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OFFICE OF THE  
COUNTY COUNCIL

MEMO TO: GET-10 File

F R O M: Tasha Kama  
Presiding Officer Pro Tempore



SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO  
PROPOSED CHARTER AMENDMENTS** (PAF 19-276)

The attached legislative proposal pertains to Item 10 on your committee's agenda.

paf:dmr:19-276c

Attachment

# Resolution

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

## PROPOSING A CHARTER AMENDMENT RELATING TO BOARD AND COMMISSION MEMBERS AND NOMINEES

WHEREAS, based on the current provisions of the Revised Charter of the County of Maui (1983), as amended ("Charter"), the Council needs to take action to remove a board or commission member for cause, even when the member has stopped attending meetings or otherwise should obviously no longer serve, which creates inefficiency in the Council's work; and

WHEREAS, the Council's efficiency would be improved if the Charter were to provide for automatic removal of a board or commission member when the Mayor notifies the Council of the need for the member's removal for cause, unless the Council disapproves the removal within 30 days; and

WHEREAS, in addition, based on current provisions of the Charter, the Council needs to take action to disapprove a nomination to a board or commission even when the nominee has withdrawn, has died, or is ineligible, which also creates inefficiency in the Council's work; and

WHEREAS, the Council's efficiency would be improved if the Charter were to provide for automatic withdrawal of a board or commission nomination when the Mayor notifies the Council the nominee has withdrawn, has died, or is ineligible; now, therefore,

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

1. That, in accordance with Section 14-1, Revised Charter of the County of Maui (1983), as amended ("Charter"), it proposes that Subsection 5 of Section 13-2, pertaining to Boards and Commissions, be amended as follows:

"5. The members of boards and commissions appointed by the mayor, with approval of the council, may be removed for cause upon recommendation [of such removal] by the mayor, effective thirty days after the council is notified of the mayor's recommendation, unless the council disapproves the

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removal by resolution. [and the approval of two-thirds of the entire membership of the council.]”

2. That, in accordance with Section 14-1 of the Charter, it proposes that Subsection 16 of Section 13-2 of the Charter, pertaining to Boards and Commissions, be amended as follows:

“16. A vacancy on a commission or board due to the expiration of a member's term [shall] must be filled as follows: Not more than [seventy (70)] eighty days nor less than sixty [(60)] days before the vacancy is to occur, the mayor [shall] must submit to the council the name of the mayor's nominee to fill the vacancy. Within sixty [(60)] days, [thereafter] the council [shall] must act to approve or disapprove the nominee[.], except that the nomination will be deemed disapproved immediately upon the council being informed in writing by the mayor that the nominee has withdrawn, has died, or is not eligible. If the council disapproves the nominee, it [shall] must immediately [so] notify the mayor of its action. The mayor [shall] must then submit the name of a second nominee to the council within ten [(10)] days, and the council [shall] must then act [thereon] within sixty [(60)] days[.], except that the nomination will be deemed disapproved immediately upon the council being informed in writing by the mayor that the nominee has withdrawn, has died, or is not eligible. The process [shall] will continue until the vacancy is filled. [In the event that] If the council fails to approve or disapprove a nominee within the required time periods, [provided for herein,] the nominee [shall] will be deemed appointed to fill the vacancy upon its occurrence. If the mayor fails to submit the name of a nominee within the specified times, [provided for herein,] the council may within sixty [(60)] days nominate and approve the appointment of an individual to fill the vacancy.”

3. That, in accordance with Section 14-1 of the Charter, it proposes that Subsection 17 of Section 13-2 of the Charter, pertaining to Boards and Commissions, be amended as follows:

“17. A vacancy on a commission or board [due to death, resignation, or removal shall] that occurs before the expiration

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of a member's term must be filled as follows: Within thirty ~~[(30)]~~ days of the occurrence of a vacancy the mayor ~~[shall]~~ must submit to the council the name of the mayor's nominee to fill the vacancy. Within sixty ~~[(60)]~~ days, ~~[thereafter]~~ the council ~~[shall]~~ must act to approve or disapprove the nominee~~[.]~~, except that the nomination will be deemed disapproved immediately upon the council being informed in writing by the mayor that the nominee has withdrawn, has died, or is not eligible. If the council disapproves the nominee it ~~[shall]~~ must immediately ~~[so]~~ notify the mayor of its action. The mayor ~~[shall]~~ must then submit the name of a second nominee to the council within ten ~~[(10)]~~ days, and the council ~~[shall]~~ must act ~~[thereon]~~ within sixty ~~[(60)]~~ days~~[.]~~, except that the nomination will be deemed disapproved immediately upon the council being informed in writing by the mayor that the nominee has withdrawn, has died, or is not eligible. This process ~~[shall]~~ will continue until the vacancy is filled. ~~[In the event that]~~ If the council fails to approve or disapprove a nominee within the specified time periods, ~~[provided for herein,]~~ that nominee ~~[shall]~~ will be deemed appointed to fill the vacancy upon its occurrence. If the mayor fails to submit the name of a nominee within the specified times, ~~[provided for herein,]~~ the council may within sixty ~~[(60)]~~ days nominate and approve the appointment of an individual to fill the vacancy.”

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

5. That, in accordance with Subsection 1 of Section 14-2 of the Charter, this resolution be submitted to the voters of the County of Maui at the next General Election; and

6. That the County Clerk prepare the necessary ballot for presentation to the voters at the next General Election; and

7. That, in accordance with Section 14-1 of the Charter, it proposes that the following question be placed on the next General Election ballot:

**Resolution No. \_\_\_\_\_**

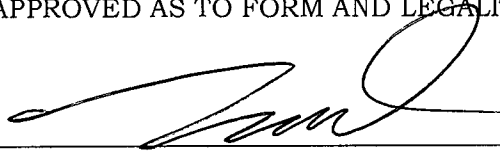
“Shall the Charter be amended, effective January 2, 2021, to provide for the automatic removal of a board or commission member for cause upon the Mayor’s request, unless the Council disapproves the removal within 30 days, and for the automatic disapproval of a nominee to a County board or commission when the nominee withdraws, dies, or is not eligible?”; and

8. That, in accordance with Subsection 2 of Section 14-2(2) of the Charter, the County Clerk publish the proposed amendment as set forth in this Resolution in its entirety in a newspaper of general circulation; and

9. That, upon approval by the majority of the voters voting on the proposed amendment, the amendment proposed by this Resolution will take effect on January 2, 2021; and

10. 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 read 'E. Kushi, Jr.', is written over a horizontal line.

EDWARD S. KUSHI, JR.

Department of the Corporation Counsel

County of Maui

2019-2035

PAF 19-276 2019-12-26 Resolution