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OFFICE OF THE  
COUNTY COUNCIL

MEMO TO: GET-10 File

F R O M: Kelly T. King, Council Chair

*Kelly T. King*

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO  
PROPOSED CHARTER AMENDMENTS** (PAF 19-129)

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

paf:cmn:19-129c

Attachment

# Resolution

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

PROPOSING AN AMENDMENT TO THE  
REVISED CHARTER OF THE COUNTY OF MAUI  
(1983), AS AMENDED, RELATING TO  
APPOINTMENT OF TEMPORARY  
ADMINISTRATIVE HEADS

WHEREAS, at its meeting of February 15, 2019, reconvened on February 22, 2019, the Council adopted resolutions disapproving the nominations of three administrative heads appointed by the Mayor; and

WHEREAS, by press release dated February 26, 2019, the Mayor announced that he “has invoked the Maui County Charter’s temporary appointment provision to maintain three acting department directors in their positions until replacements can be found and appointed.”; and

WHEREAS, Subsection 6-2(5) of the Revised Charter of the County of Maui (1983), as amended (“Charter”), outlines the procedure for the Mayor to appoint administrative heads upon taking office and for the Council to confirm or deny such appointments, and provides in pertinent part, “The appointee shall take office upon appointment by the mayor but shall not continue in office if the council denies the appointment.”; and

WHEREAS, the Mayor’s appointments of the same individuals to serve as temporary administrative heads after being disapproved by the Council effectively allows the appointees to continue in office despite the Council’s denial; and

WHEREAS, by correspondence dated March 7, 2019, the Corporation Counsel opined that the Mayor has the authority to appoint, on a temporary basis, the same individual who has been disapproved by the Council as the administrative head of a department, and suggested language to amend the Charter to explicitly prohibit such a result; 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 6-2(4) of the Charter, pertaining to appointment of temporary administrative heads, be amended to read as follows:

“Section 6-2(4). The mayor shall have the authority to appoint, on a temporary basis, an administrative head of any department, provided that such department is one where the administrative head is appointed by the mayor[.], and provided further that any such person so appointed shall not have been previously denied by the council as administrative head for such department, pursuant to Section 6-2(5), in the same mayoral term.”; and

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

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:

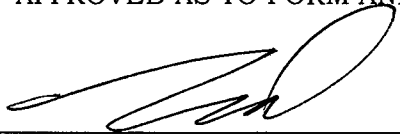
“Shall the Charter be amended, effective January 2, 2021 or upon official certification of the results, whichever is later, to explicitly provide that a person whose appointment as the administrative head of a department has been denied by the Council pursuant to Charter Section 6-2(5) may not subsequently be appointed on a temporary basis as the administrative head for the same department in the same mayoral term?”; and

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

7. That, upon approval by the majority of the voters voting on the proposed amendment, the amendment proposed herein shall take effect as of January 2, 2021 or upon official certification of the results, whichever is later; 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, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Department of the Corporation Counsel  
County of Maui

paf:cmn:19-129a