


January 21, 2020

MEMO TO: GET - 40

F R O M: Michael J. Molina, Chair 
Governance, Ethics and Transparency Committee

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
AMENDING CHAPTER 2.41, MAUI COUNTY CODE, RELATING TO
ATTENDANCE AT BOARD, COMMISSION, AND COMMITTEE
MEETINGS BY APPOINTED MEMBERS (GET-40)**

The attached legislative proposal pertains to Item GET-40 on the Committee's agenda.

Attachment

cc:

RECEIVED AT GET MEETING ON 1/21/20

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. Section 13-2(5) of the revised charter of the County of Maui (1983), as amended, authorizes the mayor to recommend removal of any board, commission, or committee member, for cause, subject to the approval of two-thirds of the entire membership of the council.]

[C]B. It shall be the duty and responsibility of **the departmental staff personnel assigned to the board, commission or committee** [all chairpersons of all county boards, commissions, and committees] to account for and document the presence or absence of all members at every duly noticed, regularly scheduled meeting.

[D]C. Attendance of members at duly noticed, regularly scheduled meetings shall be recorded and documented as either present, absent, or excused.

[E]D. If a member will be unable to attend a duly noticed, regularly scheduled meeting, the member must notify the chairperson **and** [, or in the event the chairperson is not available] **the departmental staff personnel assigned to the board, commission, or committee, [at least forty-eight hours] prior to the meeting, of the member's absence [and the reason for such absence].** Except in cases of an emergency, failure of a member to provide the requisite notice within the time specified shall deem the member's absence as unexcused, and, therefore, the member's non-attendance must be recorded as absent. In all other instances, the chairperson shall determine whether a member's absence is excused.

[F]E. If a board, commission, or committee record reflects that a member has not attended 50 percent or more ***of the duly noticed regular scheduled*** meetings in any twelve month period, within thirty days of the end of such twelve month period the chairperson of such board, commission, or committee shall send a letter to the mayor, with a copy to the council, informing the mayor of such absences[, which letter must also specifically recommend that the member be removed].

[G]F. If any board, commission, or committee chairperson fails to submit the letter to the mayor as set forth in subsection F, ***within 30 days of the last absence of the member, the departmental staff shall submit the letter to the mayor on the committees behalf*** [such failure, in itself, would be considered cause for the removal of such chairperson from membership to the respective board, commission, or committee]."

SECTION 2. This ordinance shall take effect on January 2, 2020.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui