

PEA Committee

From: Mark Hyde <hydem001@icloud.com>
Sent: Friday, May 11, 2018 9:40 AM
To: PEA Committee
Subject: May 14, 2018 Agenda
Attachments: PEA Committee Point of Order.docx

I submit the attached written testimony regarding the May 14, 2018, agenda, specific to PEA- 10 and noncompliance with Council Rule 7.

Mark Hyde
4320 E. Waiola Loop
Kihei, Hawaii 96753
874-3839

To: PEA Committee
From: Mark Hyde
Hearing Date: May 14, 2018
Re: Defective Agenda

POINT OF ORDER

Council Rule 7 B states, "The purpose of the standing committees is to provide well-considered recommendations to the council on **all** bills, resolutions and other legislative matters referred to the standing committees by the council."

On Monday, April 30, 2018, Council Member Kelly King submitted a resolution to the Chair of the PEA Committee calling for a charter amendment captioned as follows:

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, TO REORGANIZE THE
EXECUTIVE BRANCH TO ESTABLISH AN
OFFICE OF THE MANAGING DIRECTOR,
PROVIDE FOR THE APPOINTMENT OF THE
MANAGING DIRECTOR, AND DEFINE DUTIES
AND RESPONSIBILITIES

The cover sheet transmitting the proposal reads as follows:

April 30, 2018

MEMO TO: PEA-10 File

F R O M: Kelly King
Councilmember



SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
PROPOSED CHARTER AMENDMENTS** (PEA-10)

The attached legislative proposal pertains to Item 10 on your Committee's agenda.

paf:ske:17-282b

Attachment

This met the committee chair's announced, self-imposed deadline for receipt of such proposals. Despite this, the Committee's May 14, 2018, agenda makes no mention of it.

Per the Council's website, the PEA Committee has a *duty* to hear proposed charter amendments. (<http://mauicounty.us/pea/>) "Duty" is defined as "any action required by ones position or by ones moral or legal considerations."

Council Rule 7 B and "duty" are imperatives, not options for committees and their chairs.

Once a proposed charter amendment has been submitted to a standing committee, the committee chair "may call for discussion of the committee's priorities and procedures and may arrange for presentations or discussions on matters within the committee's subject matter jurisdiction," but that's not the case here where the chair has ignored Council Member King's proposal, denying it a place on the upcoming agenda. It appears chair Sugimura is attempting to assert a non-existent privilege in an unauthorized attempt to kill Council Member King's timely proposal in derogation of (1) Rule 7 B/duty, and (2) the people's right to be heard on a important proposed charter change that would, if enacted into law by the electorate, bring about needed organization change.

It's telling that item PEA-10 on the upcoming agenda selectively references two other proposed charter amendments while excluding Ms. King's, including one submitted May 4, 2018, *after* the chair's announced deadline, together with a previously failed proposed county code change, referenced under Agenda Item PEA 27, which attempts to define job requirements for the county's managing director position. Coincidence? I think not.

Given this exceptional history, demonstrating the PEA Committee chair's unwillingness to comply with Rule 7 B to provide a forum for consideration and public debate of Ms. King's proposal, I request the council, by whatever means appropriate, assign the subject resolution to another committee where the chair is ready, willing and able to timely, and in good faith, process this important question so that the people of Maui County, who the county council is sworn to serve, can decide for themselves the type of local government they want.