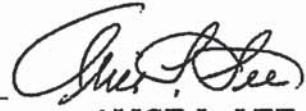
5. That, in accordance with Charter Section 14-2(2), the County Clerk must publish the proposed amendment in this Resolution in its entirety in a newspaper of general circulation;

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.

INTRODUCED BY:



ALICE L. LEE