

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

February 21, 2020

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 January 21, 2020, and February 4, 2020, makes reference to County Communication 19-478, from the Mayor, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.41, MAUI COUNTY CODE, RELATING TO ATTENDANCE AT BOARD, COMMISSION, AND COMMITTEE MEETINGS BY APPOINTED MEMBERS."

The purpose of the proposed bill is to amend Chapter 2.41, Maui County Code, by adding a new Section 2.41.090, relating to attendance at board, commission, and committee meetings by appointed members.

By correspondence dated January 28, 2020, the Department of the Corporation Counsel transmitted a revised proposed bill incorporating your Committee's revisions resulting from the January 21, 2020 meeting, including: 1) requiring administrative duties of the board, commission, or committee to be handled by assigned departmental staff, and 2) a letter be sent by the Chairperson, to the Mayor, when a member has not attended 50 percent or more meetings in any six-month period, whether the absence is recorded and documented as excused or unexcused; and nonsubstantive revisions.

A representative from the Mayor's Office said standardizing the attendance policy for appointed members is necessary to establish consequences for those who regularly fail to attend board, commission, and committee meetings.

Your Committee noted that meeting cancellations for lack of quorum result in unnecessary costs to the County and impede the functions of boards, commissions, and committees, especially for those that require decisions on time-sensitive matters.

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

Page 2

Committee
Report No. _____

Your Committee further noted that members of boards, commissions, and committees are volunteers, and expressed gratitude to members for their civic mindedness and commitment to community service. But your Committee also recognized that membership brings the responsibility to participate.

Your Committee discussed amending the bill to clarify that a member's non-attendance of 50 percent or more meetings, or a member's absence of at least 25 percent of meetings, in a six-month period, will be documented and the attendance record sent to the Mayor, with a copy to the Council, within 30 days of the member's last excused or unexcused absence.

Your Committee further discussed amending the bill so that the absence of members that creates a lack of quorum for any posted meeting will result in an unexcused absence for those members even if the meeting was not held.

Your Committee notes establishing an attendance policy for appointed members is timely because the Council is considering board, commission, and committee nominations for new terms that start on April 1, 2020.

Your Committee voted 7-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Molina, Vice-Chair Rawlins Fernandez, and members Kama, King, Lee, Paltin, and Sugimura voted "aye." Members Hokama and Sinenci were excused.

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

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

Page 3

Committee
Report No. _____

Your Governance, Ethics, and Transparency Committee
RECOMMENDS the following:

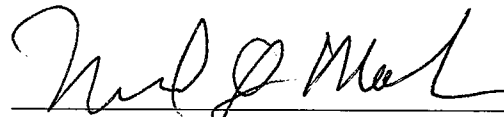
1. That Bill _____ (2020), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.41, MAUI COUNTY CODE, RELATING TO ATTENDANCE AT BOARD, COMMISSION, AND COMMITTEE MEETINGS BY APPOINTED MEMBERS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-478 be FILED.

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

Page 4

**Committee
Report No.** _____

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



MICHAEL J. MOLINA, Chair

get:cr:20040aa:ske

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.41,
MAUI COUNTY CODE, RELATING TO ATTENDANCE AT BOARD,
COMMISSION, AND COMMITTEE MEETINGS BY APPOINTED MEMBERS

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

SECTION 1. Chapter 2.41, Maui County Code, is amended by adding a
new section to be appropriately designated and to read as follows:

“2.41.090 Attendance at board, commission, and committee meetings by appointed members. A. It is vital to the proper function of County government that duly appointed members of all boards, commissions, and committees fully and faithfully serve and attend all duly noticed, regularly scheduled meetings of their respective boards, commissions, and committees.

B. It is the responsibility of departmental staff assigned to a respective board, commission, or committee to record and document the attendance of members at every duly noticed, regularly scheduled meeting.

C. Attendance of each member will be recorded and documented at every board, commission, or committee meeting as either present, absent or unexcused, or excused.

D. If a member is unable to attend a meeting of a board, committee, or commission of which they are a member, the member must notify the chairperson and departmental staff of the member’s non-attendance, including the reason for the non-attendance, at least forty-eight hours prior to the start of the meeting. Except in cases of an emergency, failure of a member to provide the requisite notice within the time period specified will result in the member’s non-attendance to be recorded and documented as unexcused or absent. In all other instances, it is the responsibility of the chairperson to determine whether a member’s non-attendance is excused.

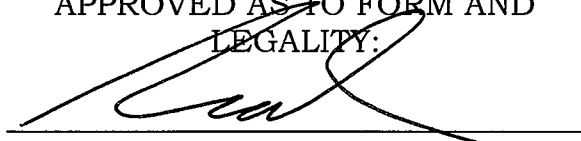
E. In a six-month period, once a board, commission, or committee record reflects a member’s non-attendance of 50 percent or more meetings, or absences of at least 25 percent of meetings, within thirty days of the member’s last excused or unexcused absence, the chairperson of the board, commission, or committee must send a letter to the mayor, with a copy to the council, informing of the member’s attendance record.

F. If any board, commission, or committee chairperson fails to submit the letter to the mayor as set forth in subsection E, departmental staff will submit the letter on the board, commission, or committee's behalf.

G. If the absence of members create a lack of quorum for a posted meeting, the absence will be counted as unexcused for those members even if that meeting was not held.”

SECTION 2. This ordinance will take effect on approval.

APPROVED AS TO FORM AND
LEGALITY:



EDWARD S. KUSHI, JR.

Department of the Corporation Counsel
County of Maui

get:misc:040abill02:ske