

REQUEST FOR LEGAL SERVICES

RECEIVED

By Dept of the Corporation Counsel at 4:23 pm, Jul 01, 2020

Date: June 30, 2020

From: 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 (CHARTER COMMISSION) (GET-10(11))

Background Data: Please review the revised proposed resolution and, if appropriate, approve as to form and legality.

Work Requested: ☒ [X] FOR APPROVAL AS TO FORM AND LEGALITY

☐ [] OTHER:

Requestor's signature  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)

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

REASON: For posting on July 10, 2020 Council meeting agenda

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: ☒ [X] 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 7/2/20

By gmi

(Rev. 7/03)

get:ltr:010(11)acc01:ske

Attachment

Resolution

No. _____

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, RELATING TO CHARTER
COMMISSION

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 14-3 of the Charter, pertaining to the Charter Commission, be amended to read as follows:

“Section 14-3. Mandatory Review. Not later than the first day of March[, 2001] 2021, [the mayor, with the approval of the council, shall appoint] a charter commission composed of eleven members must be appointed, with two appointed by the mayor, and nine appointed by the council, with each councilmember nominating one of the nine members, to study and review the operation of the government of the county under this charter.

The commission may propose amendments to the charter or draft a new charter, which [shall] must be submitted to the county clerk within sixteen [(16)] months after [such] the commission has been appointed, after earlier review by the council, if required by state law. Upon receipt of the amendments or new charter, the county clerk [shall] must provide for the submission of [such] the amendments or new charter to the voters of the county at any general or special election as may be deemed by the commission. Any special election [shall] must be held not less than forty-five [(45)] days and no more than seventy-five [(75)] days after the receipt of the amendments or the new charter by the county clerk.

The commission [shall] must publish not less than forty-five [(45)] days before any election[,] at least once in the newspaper of general circulation within the county[,] a brief digest of the amendments or new charter and notice to the voters that copies of the amendments or new charter are available at the office of the county clerk.

Resolution No. _____

Following any special or general election on any proposed charter, or revision or amendment [thereto] to the charter, at intervals of ten ~~[(10)]~~ years, [the mayor, with the approval of the council, shall appoint] a charter commission composed of eleven members must be appointed, with two appointed by the mayor, and nine appointed by the council, with each councilmember nominating one of the nine members, to study and review the operation of the government of the county under [such] the amendments or new charter and to propose amendments or to draft a new charter in the manner [hereinabove] set forth in this article.”

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

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; 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 hereby proposes that the following question be placed on the next General Election ballot:

“Shall the Charter be amended, effective January 2, 2021, to authorize the Council to appoint nine members and the Mayor to appoint two members of the 11-member Charter Commission, which is required to study and review the operation of the County government?”; and

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; and

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; and

Resolution No. _____

8. 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

get:misc:010(11)areso01:ske