

DANNY A. MATEO  
County Clerk



JOSIAH K. NISHITA  
Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**

COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

June 23, 2014

OFFICE OF THE  
COUNTY COUNCIL

2014 JUN 23 PM 1:57

RECEIVED

Honorable G. Riki Hokama, Chair  
Policy and Intergovernmental Affairs Committee  
Council of the County of Maui  
Wailuku, Hawaii 96793

Dear Chair Hokama:

Respectfully transmitted are copies of the following communications that were referred to your Committee by the Council of the County of Maui at its meeting of June 20, 2014:

COUNTY COMMUNICATIONS:

- No. 14-163 - Danilo F. Agsalog, Director of Finance
- No. 14-164 - G. Riki Hokama, Councilmember
- No. 14-165 - Donald S. Guzman, Councilmember
- No. 14-166 - Dennis A. Mateo, County Clerk

Respectfully,

A handwritten signature in black ink, appearing to read "Danny A. Mateo", is written over a faint, larger version of the same signature.

DANNY A. MATEO  
County Clerk

/lks

Enclosures

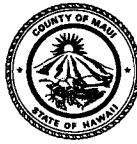
cc: Director of Council Services

Council Chair  
Gladys C. Baisa

Vice-Chair  
Robert Carroll

Presiding Officer Pro Tempore  
Michael P. Victorino

Council Members  
Elle Cochran  
Donald G. Couch, Jr.  
Stacy Crivello  
Don S. Guzman  
G. Riki Hokama  
Mike White



Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

June 10, 2014

RECEIVED  
2014 JUN 10 PM 2:59  
OFFICE OF THE  
COUNTY CLERK

The Honorable Gladys C. Baisa  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair Baisa:

**SUBJECT: PROPOSED CHARTER AMENDMENT RELATING TO  
ATTORNEYS WITHIN THE OFFICE OF COUNCIL  
SERVICES (PAF 14-152)**

May I request the attached proposed resolution, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES", be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Don S. Guzman".

DON S. GUZMAN  
Council Member

paf:elf:14-152e

Enclosure

COUNTY COMMUNICATION NO. 14-165

# Resolution

No. \_\_\_\_\_

## PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES

WHEREAS, Section 8-2.3 of the Revised Charter of the County of Maui (1983), as amended ("Charter") provides that the corporation counsel shall be the chief legal advisor and legal representative of the county, the council, the mayor, all departments, all boards and commissions, and all officers and employees in matters relating to their official duties; and

WHEREAS, Section 3-7 of the Charter provides that the council may create such positions in the office of council services as it deems necessary to assist it in the exercise of its legislative power; and

WHEREAS, permitting attorneys within the office of council services to serve as legal advisors to and legal representatives of the council and its members will ensure the council and its members have access to independent legal advice when there is an actual or potential conflict or disagreement between the executive and legislative branches of government; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That, pursuant to Section 14-1(1), Revised Charter of the County of Maui (1983), as amended ("Charter"), it hereby proposes that Section 3-7 of the Charter, pertaining to the Office of Council Services, be amended to read as follows:

**"Section 3-7. Office of Council Services.** There shall be an office of council services. The council may create such positions in the office of council services as it deems necessary to assist it in the exercise of its legislative power. The salaries of such positions shall be fixed by ordinance. Persons appointed to such positions by the council shall be exempt from civil service. The attorneys within the office of council services may serve as legal advisors to and legal representatives of the council and its members, in addition to the attorneys within the department of the corporation counsel."; and

2. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 8-2.3 of the Charter, pertaining to the Powers, Duties, and Functions of the Corporation Counsel, be amended to read as follows:

**"Section 8-2.3. Powers, Duties, and Functions.** The corporation counsel shall:

1. Appoint such deputy corporation counsel and necessary staff as shall be authorized by the council. Deputy corporation counsel shall be exempt from civil service and shall serve at the pleasure of the corporation counsel.

2. Be the chief legal advisor and legal representative of the County of Maui; of the council, the mayor, all departments, and all boards and commissions, and of all officers and employees in matters relating to their official duties[.], except as otherwise provided in this charter.

3. Represent the county in all legal proceedings.

4. Perform such other duties and functions as may be incident to the department or required by law."; and

3. That new material is underscored; and

4. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

5. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

6. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that the following question be placed on the next general election ballot:

"Shall the Charter be amended to allow attorneys within the Office of Council Services to serve as legal advisors to and legal representatives of the Council and its members, in addition to the attorneys within the Department of the Corporation Counsel?"; and

7. That, pursuant to Section 14-2(2) of the Charter, the County Clerk publish this proposed amendment in a newspaper of general circulation; and

8. That, upon approval by the majority of the voters voting on the proposed amendment and upon official certification of such result, the amendment proposed herein shall take effect; and

9. That certified copies of this resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY

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Department of the Corporation Counsel  
County of Maui

paf:elf:14-152d