

# Resolution

No. 16-90

PROPOSING AN AMENDMENT TO THE  
REVISED CHARTER OF THE COUNTY OF MAUI  
(1983), AS AMENDED, TO CHANGE THE NAME  
OF THE CIVIL DEFENSE AGENCY TO  
THE MAUI COUNTY EMERGENCY  
MANAGEMENT AGENCY

WHEREAS, Article 8, Chapter 16 of the Revised Charter of the County of Maui (1983), as amended, establishes a Civil Defense Agency; and

WHEREAS, the Civil Defense Agency is responsible for administering emergency management programs in the County of Maui in coordination with State and Federal agencies, including the Hawaii Emergency Management Agency and the Federal Emergency Management Agency; and

WHEREAS, amending the Charter to change the agency's name to the Maui County Emergency Management Agency would be beneficial by providing increased clarity and consistency; 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 8-7.2, pertaining to the duties of the Fire and Public Safety Commission, be amended to read as follows:

**"Section 8-7.2. Fire and Public Safety Commission.**

The fire and public safety commission shall consist of nine members appointed by the mayor with the approval of the council.

The fire and public safety commission shall:

1. Adopt such rules as it may consider necessary for the conduct of its business and regulation of the matters committed to its charge by law.

2. Review and submit to the mayor the [department's] department of fire and public safety's request for an annual appropriation for the operation of the department.

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3. Review the operations of the department of fire and public safety and the [civil defense] Maui County emergency management agency and make recommendations for changes that may be desirable to improve the performance of emergency functions and the provision of public safety services.

4. Receive, review, and investigate any changes brought forth by the public against the conduct of the department of fire and public safety or any of its members and submit a written report of its findings and recommendations to the fire chief for disposition.

5. Annually review and evaluate the performance of the fire chief and submit a report to the mayor and the council.

6. Submit an annual report to the mayor and the council on its activities.

7. Have such other powers and duties as may be provided by law.

Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department."

2. That pursuant to Section 14-1(1) of the Charter, it hereby proposes that Article 8, Chapter 16 of the Charter, pertaining to the Civil Defense Agency, be amended to read as follows:

**"CHAPTER 16**

**[CIVIL DEFENSE]MAUI COUNTY EMERGENCY MANAGEMENT  
AGENCY**

**Section 8-16.1. Organization and Functions.** There shall be a [civil defense] Maui County emergency management agency whose powers, duties, functions and organization shall be as provided by law. The fire and public safety commission, as established in Section 8-7.2 herein, shall review the operations of the agency and make recommendations for changes which may be desirable to improve the performance of emergency functions and the provision of public safety services. The commission shall receive and investigate any complaints brought forth by the public against the conduct of the agency or any of its

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members and submit a written report of its findings and recommendations to the [civil defense] Maui County emergency management administrator for the administrator's disposition."

3. That material to be repealed is bracketed and new material underscored; 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 14-2(1) of the Charter, it hereby proposes that the following question be placed on the next general election ballot:

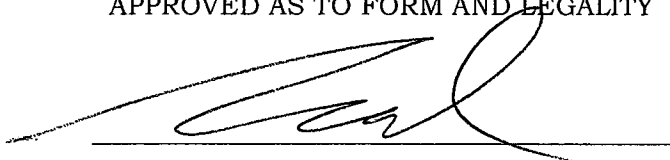
"Shall the Charter be amended to change the name of the Civil Defense Agency to the Maui County Emergency Management Agency?"; and

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

7. That, pursuant to Section 14-2(3) of the Charter, 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 'C. J. ...', is written over a horizontal line.

Deputy Corporation Counsel  
County of Maui

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This resolution proposes to place on the next General Election ballot the question of whether Charter Sections 8-7.2 and 8-16.1 should be amended to rename the Civil Defense Agency to the Maui County Emergency Management Agency and the Civil Defense Administrator to the Maui County Emergency Management Administrator.


I, DENNIS A. MATEO, County Clerk of the County of Maui, State of Hawaii, DO  
HEREBY CERTIFY that the foregoing RESOLUTION NO. 16-90 was passed on First  
Reading by the Council of the County of Maui, State of Hawaii, on the 17th day of June,  
2016, by the following vote:

AYES: Councilmembers Gladys C. Baisa, Robert Carroll, Donald G. Couch Jr., S. Stacy Crivello, G. Riki Hokama, Michael P. Victorino, and Chair Michael B. White.

NOES: None.

EXCUSED: Councilmember Eleanora Cochran, and Vice-Chair Donald S. Guzman.

DATED at Wailuku, Maui, Hawaii, this 20th of June, 2016.

  
DENNIS A. MATEO, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Resolution, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.