

HOLD FOR MEETING

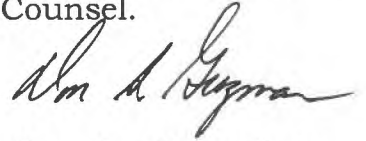
June 1, 2016, PIA Committee meeting

PIA-10(1)

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE
Amendment Summary Form

Legislation: Proposed resolution to amend the Revised Charter of the County of Maui (1983), as amended, to allow the Council to initiate removal of the Corporation Counsel.

Proposer: Don S. Guzman, Council Vice-Chair.



Description: Amends the proposed resolution to allow the Council or the Mayor, independently, to remove the Corporation Counsel.

Motion: Move to amend the proposed resolution, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, ALLOWING THE COUNCIL TO INITIATE REMOVAL OF THE CORPORATION COUNSEL," in accordance with the marked-up version attached.

Effect: The amendment would allow the Mayor or the Council, independently, to remove the Corporation Counsel.

Reasons: The amendment would provide equal accountability of the Corporation Counsel to both the Mayor and the Council.

Attachments: Marked-up resolution showing proposed revisions.

paf:scb:16-090a

Resolution

No. _____

OR THE MAYOR
TO REMOVE

PROPOSING AN AMENDMENT TO THE REVISED
CHARTER OF THE COUNTY OF MAUI (1983), AS
AMENDED, ALLOWING THE COUNCIL TO INITIATE
REMOVAL OF THE CORPORATION COUNSEL

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 8-2.2 of the Charter currently permits the removal of the Corporation Counsel only if initiated by the Mayor; and

WHEREAS, as the chief legal advisor of both the Council and the Mayor, the Council and the Mayor should be equally authorized to determine whether their respective interests are being adequately represented by the Corporation Counsel, and to ^{remove} initiate removal of the Corporation Counsel at their discretion; now, therefore,

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

1. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 8-2.2 of the Charter, pertaining to the Corporation Counsel, be amended to read as follows:

"Section 8-2.2. Corporation Counsel. The corporation counsel shall be appointed by the mayor with the approval of the council and may be removed by the mayor ~~[with the approval of the council]~~, or by resolution approved by a two-thirds vote of the entire membership of the council [with the approval of the mayor]. The corporation counsel shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law for at least three years."; and

2. That material to be repealed is bracketed and new material is underscored;
and

Resolution No. _____

3. 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

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

5. 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:

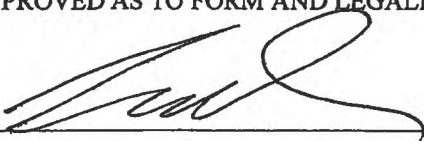
“Shall the Charter be amended to allow the Council or the Mayor, independently, to initiate removal of the County’s chief legal advisor and representative, the Corporation Counsel?”; and

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

7. 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

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

APPROVED AS TO FORM AND LEGALITY

A handwritten signature in black ink, appearing to be 'Paul', is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

paf:cmn:14-196a