

REQUEST FOR LEGAL SERVICES

Date: June 20, 2014
From: G. Riki Hokama, Chair
Policy and Intergovernmental Affairs Committee


TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Edward S. Kushi, Jr., Esq.

Subject: PROPOSED CHARTER AMENDMENTS (ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES) (PIA-10(5))

Background Data: _____

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY
☐ OTHER: _____

Requestor's signature  G. Riki Hokama	Contact Person <u>Carla Nakata</u> (Telephone Extensions: <u>7659</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 27, 2014, 12:00 p.m.
REASON: To be considered at PIA Committee meeting of June 30, 2014

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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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 _____

By _____

(Rev. 7/03)

pia:ltr:010(5)acc01:cmn

Attachment

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 positions in the office of council services as it deems necessary to assist the council 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 material to be repealed is bracketed and 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

Department of the Corporation Counsel
County of Maui

pia:misc:010(5)areso01