

COUNCIL OF THE COUNTY OF MAUI

GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE

July 10, 2020

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on June 30, 2020, makes reference to County Communication 19-28, from Council Chair Kelly T. King, relating to proposed amendments to the Revised Charter of the County of Maui (1983), as amended ("Charter").

By correspondence dated June 24, 2020, Councilmember Kelly Takaya King transmitted a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH STRICTER TERM LIMITS FOR THE MAYOR."

The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Section 7-2 of the Charter should be amended, effective January 2, 2021, to establish stricter term limits for the Mayor by limiting the number of terms a person may serve as Mayor to two full four-year terms.

Your Committee notes Article 14 of the Charter sets procedures related to amending the Charter. The Council, by resolution adopted after two readings on separate days and passed by a vote of six or more members, may place a Charter amendment question on the ballot at the next General Election.

Your Committee notes the National Association of Counties published a report in 2011 entitled "History of County Term Limits." The report stated:

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“ . . . there are two types of term limits, the first is a limit on the number of consecutive terms an individual can hold office and the second is a limit on the number of terms individuals can hold office during their lifetimes.”

The Charter currently provides a limit of two consecutive four-year Mayoral terms, the first type of term limits. The proposed Charter amendment would establish a lifetime limit of two four-year Mayoral terms, the second type.

Your Committee discussed the need to encourage governmental participation and leadership by a wide array of residents, which could be promoted by the proposed Charter amendment.

Your Committee further discussed the benefits of a knowledge base provided by individuals with prior Mayoral experience. However, your Committee recognized the need to develop new leaders to take on leadership roles in government.

Your Committee noted any terms of office served prior to January 2, 2021, would not count toward the term limits. Your Committee further noted that the amendment defines “full term” as “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.”

Your Committee voted 6-3 to recommend passage of the revised proposed resolution on first reading. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members King, Lee, Paltin, and Sinenci voted “aye.” Committee members Hokama, Kama, and Sugimura voted “no.”

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating nonsubstantive revisions.

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Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH STRICTER TERM LIMITS FOR THE MAYOR," be PASSED ON FIRST READING and be ORDERED TO PRINT.

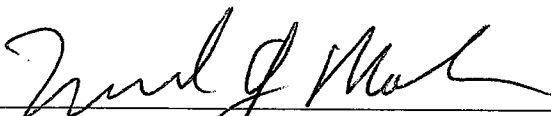
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This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL J. MOLINA, Chair

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Resolution

No. _____

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

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 7-2 of the Charter, pertaining to term limits for the mayor, be amended to read as follows:

"5. The voters of the county shall elect a mayor whose term of office shall be four (4) years beginning at twelve o'clock meridian on the second day of January following the mayor's election. A mayor shall not serve more than two [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:

"Shall the Charter be amended to establish stricter term limits for the Mayor by limiting the number of terms a person may serve as Mayor to two full terms?";

6. That, in accordance with Subsection 2 of Section 14-2 of the Charter, the County Clerk publish this proposed amendment as set forth in this Resolution in its entirety in a newspaper of general circulation;

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7. That, upon approval 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



Digitally signed by Gary Murai
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o=Corp.Counsel, ou=C & D,
email=gary.murai@co.maui.hi.us
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Department of the Corporation Counsel
County of Maui

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