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OFFICE OF THE  
GOV. COUNCIL

MEMO TO: GET-10 File

F R O M: Keani Rawlins-Fernandez  
Council Vice-ChairSUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO  
PROPOSED CHARTER AMENDMENT TO APPOINTMENT AND  
REMOVAL OF OFFICERS AND EMPLOYEES** (PAF 19-391)

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

paf:kmatt:19-391b

Attachment

# Resolution

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

PROPOSING AN AMENDMENT TO THE  
REVISED CHARTER OF THE COUNTY OF MAUI  
(1983), AS AMENDED, RELATING TO  
APPOINTMENT AND REMOVAL OF OFFICERS  
AND EMPLOYEES

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 6-2 of the Charter, pertaining to Appointment and Removal of Officers and Employees, be amended to read as follows:

**"Section 6-2. Appointment and Removal of Officers and Employees.**

1. The administrative head of a department may not appoint more than the staff for which appropriations have been made by the council.

2. No appointing authority [shall] may appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of the office or position.

3. The term of office of any administrative head of a department who is appointed by the mayor [shall end] ends with the term of office of the mayor, except that any such administrative head may be earlier removed as provided for in this charter. Such officers [shall] may not hold over more than sixty [(60)] days after their respective terms of office, and [shall] must immediately vacate their respective offices at the end of the [60-day] sixty-day period or upon the appointment of a successor in accordance with this charter, whichever occurs first.

4. The mayor [shall have] has the authority to appoint, on a temporary basis, an administrative head of any department, [provided] if that [such] department is one where the administrative head is appointed by the mayor and the appointee was not previously denied appointment for

the same or any other department within the same mayoral term.

5. Within sixty [(60)] days of taking office, or within sixty [(60)] days after a vacancy is created, the mayor [shall] must appoint the managing director, corporation counsel, prosecuting attorney, director of finance, director of public works, director of parks and recreation, planning director, director of housing and human concerns, director of water supply, director of transportation, and director of environmental management, with written notice of the appointment to the council. The council [shall] must confirm or deny the appointment within sixty [(60)] days after receiving notice of the appointment by the mayor. If the council does not act within the [60-day] sixty-day period, the appointment [shall] will be deemed to be confirmed. The appointee [shall take] takes office upon appointment by the mayor but [shall] may not continue in office if the council denies the appointment, for any period of time or for any reason, including appointment as a temporary department head. If the appointment is denied by the council, the mayor [shall] must make a new appointment within sixty [(60)] days of the council's denial, and the council [shall] must confirm or deny within sixty [(60)] days after receiving notice of the new appointment by the mayor. If the council does not act within the [60-day] sixty-day period, the appointment [shall] will be deemed to be confirmed.”; and

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

3. 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

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

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

“Shall the Charter be amended to prohibit the Mayor from appointing a temporary appointee as an administrative head of any department if that person was previously denied appointment as a department head within the same mayoral term?”; and

6. That, in accordance with 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

7. 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

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

APPROVED AS TO FORM AND LEGALITY

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Department of the Corporation Counsel  
County of Maui

paf:kmatt:19-391a