

REQUEST FOR LEGAL SERVICES

Date: May 27, 2026
From: Nohelani U'u-Hodgins, Vice-Chair
Government Relations, Ethics, and Transparency Committee

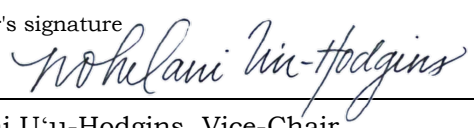
TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Caleb P. Rowe, Esq.

Subject: RESOLUTION 26-95, PROPOSED CHARTER AMENDMENT TO ALLOW REAPPOINTMENT OF MEMBERS OF THE BOARD OF ETHICS FOR ONE SUCCESSIVE TERM (GREAT-10(15))

Background Data: Please see attached proposed CD1 version of Resolution 26-95. Please submit your response to great.committee@mauicounty.us with a reference to GREAT-10(15).

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Nohelani U'u-Hodgins, Vice-Chair	Contact Person <u>Clarissa MacDonald or Peter Hanano</u> (Telephone Extension: <u>7135 or 8007, respectively</u>)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): June 1, 2026, by 4:30 p.m.
REASON: For consideration at the June 2, 2026, GREAT Committee meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: CPR	ASSIGNMENT NO. 2025-0174	BY: jap
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

DEPARTMENT OF THE CORPORATION COUNSEL

Date 5/29/26

By 

(Rev. 7/03)

great:ltr:010(15)acc01:kjh

Attachment

Resolution

No. 26-95, CD1

PROPOSING AN AMENDMENT TO ARTICLE 13
OF THE REVISED CHARTER OF THE COUNTY
OF MAUI (1983), AS AMENDED, TO ALLOW
REAPPOINTMENT OF MEMBERS OF THE
BOARD OF ETHICS 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, Charter Section 13-2(5) provides that no member of a board or commission is 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 & County of Honolulu (1973), as amended, 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 the Hawai'i 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

Resolution No. 26-95, CD1

WHEREAS, members of the State of Hawai‘i 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 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 January 1, 2027, 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?”;

Resolution No. 26-95, CD1

5. That, in accordance with Charter Section 14-2(2), the County Clerk must publish this Resolution's proposed amendment 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 will take effect on January 1, 2027;

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.

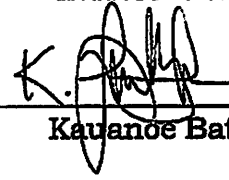
APPROVED AS TO FORM AND LEGALITY:



CALEB P. ROWE
Department of the Corporation Counsel
County of Maui

great:misc:010(15)areso01:kjh

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'K. P. M.', written over a horizontal line.

Kauanoë Batangan

Great Committee

From: Caleb P. Rowe <Caleb.Rowe@co.maui.hi.us>
Sent: Friday, May 29, 2026 8:30 AM
To: Great Committee
Cc: June A. Pacubas; Peter A. Hanano; Clarissa L. MacDonald
Subject: GREAT-10(15)
Attachments: 2026-05-28 GREAT-10(15) RAFL Macdonald RESO 26-95 Proposed Charter.pdf

Please see attached.