

REQUEST FOR LEGAL SERVICES

D a t e: June 29, 2020

F r o m: Michael J. Molina, Chair

Government Ethics and Transparency Committee

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Gary Murai, Esq.

Subject: PROPOSED CHARTER AMENDMENTS (COUNCIL TERM LIMITS) (GET-10(13))

Background Data: Please review the revised proposed resolution.

Work Requested: ☒ FOR APPROVAL AS TO FORM AND LEGALITY

☐ OTHER:

Requestor's signature <u>Michael J. Molina</u> Michael J. Molina	Contact Person <u>Shelly Espeleta</u> (Telephone Extension: <u>7134</u>)
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☐ ROUTINE (WITHIN 15 WORKING DAYS)

☐ RUSH (WITHIN 5 WORKING DAYS)

☐ PRIORITY (WITHIN 10 WORKING DAYS)

☐ URGENT (WITHIN 3 WORKING DAYS)

☒ SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): July 1, 2020

REASON: To meet posting deadline for the July 10, 2020 Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE COMMENTS BELOW)

☐ RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): _____

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

get:ltr:010(13)acc01:ske

Attachment

Resolution

No. _____

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, TO ESTABLISH
STRICTER TERM LIMITS FOR COUNCIL
MEMBERS

WHEREAS, the Council seeks to implement stricter term limits for Councilmembers; and

WHEREAS, any terms of office served prior to the effective date of this amendment will not be counted toward the term limits; now, therefore,

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

1. That in accordance with Section 14-1(1), Revised Charter of the County of Maui (1983), as amended ("Charter"), it proposes that Subsection 5 of Section 3-2 of the Charter, pertaining to term limits for Council members, be amended to read as follows:

"5. The term of office of council members shall be for two (2) years, beginning at twelve o'clock meridian on the second day of January following their election. No member of the county council shall serve more than five [consecutive] full terms of office.";

2. That material to be repealed is bracketed;

3. 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;

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

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:

Resolution No. _____

“Shall the Charter be amended to establish stricter term limits for Council members by limiting the number of terms a person may serve as a Council member to five full terms?”;

6. That, in accordance with Subsection 2 of Section 14-2 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;

7. That, if approved by the majority of the voters voting on the proposed amendment, the amendment proposed by this Resolution will take effect on January 2, 2021;

8. That its express intent is that “full term” means any uninterrupted time in office for at least two years starting on the effective date of the amendment proposed by this Resolution or any later date; 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

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