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OFFICE OF THE COUNTY CLERK

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MEMO TO: Michael J. Molina, Chair
Governance, Ethics, and Transparency Committee (GET)

F R O M: Kathy L. Kaohu, Clerk 
Office of the County Clerk

**SUBJECT: AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY
OF MAUI (1983) (GET 10-(1))**

In response to a GET staff request for information pertaining to previous charter amendment proposals over the past fifteen years, please find attached a quick reference summary as to the number of proposals that made it to the general election ballot over the past thirteen elections.

Also included is a more detailed summary including disposition of the proposal, and either the actual ballot question, or the corresponding resolution number authorizing the proposal.

The information was readily available in order to assemble the quick reference summary, so included the data as an archival reference as well.

Please contact my office at ext. 7826 should you have any questions regarding this information.

Attachment

Ballot Questions for Proposed Charter Amendments by Election (1994-2018)

2018 General – Amendment(s)

1. MAUI: Claims (require Claims be filed with Corporation Counsel, instead of County Clerk)
2. MAUI: Penalties (Unpermitted Transient Accommodation Fines)
3. MAUI: Open Space Fund (expand allowable use of funds for safety & security improvements of newly acquired properties)

2016 General – Amendment(s)

1. MAUI: Withdrawal of Signature from Supplemental Petition
2. MAUI: Review of Supplemental Petition
3. MAUI: Emergency Management Agency
4. MAUI: Approval of and Qualifications for Various Directors
5. MAUI: Office of Council Services' Attorneys

2014 General – Amendment(s)

1. MAUI: Affordable Housing Fund
2. MAUI: Penalties

2012 General – Amendment(s)

1. MAUI: Commission: Council Terms
2. MAUI: Commission: Ocean Rescue and Safety
3. MAUI: Commission: County Auditor
4. MAUI: Commission: Interactive Communication
5. MAUI: Commission: Charter Revision Publication
6. MAUI: Commission: Council Residency Requirement
7. MAUI: Commission: Mayor Residency Requirement
8. MAUI: Commission: Environmental Management
9. MAUI: Commission: Annual Evaluation
10. MAUI: Commission: Preamble
11. MAUI: Council: Unexpired Term

2010 General – Amendment(s)

1. MAUI: Affordable Housing Fund
2. MAUI: Financial Disclosure Statements of Candidates for Elective County Office
3. MAUI: Budget Ordinance and Capital Program Ordinance

2008 General – Amendment(s)

0. MAUI: No Amendments

2006 General – Amendment(s)

1. MAUI: Department of Public Works and Environmental Management
2. MAUI: Affordable Housing Fund
3. MAUI: Claim for damage or injury

2004 General – Amendment(s)

0. MAUI: No Amendments

Ballot Questions for Proposed Charter Amendments by Election (1994-2018)

2002 General – Amendment(s)

1. MAUI: Article 1
2. MAUI: Four Year Council Terms
3. MAUI: Responsibility for Corp Counsel
4. MAUI: Rename Dept of Pub Work/Waste
5. MAUI: Rename Dept of Fire Control
6. MAUI: Responsibilities Dept of Planning
7. MAUI: Role of Citizen Advisory Comm
8. MAUI: Role of Citizen Adv Comm Alt
9. MAUI: Powers Civil Serv Commission
10. MAUI: More Autonomy Dept of Water
11. MAUI: Dept Water Under Mayor Adm
12. MAUI: Create City Department of Transportation
13. MAUI: Staggered Terms Salary Comm
14. MAUI: 1% Real Property Tax Open Space
15. MAUI: Mtgs Boards/Commissions
16. MAUI: Housekeeping Changes
17. MAUI: Public Record Requests
18. MAUI: Nomination Boards/Commissions
19. MAUI: Initiative

2000 General – Amendment(s)

0. MAUI: No Amendments

1998 General – Amendment(s)

1. MAUI: Non-Partisan Elections
2. MAUI: Council Vacancy Provision

1996 General – Amendment(s)

1. MAUI: Board of Variance & Appeals
Transfer BVA to Dept. of Planning

1994 General – Amendment(s)

1. MAUI: Water Rules
2. MAUI: Cost of Government Commission
3. MAUI: Financial Disclosures

Ballot Questions for Proposed Charter Amendments by Election (1994-2018)

2018 Election

MAUI: Claims (failed)

Shall Section 13-6 of the Charter be amended, effective January 2, 2019, to require that claims be filed with the Corporation Counsel instead of the County Clerk?

MAUI: Penalties (passed)

Shall the Charter be amended, effective January 2, 2019, to increase the penalty for the operation of a transient accommodation without a necessary permit from the current \$1,000 amount to a civil fine of up to \$20,000 plus \$10,000 per day for each day the unlawful operation persists, unless a higher fine is authorized by State law, and to clarify that the current limit of a \$1,000 fine for the violation of an ordinance is a limit of \$1,000 per day the violation persists?

MAUI: Open Space Fund (passed)

Shall the Charter be amended, effective January 2, 2019, to expand the uses of the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund to authorize the fund to be used to perform safety and security improvements on lands acquired through the fund?

2016 Election

MAUI: Withdrawal of Signature from Supplemental Petition (passed)

Shall Sections 11-4 and 11-5 of the Charter be amended to correct clerical errors and to provide consistency within the Charter by allowing an individual to withdraw their signature from a supplemental petition?

MAUI: Review of Supplemental Petition (passed)

Shall Section 11-5 of the Charter be amended to allow the County Clerk twenty (20) days to review a supplemental petition, instead of ten (10) days?

MAUI: Emergency Management Agency (passed)

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

MAUI: Approval of and Qualifications for Various Directors (passed)

Shall the Charter be amended to require Council approval of the Mayor's appointment of the Managing Director, Director of Finance, Director of Public Works, Director of Parks and Recreation, Planning Director, Director of Housing and Human Concerns, Director of Transportation, and Director of Environmental Management and to allow additional qualifications for department directors to be established by ordinance?

Ballot Questions for Proposed Charter Amendments by Election (1994-2018)

2016 Election – Cont'd

MAUI: Office of Council Services' Attorneys (passed)

Shall Sections 3-6, 3-7, and 8-2.3 of the Charter be amended to allow attorneys within the Office of Council Services, in addition to the attorneys within the Department of the Corporation Counsel, to serve as legal advisors to the Council and its members, and to allow the Council to designate, by two-thirds vote of its entire membership, attorneys within the Office of Council Services as special counsel to serve as legal representatives for any special matter presenting a real necessity for such employment?

2014 Election

MAUI: Affordable Housing Fund (passed)

Shall the Charter be amended to extend through fiscal year 2021 the requirement that two percent (2%) of the certified real property tax revenues be appropriated into an affordable housing fund to be used for the provision, protection, and expansion of affordable housing and suitable living environments for persons of very low to gap income?

MAUI: Penalties (failed)

Shall Section 13-10 of the Charter be amended to increase the current maximum penalty that may be imposed for violations of any provisions of the Charter and violations of ordinances and rules having the force and effect of law from \$1,000 or one year's imprisonment, or both, to \$25,000 or one year's imprisonment, or both?

2012 Election (Charter Commission Year)

MAUI: Commission: Council Terms (failed)

Should Section 3-2.5 and Article 15 of the Charter be amended to lengthen the terms of Council Members from two (2) to four (4) years, with term limits of three (3) consecutive terms, whether such terms are two (2) or four (4) years, beginning on January 2, 2015, with terms to be staggered?

MAUI: Commission: Ocean Rescue and Safety (passed)

Should Section 8-7.4 of the Charter be amended to assign shoreline and ocean rescue and safety to the Department of Fire and Public Safety?

MAUI: Commission: County Auditor (passed)

Should the Charter be amended to establish an independent Office of the County Auditor, to provide for the appointment and removal of an independent County Auditor by the County Council, to define the County Auditor's duties and powers in order to increase accountability and efficiency of County operations, to attach the Cost of Government Commission as an advisory

Ballot Questions for Proposed Charter Amendments by Election (1994-2018)

2012 Election (Charter Commission Year) – Cont'd

board to the County Auditor, and to make other clarifying, conforming, transitional, and related amendments?

MAUI: Commission: Interactive Communication (passed)

Should Article 3, County Council, of the Charter be amended to require interactive communications access for public testimony at all County Council and County Council committee meetings for the residents of Hana, Lana'i, Moloka'i and other geographic areas as the Council deems appropriate and reasonable?

MAUI: Commission: Charter Revision Publication (passed)

Should Article 14 of the Charter be amended to add a new section to require that the Maui County Charter be revised and published to include all new significant amendments adopted?

MAUI: Commission: Council Residency Requirement (passed)

Should Section 3-3 of the Charter be amended to increase the time period for residency requirements in the County of Maui, and from the area which the person seeks to be elected from 90 days to 1 year before a candidate for council files nomination papers?

MAUI: Commission: Mayor Residency Requirement (passed)

Should Section 7-3 of the Charter be amended to increase the time period for residency requirement in the County of Maui from 90 days to 1 year before a candidate for Mayor files nomination papers?

MAUI: Commission: Environmental Management (passed)

Should Section 8-15.3 of the Charter be amended to add the following to the Powers, Duties and Functions of the Director of the Department of Environmental Management: Guide efforts to optimize opportunities for environmental, natural resource protection, sustainability, conservation, and restoration?

MAUI: Commission: Annual Evaluation (passed)

Should Chapters 7 (Department of Fire and Public Safety), 9 (Department of Personnel Services), 12 (Department of Police), and 13 (Department of Liquor Control) of Article 8 of the Charter be amended to provide consistency in the process in which the various commissions of the listed departments that appoint its directors or chiefs handle the evaluation and removal of its directors or chiefs?

Ballot Questions for Proposed Charter Amendments by Election (1994-2018)

2012 Election (Charter Commission Year) – Cont'd

MAUI: Commission: Preamble (passed)

Should the Preamble of the Charter be amended to add that the people of the County of Maui being mindful of their Hawaiian history, heritage and culture and uniqueness as a four island County shall dedicate their efforts to fulfill the philosophy decreed by the Hawaii State motto, "Ua mau ke ea o ka aina ika pono," ["The life of the land is perpetuated in righteousness."]?

MAUI: Council: Unexpired Term (passed)

Shall the Charter be amended to clarify that a council member who fills a vacancy in office for the remainder of an unexpired term shall not have the remainder of the unexpired term counted towards the maximum number of consecutive terms the councilmember may serve?

2010 Election

MAUI: Affordable Housing Fund (passed)

Should a minimum of two percent (2%) of the certified real property tax revenues for fiscal years 2008 through 2015 be appropriated into an affordable housing fund to be used for the provision, protection, and expansion of affordable housing and suitable living environments for persons of very low to gap income?

MAUI: Financial Disclosure Statements of Candidates for Elective County Office (passed)

Should candidates for elective County office be required to file financial disclosure statements concurrently with the filing of nomination papers, instead of allowing financial disclosures to be filed within 15 days of filing nomination papers?

MAUI: Budget Ordinance and Capital Program Ordinance (passed)

Should the Charter be revised, effective as of January 1, 2011, to: (1) Reduce by ten days the amount of time the mayor has to veto budget and capital program ordinances; (2) Extend by ten days, to March 25 of each year, the deadline for the mayor to submit to council annual budget and capital program ordinance proposals; and (3) Extend by ten days, to June 10 of each year, the date by which Council must pass annual budget and capital program ordinances?

2008 Election – None

2006 Election

MAUI: Department of Public Works and Environmental Management (passed)

Ballot Questions for Proposed Charter Amendments by Election (1994-2018)

2006 Election – Cont'd

Should the Department of Public Works and Environmental Management be divided to form two separate departments, a Department of Public Works and a Department of Environmental Management, and should the provisions of the Charter be modified by non-substantive “housekeeping” measures related to this amendment?

MAUI: Affordable Housing Fund (passed)

Should a minimum of two percent (2%) of the certified real property tax revenues for fiscal years 2008 through 2011 be appropriated into an affordable housing fund to be used for the provision and expansion of affordable housing and suitable living environments for persons of very low to moderate income?

MAUI: Claim for Damage or Injury (passed)

Should the Charter provision relating to the filing of personal injury and property damage claims against the County of Maui be changed so as to require that notices of claims be filed “within the time period as provided by law” instead of within two years after the date of injury, to conform to controlling State law, which currently provides for a period of six months?

2004 Election - None

2002 Election

MAUI: Article 1 (passed)

Should the Article 1 of the Charter be amended to confirm the equal worth and dignity of every individual?

MAUI: Four Year Council Terms (failed)

Should the terms of Councilmembers be lengthened from two (2) to four (4) years, with term limits of three (3) consecutive terms or twelve (12) consecutive years (whichever shall be longer), beginning in 2004, with terms to be staggered?

MAUI: Responsibilities of Corporation Counsel (passed)

Should the responsibilities of the Corporation Counsel be clarified to state explicitly that the Corporation Counsel is the legal advisor and representative of the County of Maui, the Council, the Mayor, all county departments, and all boards and commissions, and to state that the Corporation Counsel shall perform additional duties "as may be incident to the department or required by law" instead of the current "as shall be assigned by the mayor"?

Ballot Questions for Proposed Charter Amendments by Election (1994-2018)

2002 Election – Cont'd

MAUI: Renaming of Department of Public Works and Waste Management (passed)

Should the name of the Department of Public Works and Waste Management be changed to be the "Department of Public Works and Environmental Management" and should its responsibilities be broadened to include supervision of environmental management and pollution, including solid waste collection, recycling, litter control, and protection of the unique beauty of Maui County?

MAUI: Renaming of Department of Fire Control (passed)

(A) Should the name of the Department of Fire Control be changed to be the "Department of Fire and Public Safety," (B) should the name of the Public Safety Commission be changed to be the "Fire and Public Safety Commission," (C) should this Commission be given the responsibility to hire and fire the fire chief and the power to review the Department's budget, and (D) should the duties of the Fire Chief be clarified to include responsibilities over rescue and first-responder emergency services, public education, training, and monitoring the standards for construction and occupancy of buildings?

MAUI: Responsibilities of Department of Planning (passed)

Should the planning process be clarified whereby (A) the duties of the Department of Planning would include long-range planning and management of cultural resources, (B) the Department would be required to enforce zoning ordinances, (C) the Planning Commissions would be required to review and take action on revisions to the General Plan and on amendments to land-use ordinances within 180 and 120 days respectively after the final public hearing, (D) the purpose and nature of the General Plan would be clarified by incorporating language from Section 226-58 of the Hawai'i Revised Statutes, (E) the Planning Director would be required to issue an annual report on the implementation and enforcement of the General Plan and the community plans, and (F) the County Council would be required to take action on revisions to the General Plan proposed by the Planning Director within one year and on proposed revisions to zoning and land-use ordinances within 180 days?

MAUI: Role of Citizen Advisory Committees (passed)

Should the role of the Citizen Advisory Committees be to review and recommend revisions to the community plans and to stay in existence until their recommended revisions are approved, modified, or rejected by the Council and the Mayor, and should the community plans once approved become part of the General Plan?

MAUI: Role of Citizen Advisory Committees (2) (passed)

Should the role of the Citizen Advisory Committees be to review and recommend revisions to the community plans, to monitor the implementation and enforcement of the general and community plans, and to review comprehensive revisions to the general and community plans at least every ten years, and shall these Citizen Advisory Committees be permanent for each community plan district?

Ballot Questions for Proposed Charter Amendments by Election (1994-2018)

2002 Election – Cont'd

MAUI: Powers of the Civil Service Commission (passed)

Should the Civil Service Commission have the power to remove the Director of Personnel Services, but only after the Director has been given notice of charges and has been granted a hearing?

MAUI: More Autonomy for the Department and Board of Water Supply (failed)

Should the Department and Board of Water Supply be restructured to have more control to operate, whereby (A) the Department would have the authority to coordinate private water systems (while respecting existing property rights), and (B) the Department would have the responsibility to prepare water use and development plans for each community plan district and a long-range capital improvement plan (both of which would be updated every five years); whereby (C) the Board of Water Supply would be restructured so that the Directors of the Departments of Planning and Public Works become voting members of the Board and the other seven members would be appointed by the Mayor with approval by the Council for three-year terms (subject to being reappointed once), (D) the Board would be given the power to establish rules and set rates without further review, (E) the Board would be required to evaluate the Director annually, and (F) the Board could hire (using the Department's revenues) independent legal counsel by a two-thirds vote when necessary; and whereby (G) an independent audit would be conducted annually, after which the Council could make recommendations for changes?

MAUI: Department of Water Supply Under the Mayor / Administration (passed)

Should the Department and Board of Water Supply be restructured in a manner whereby (A) the Department would become a regular County agency subject to the Mayor's executive management and the Council's legislative oversight and (B) the Board would be recasted as an advisory body (with the power to recommend budget proposals and rate adjustments), whereby (C) the Mayor would be assigned the power to appoint the Director (with the approval of the Council) and (D) the Mayor and Council would continue to have final approval of rates and regulations; whereby (E) the Department would have the responsibility to survey public and private water sources and (F) prepare and annually update a long-range capital improvement plan (subject to Council approval) and implement such approved plans, and whereby (G) the Council would have the power to issue general obligation bonds and provide appropriations for capital improvements of the water system?

MAUI: Creation of a City Department of Transportation (passed)

Should a new Department of Transportation be created, to be directed by a Director of Transportation, who would have responsibility for planning and coordinating the development of new highways and public transportation as well as transportation in the air and on water?

Ballot Questions for Proposed Charter Amendments by Election (1994-2018)

2002 Election – cont'd

MAUI: Staggered Terms for the Salary Commission (passed)

Should the terms of the members of the Salary Commission be staggered so that two of the nine members would be appointed (or reappointed) each year (except that only one would be appointed or reappointed every fifth year)?

MAUI: 1% Real Property Tax to Open Space Fund (passed)

Should a minimum of one percent (1%) of the real property tax revenues be put each fiscal year into the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund to be used for purchasing lands or other property entitlements to preserve open space, and should the unspent revenues in this Fund remain in the Fund, and not lapse, thereby accumulating from year to year?

MAUI: Boards and Commission meetings (passed)

Should boards and commissions be allowed to meet in accessible privately-owned locations when publicly owned buildings are not available or appropriate for their meeting?

MAUI: Housekeeping Changes (passed)

Should the provisions of the Maui County Charter be modified by nonsubstantive "housekeeping" changes including (A) removing obsolete provisions, (B) using gender-neutral language throughout the Charter, (C) using Hawaiian language spellings for Hawaiian place names, (D) describing the Council residency areas in geographical terms (instead of by reference to voting precincts), (E) eliminating references to political parties to fill Council vacancies, (F) changing "crime of moral turpitude" to "felony" with reference to the disqualification of the Mayor, (G) clarifying restrictions on County employees appearing before boards and commissions, and (H) renumbering sections as appropriate in light of other amendments?

MAUI: Public Record Requests (passed)

Should the Charter provision requiring the Council to route public-record requests through the Mayor be deleted in conformity with the Uniform Information Practices Act?

MAUI: Board and Commission Nominations (passed)

Should the Council have the power to nominate and approve the appointment of an individual to fill a vacancy on a board or commission if the Mayor fails to submit the name of a nominee within the time period provided for by the Charter?

Ballot Questions for Proposed Charter Amendments by Election (1994-2018)

2002 Election – cont'd

MAUI: Initiative (passed)

Should the process for proposing an ordinance by initiative be changed by: (A) increasing the time allowed to gather necessary signatures from 30 days to 180 days; (B) reducing the number of necessary signatures from 20% of registered voters to 20% of the total number of voters who cast ballots in the prior mayoral general election; and (C) submitting a proposed ordinance to the voters at a general election (instead of at a special election)

2000 Election - None

1998 Election

MAUI: Non-Partisan Elections (passed) Reso 98-091 (Draft 1)

MAUI: Council Vacancy Provision (passed) Reso 98-092 (Draft 1)

1996 Election

MAUI: Board of Variance and Appeals (passed) (Reso 96-79)

MAUI: Transfer BVA to Planning Department (passed) (Reso 96-78)

1994 Election

MAUI: Water Rules (passed) (Reso 94-77)

MAUI: Cost of Government Commission (passed) (Reso 94-6)

MAUI: Financial Disclosures (passed) (94-70)