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OFFICE OF THE
COUNTY COUNCIL



MEMO TO: GET-10 File

F R O M: Keani Rawlins-Fernandez, Council Vice Chair

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO
PROPOSED CHARTER AMENDMENTS** (PAF 19-388)

The attached legislative proposal pertains to Item 10 on the Committee's agenda.

paf:rem:19-388b

Attachment

Resolution

No. _____

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, TO ALLOW ATTORNEYS
WITHIN THE OFFICE OF COUNCIL SERVICES
TO SERVE AS LEGAL REPRESENTATIVES OF
THE COUNCIL AND ITS MEMBERS

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 Section 3-6 of the Charter, pertaining to powers of the council, be amended to read as follows:

"Section 3-6. Powers of Council. The council [shall be] is the legislative body of the county. Without limitation of the foregoing grant or of other powers given it by this charter, the council [shall have the power] is authorized to:

1. [To legislate] Legislate taxes, rates, fees, assessments and special assessments and to borrow money, subject to the limitations provided by law and this charter.
2. [To legislate] Legislate appropriations for county purposes subject to the limitations provided by this charter.
3. [To conduct] Conduct investigations of (a) the operation of any department or function of the county and (b) any subject upon which the council may legislate.
4. [To fix] Fix the salaries of such employees and officers as may be necessary.
5. [To require] Require periodic and special reports from all county departments concerning their

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functions and operations. Such reports [shall] must be requested and submitted by and through the mayor.

6. [To retain] Retain, employ, or designate, by a vote of two-thirds of its entire membership, special counsel as legal representative for any special matter presenting a real necessity for such employment. Any such employment [shall] must specify the compensation, if any, to be paid for said services.
7. [To designate] Designate attorneys within the office of council services to serve as legal advisors to and representatives of the council and its members. [(Amended 2016)]"; and

2. That in accordance with Section 14-1 of the Charter, it proposes that Subsection 2 of Section 3-7 of the Charter, pertaining to attorneys within the office of council services, be amended to read as follows:

"The attorneys within the office of council services, in addition to the attorneys within the department of the corporation counsel, may serve as legal advisors to and representatives of the council and its members."; and

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

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

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“Shall the Charter be amended to allow attorneys within the Office of Council Services to serve, effective January 2, 2021, as legal representatives of the Council and its members?”; and

7. That, in accordance with Subsection 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 the result, the amendment proposed in this Resolution will take effect as of January 2, 2021; 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

paf:rem:19-388a