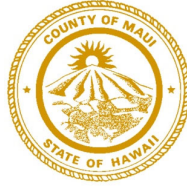


DOREEN CANTO  
GRANT CHUN  
DAVID DELEON  
PAUL DESLAURIERS  
KAREY KAPOI  
KELSON KAUANOE BATANGAN  
KEONI KUOHA  
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February \_\_, 2022

The Honorable Alice L. Lee, Chair, Maui County Council  
200 South High Street Wailuku, Maui, Hawaii 96793

**RE: Final Report of the 2022-2023 Maui County Charter Commission**

Aloha Chair Lee:

I am pleased to transmit herewith on behalf of the Maui County Charter Commission a copy of the "2021-2023 Maui County Charter Commission Final Report, February \_\_\_\_, 2022".

This report is the result of a substantial amount of work contributed by the dedicated members of the Charter Commission, and its staff, since March 2021.

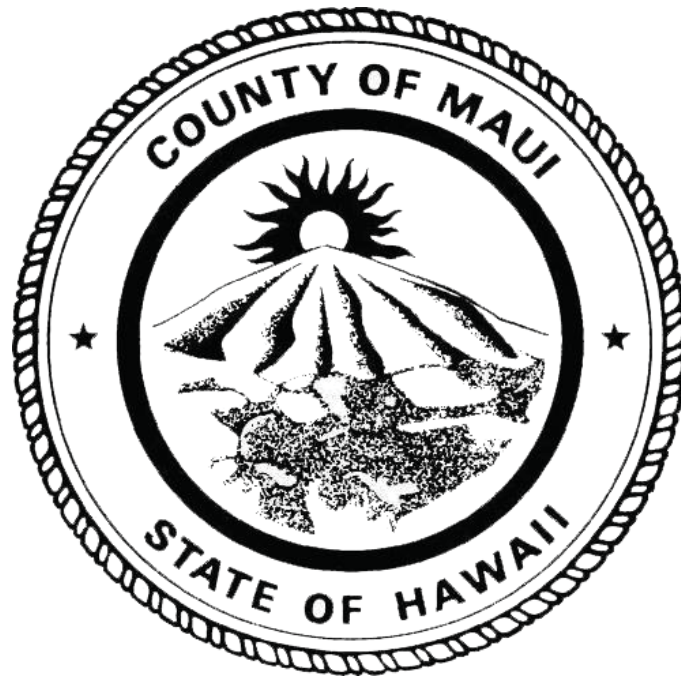
On behalf of all of the members of the Charter Commission, I would like to express our gratitude for the opportunity to propose these amendments which the Commission feels will be beneficial to our government and the people of Maui County.

Mahalo,

Maui County Charter Commission

Enc.

cc: The Honorable Michael P. Victorino, Mayor (w/enclosure)



# 2022-2023

Maui County Charter Commission  
Draft Report to the

Maui County Council

January 18, 2022

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## **2021-2122 MAUI COUNTY CHARTER COMMISSION FINAL REPORT**

### **BACKGROUND:**

The eleven members of the 2011-2012 Maui County Charter Commission (“Commission”) were appointed as follows: with two appointed by Mayor Michael P. Victorino, and nine appointed by the Maui County Council, with each Council member nominating one of the nine members, to study and review the operation of the government of the County under the Charter of the County of Maui (1983), as amended to 2021, and to propose amendments or to draft a new charter in the manner set forth in Section 14-3 of the Charter and Chapter 50, Hawai‘i Revised Statutes (HRS). The members nominated by the Council members were subsequently appointed by the Council by Resolution No. 21-027, on February 19, 2021. The members appointed were:

Grant Y.M. Chun (Wailuku) - Vice Chair and Acting Chair  
Kelson Kauanoë Batangan (Kahului)  
Doreen N. Canto (Kula)  
David P. DeLeon (Ha‘ikū)(appointed by Mayor)  
Paul C. Deslauriers (Kīhei)  
Karey K. Kapoi (Wailuku) )(appointed by Mayor)  
Keoni J. Kuoha (Pukalani)  
Douglas Ward Mardfin (Hāna)  
Ashley Olson (Lahaina)  
George Purdy IV (Lāna‘i)

On INSERT DATE, \_\_\_\_\_, 2022, was appointed by the Council by Resolution No. 22-\_\_\_\_ to replace Lance D. Collins (Makawao), who resigned December 16, 2021, as chair and member due to conflict between his service on the Commission and his appointment as a per diem judge.

### **ORGANIZATION**

Due to the COVID-19 pandemic and related State and County Emergency Proclamations, which suspended the requirement for in-person meetings, all Commission meetings were conducted by videoconference using the Bluejeans system. All meeting materials were available on the Charter Commission website.

The Commission’s first meeting was held on March 18, 2021. Mayor Michael P. Victorino agreed that due to the ambiguity in the law, he would allow the Charter Commission to select its own chairperson. The Commission nominated and the Mayor subsequently appointed Lance D. Collins as their chairperson in compliance with Section 50-3, HRS. Grant Y.M. Chun was thereafter appointed by the Commission to serve as Vice Chair.

The Commission adopted organizational and procedural rules for the conduct of its business that were amended, adopted, and effective April 15, 2021. See <https://www.mauicounty.gov/DocumentCenter/View/126603/2021-4-15-Charter-Commission-Rules>.

The Commission sought to hire a Commission Analyst and a Commission Secretary. The Commission was successful in hiring Sherry P. Broder, as the Commission Analyst. The Commission was unsuccessful in hiring a Commission Secretary but was able to have the Department of Corporation Counsel assign Cory-Lynn Vicens as Commission Secretary.

On May 7, 2021, the Council unanimously adopted Resolution No. 21-72, Authorizing the Retention of Sherry P. Broder as Special Counsel for the Charter Commission. Pursuant to that assignment, Ms. Broder issued an opinion letter dated August 5, 2021, on the applicability of the Maui County Charter when in conflict with Chapter 50, HRS, and including an analysis of the constitutional principles of Home Rule in the Article on Local Government, Hawai'i State Constitution.

The Commission was advised by Richelle M. Thomson, First Deputy Corporation Counsel, and Keola R. Whittaker, Deputy Corporation Counsel. Lisa A. Kahuhu assisted with the duties of Commission Secretary. Bluejeans video conference platform was used to record all meetings. Meeting minutes were transcribed and posted online.

The Commission established a website at [www.mauicounty.gov](http://www.mauicounty.gov) and an email address at [charter.commission@co.maui.hi.us](mailto:charter.commission@co.maui.hi.us). All documents, agendas, minutes, and meeting materials were posted on the website, and email notifications to subscribers were sent immediately after the postings. Videos of all the Commission meetings are available online at <https://www.mauicounty.gov/AgendaCenter/Charter-Commission-4>.

The Commission followed the State's Sunshine Law in posting agendas in a timely fashion, and in allowing public testimony at all of its meetings, in accordance with Chapter 92, HRS, as modified by Governor David Y. Ige's and Mayor Michael P. Victorino's Emergency Proclamations in response to the COVID-19 pandemic.

The Commission met twice a month and held its 2021-2022 regular meetings via Bluejeans videoconference, which allowed the Commission and the members to meet via audio and video as well as telephone call in.

The 2021-2022 regular meetings were scheduled as follows:

Thursday, March 18, 2021



Thursday, April 1, 2021  
Thursday, April 15, 2021  
Thursday, May 6, 2021  
Thursday, May 20, 2021  
Thursday, June 3, 2021  
Thursday, June 17, 2021  
Thursday, July 1, 2021  
Thursday, July 15, 2021  
Thursday, August 5, 2021  
Thursday, August 19, 2021  
Thursday, September 2, 2021  
Thursday, September 16, 2021  
Thursday, September 30, 2021  
Thursday, October 7, 2021  
Thursday, October 21, 2021  
Thursday, November 4, 2021  
Thursday, November 18, 2021  
Thursday, December 2, 2021  
Thursday, December 16, 2021  
Thursday, January 11, 2022

The Commission established a Matrix (master list of proposals), which was updated regularly as proposals were received. Nearly 150 proposals were received by the Commission.

The Commission established an Active Proposal List that included proposals from the Matrix that the Commission determined they would like to review further.

From the initial proposals, the Commission moved numerous proposals to the Active List, and subsequently voted to have 85 proposals put into draft language in a draft report to the Council prepared by the Legislative Analyst. The draft report was distributed to the public and a round of public meetings was held as follows:

Wednesday January 26, 2022, via Bluejeans video conference, at 5:00 p.m.  
Thursday January 27, 2022, via Bluejeans video conference, at 5:00 p.m.

After this round of public meetings, the Commission continued with its deliberations at its remote Bluejeans regular meetings scheduled as follows:

INSERT DATES

The Commission voted to put XX of the XX proposals through to the ballot. The Commission took its final votes on INSERT DATES, and approved this report for transmission to the Maui County Council and the Mayor.

**CHARTER COMMISSION REPORT:**

The report that follows presents the proposed amendments to the Revised Charter of the County of Maui (1983) (“Charter”), as amended, resulting from the deliberations of the 2021-2022 Maui County Charter Commission.

**RECOMMENDATIONS FOR SUBSTANTIVE CHANGES  
TO THE MAUI COUNTY CHARTER**

**FIRST PROPOSAL**

**Change council elections from at-large elections to elections within 3 county districts; require that at least 1 council member reside in each of the following areas: East Maui; Moloka`i; Lāna`i; create a Reapportionment Commission**

**The Commission recommends that:**

- 1. Section 3-1, Article 3 of the Charter, be amended to read as follows:**

**“ARTICLE 3  
COUNTY COUNCIL**

**Section 3-1. Composition.** There shall be a council composed of nine members who shall be elected from three regional districts each composed of three members. Each district shall have three residency areas within each regional district.

There shall be a county reapportionment commission which shall establish the boundaries of the council regional districts and determine which residency area shall be included within each regional district. The reapportionment commission shall consist of one member from each community plan area with a permanent population. The Council shall appoint a ninth member of the commission as chair. No member of the commission shall be eligible to become a candidate for election to the council in the first election after any plan is adopted. In 2023 and every tenth year thereafter shall be reapportionment years. The commission shall be appointed by April 1 of the reapportionment year and shall file its reapportionment plan with the county clerk by December 31 of the same year and it shall apply to the next succeeding election at which council members are elected to regular terms. The commission shall hold a public hearing on each island with a permanent population before final adoption of the reapportionment plan.

The commission shall be guided by the following criteria in establishing boundaries of council regional district and residency areas:

(1) no regional district shall be drawn to unduly favor or penalize a person or political faction

(2) wherein so far as<sup>1</sup> possible, regional district or residency area lines shall follow permanent and easily recognized features such as clear geographical features or historical ahupua'a boundaries,

(3) regional districts shall have approximately equal resident population as required by law,

(4) each residency area shall be contained within its regional district so that no two residency areas overlap

(5) in so far as possible, regional districts shall be contiguous and compact.

(6) in so far as possible, regional districts and residency areas shall align with community plan areas.

~~1. The East Maui (Hana Keanae Kailua) residency area shall be described as follows:~~

~~Beginning at shoreline and Kakipi Gulch~~

~~Proceed to Kepuni Gulch~~

~~North along Kepuni Gulch to Kahikinui Forest Reserve boundary~~

~~Easterly along Kahikinui Forest Reserve boundary to Haleakalā National Park boundary~~

~~Northwest, west, northerly, then southeast along Haleakalā National Park boundary to Waikamoi Stream~~

~~North along Waikamoi Stream and continuing due west to Ka`ili`ili Road~~

~~West on Ka`ili`ili Road to Opana Gulch~~

~~North along Opana Gulch to jeep trail~~

~~Easterly on jeep trail to Pālama Gulch then northeasterly to Halehaku Gulch~~

~~North along Halehaku Gulch to Kakipi Gulch~~

~~North along Kakipi Gulch to point of beginning~~

~~2. The West Maui residency area shall be described as follows:~~

~~Beginning at shoreline and Lahaina Wailuku District boundary at~~

~~Po`elua Bay~~

~~Proceed south along boundary to shoreline (Manawainui Gulch)~~

~~Northwest, north, then northeast along shoreline to point of beginning~~

~~(includes the islands of Molokini and Kaho`olawe)~~

~~3. The Wailuku Waihe`e-Waikapū residency area shall be described as follows:~~

~~Beginning at shoreline and Lahaina Wailuku District boundary~~

~~Proceed southeast along shoreline to Kanaloa Avenue extension~~

~~Southwest on Kanaloa Avenue extension to Kahului Beach Road~~

~~Southeast on Kahului Beach Road to Ka`ahumanu Avenue~~

~~West on Ka`ahumanu Avenue to Mahalani Street~~

~~Southwest on Mahalani Street to Pu`umele Street~~

~~Southwest on Pu`umele Street to Wai`inu Road~~

~~West on Wai`inu Road to Wai`ale Road~~

- ~~———— South on Wai`ale Road to East Waikō Road~~
- ~~———— East on East Waikō Road to Kū`ihēlani Highway~~
- ~~———— Southwest on Kū`ihēlani Highway to Honoapi`ilani Highway~~
- ~~———— South on Honoapi`ilani Highway to Pohākea Gulch~~
- ~~———— West, then northwest along Pohākea Gulch to point of beginning~~
- ~~4. The Kahului residency district area shall be described as follows:~~
- ~~———— Beginning at shoreline and Kanaloa Avenue extension~~
- ~~———— Proceed east along shoreline to Kanahā Beach Park boundary~~
- ~~———— Southeast along Kanahā Beach Park boundary to Kalialinui Gulch~~
- ~~———— Southeast along Kalialinui Gulch to Haleakalā Highway~~
- ~~———— Southeast on Haleakalā Highway to Lowrie Ditch~~
- ~~———— Southwest along Lowrie Ditch to Spanish Road~~
- ~~———— West, then northwest on Spanish Road to East Waikō Road~~
- ~~———— West on East Waikō Road to Wai`ale Road~~
- ~~———— North on Wai`ale Road to Wai`inu Road~~
- ~~———— East on Wai`inu Road to Pu`umele Street~~
- ~~———— North on Pu`umele Street to Mahalani Street~~
- ~~———— East, then north on Mahalani Street to Ka`ahumanu Avenue~~
- ~~———— East on Ka`ahumanu Avenue to Kahului Beach Road~~
- ~~———— Northwest on Kahului Beach Road to Kanaloa Avenue extension~~
- ~~———— Northeast on Kanaloa Avenue extension to point of beginning~~
- ~~———— Beginning at Lahaina Wailuku District boundary and Pohākea Gulch~~
- ~~———— Proceed southeast, then east along Pohākea Gulch to Honoapi`ilani Highway~~
- ~~———— North on Honoapi`ilani Highway to Kū`ihēlani Highway~~
- ~~———— Northeast on Kū`ihēlani Highway to East Waikō Road~~
- ~~———— East on East Waikō Road to Spanish Road~~
- ~~———— Southeast, then east on Spanish Road to Lowrie Ditch~~
- ~~———— South along Lowrie Ditch to Pūlehu Gulch~~
- ~~———— Southeast along Pūlehu Gulch to Waiakoa Road~~
- ~~———— South on Waiakoa Road to Kihei CDP boundary~~
- ~~———— South along Kihei CDP boundary to unnamed road~~
- ~~———— Southwest, then south on unnamed road to unnamed stream (west of Keonekai Road)~~
- ~~———— East on unnamed stream to Kula Highway~~
- ~~———— Southwest on Kula Highway to jeep trail (abutting Tiger 2000 line 85098642)~~
- ~~———— West, then south on jeep trail to Kanaio Kalama Park Road (Ulupalakua Road)~~
- ~~———— Southeast along Kanaio Kalama Park Road to Pi`ilani Highway~~
- ~~———— Southeast, then east on Pi`ilani Highway to Kepuni Gulch~~
- ~~———— Southeast along Kepuni Gulch to shoreline~~
- ~~———— Southwest, west, north, northwest, southwest then northwest along shoreline to Lahaina Wailuku District boundary (Manawainui Gulch)~~
- ~~———— North along boundary to point of beginning~~

- ~~6. The Makawao-Ha`ikū-Pā`ia residency area shall be described as follows:~~
- ~~Beginning at shoreline and Kanahā Beach Park boundary~~
  - ~~Proceed east along shoreline to Kakipi Gulch~~
  - ~~South along Kakipi Gulch to Halehaku Gulch~~
  - ~~South along Halehaku Gulch to Pālama Gulch~~
  - ~~Southeast along Pālama Gulch to unnamed jeep trail~~
  - ~~Northwest, then southwest along jeep trail to Opana Gulch~~
  - ~~South along Opana Gulch to Ka`ili`ili Road~~
  - ~~East on Ka`ili`ili Road to Waikamoi Stream~~
  - ~~South along Waikamoi Stream to Haleakalā National Park boundary~~
  - ~~Northwest, then southwest along Haleakalā National Park boundary to Kailua Gulch~~
  - ~~Northwest along Kailua Gulch to Lowrie Ditch~~
  - ~~Southwest along Lowrie Ditch to Haleakalā Highway~~
  - ~~Northwest along Haleakalā Highway to Kalialinui Gulch~~
  - ~~Northwest along Kalialinui Gulch to `Āmala Place~~
  - ~~Northwest along Kanahā Beach Park boundary to point of beginning~~
- ~~7. The Upcountry (Pukalani Kula `Ulupalakua) residency area shall be described as follows:~~
- ~~Beginning at Lowrie Ditch and Kailua Gulch~~
  - ~~Proceed southeast along Kailua Gulch to Haleakalā National Park boundary~~
  - ~~Southwest, southeast, east, then southwest along Haleakalā National Park boundary to Kahikinui Forest Reserve boundary~~
  - ~~Southwest along Kahikinui Forest Reserve boundary to Kepuni Gulch~~
  - ~~South along Kepuni Gulch to Pi`ilani Highway~~
  - ~~West on Pi`ilani Highway to Kanaio Kalama Park Road (`Ulupalakua Road)~~
  - ~~Northwest along Kanaio Kalama Park Road to jeep trail~~
  - ~~Northeast on jeep trail to Kula Highway (abutting Tiger 2000 line 85098642)~~
  - ~~Northeast along Kula Highway to unnamed stream~~
  - ~~Northwest, then west along unnamed stream to unnamed jeep trail~~
  - ~~North on unnamed jeep trail to unnamed road~~
  - ~~North on unnamed road to Kihei CDP boundary~~
  - ~~North on Kihei CDP boundary to Waiakoa Road~~
  - ~~North on Waiakoa Road to Pūlehu Gulch~~
  - ~~Northwest along Pūlehu Gulch to Lowrie Ditch~~
  - ~~North, then northeast along Lowrie Ditch to point of beginning~~
- ~~(Amended 2002, 1998, 1992, 1990)~~

**Section 15—3-1( )**. The first reapportionment commission shall determine the specific boundaries of the three regional districts based upon the three following areas: (1) Wailuku-Kahului and the island of Moloka'i; (2) West and South Maui and the island of Lana'i; and (3) Upcountry, Makawao, Haiku, Paia and East Maui."

The **ballot question** would be as follows:

Shall Section 3.1 of the Charter of the County of Maui be amended to:

1. Change the method of electing council members from electing nine councilmembers at-large to electing three councilmembers in each of three regional districts;
2. Remove all residency requirements but require that at least one council member be a resident of the following geographic areas: East Maui; Moloka`i; Lāna`i; and
3. Create a reapportionment commission which will determine the boundaries of the three regional districts and the East Maui residency area?

**[NOTE: WHILE THE DRAFT BALLOT QUESTION EXPRESSES THE INTENT OF THE COMMISSION, THE TEXT OF THE AMENDMENT WILL NEED TO BE AMENDED TO REFLECT THIS INTENT]**

## SECOND PROPOSAL

### **Require Council and board/commission meetings include videoconference access; add additional access to government records requirements**

#### **The Commission recommends that:**

#### **1. Section 3-5, Article 3 of the Charter, be amended to read as follows:**

##### **“Section 3-5. Procedure; Meetings; Rules and Journal; Voting.**

1. The council shall meet in the council room at the county building for its organization at two o'clock p.m. on the second day of January following its election, or on the following Monday if the second day be a Saturday or Sunday, at which time it shall elect one of its members as chair and presiding officer of the council. Until such time as the chair shall be elected, the mayor shall preside at such meeting, provided that the mayor shall not have a vote. The council shall also elect a vice-chair who shall act as the presiding officer in the event of the chair's absence or disability. The council shall appoint a presiding officer pro tempore from its own members in the event of the absence or disability of both the chair and vice-chair.

2. The council shall meet regularly at least twice in every month at such times and places as the council may prescribe by rule including the use of a video conference platform that is accessible to the public by telephone or internet.<sup>2</sup> Special meetings may be held on the call of the mayor, chair or of five or more members and, whenever practical, upon no less than seventy-two (72) hours effective notice to each member.

3. The council shall determine its own rules and order of business and shall provide for keeping a public journal of its proceedings.

4. Voting and all motions shall be in accordance with the rules of the council and shall be recorded in the journal of the council, provided, however, a roll call vote must be taken if requested by any one council member. Five members of the council shall constitute a quorum, but a smaller number may convene from time to time and compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. Unless otherwise provided for herein, no action of the council shall be valid or binding unless adopted by a vote of five or more members of the council.

5. ~~To the extent capable, T~~he council shall provide interactive remote communications access for the residents of Hana, Lāna`i, Moloka`i and other geographic areas as the council shall deem appropriate and reasonable to all county council meetings and county council committee meetings. Said access shall include, but not be limited to, the ability of the public to testify, of council



members to ask questions, and of the public to respond to questions and shall include, at a minimum, both audio and visual interaction between the Council or its committees and the public. (Amended 2012, 1992)

6. A quorum of councilmembers, directly or indirectly, shall not discuss council business outside a council meeting. All meetings of the council shall be open to the public. With the exception of consultations with the corporation counsel on claims where premature public disclosure of information would adversely affect the county's interest and consultation with its own counsel or staff, all council committee meetings shall be open to the public."

**2. That Section 13-9 of the Charter be amended to read as follows:**

**"Section 13-9. Records and Meetings Open to Public.**

1. All books and records of every department shall be open to the inspection of any person at any time during business hours, except as otherwise provided by law. Certified copies or extracts from such books and records shall be given by the officer having custody of the same to any person demanding the same and paying or tendering a reasonable fee to be fixed by ordinance for such copies or extracts.

2. All meetings of boards and commissions shall be held in the county building or other publicly owned place, or be conducted by a videoconference platform that is accessible to the public by telephone or internet. In the event that a publicly owned building is not available or appropriate for the meeting, the meeting can be held in another facility that is accessible to the public.

3. Fees shall not be charged to inspect the books and records of the county; provided that charges may be imposed for the reasonable actual cost of searching, segregating, or reproducing any copies provided to the person.<sup>3</sup>

4. When a person requests access to records, employees shall, to the extent reasonable under the circumstances:

a. Assist the person to identify records that are responsive to the request or to the purpose of the request, if stated.

b. Describe the information technology and physical location in which the records exist.

c. Provide suggestions for overcoming any practical basis for denying access to the records sought.

d. Make every effort to ensure that any fees or other charges are minimized.<sup>4</sup>"

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<sup>3</sup> F-08

<sup>4</sup> F-07

The **ballot question** would be as follows:

Shall Sections 3.5 and 13-9 of the Charter of the County of Maui be amended to:

1. Require access to all meetings of the Council and board and commissions to be available to the public by video conference, including telephone or internet; and
2. Require audio and video communications during Council meetings between the Council and public located in Hana, Lāna`i, and Moloka`i; and
3. Prohibit a quorum of Councilmembers from discussing, directly or indirectly, Council business except during a public meeting, except in consultation with the Corporation Counsel or Council staff; and
4. Prohibit fees for inspection of County records, except that fees may be charged for searching, segregating, and reproducing the records; and
5. Require County employees to facilitate access to County records and minimize fees and charges?

## THIRD PROPOSAL

### Define the role of the attorneys within the Office of Council Services

**The Commission recommends that Section 3-7 of the Charter of the County of Maui be amended to read as follows:**

**“Section 3-7. Office of Council Legislative and Legal Services.**

1. There shall be an office of council legislative and legal services. The council may create such positions in the office of council services as it deems necessary to assist it in the exercise of its legislative power. The salaries of such positions shall be fixed by ordinance. Persons appointed to such positions by the council shall be exempt from civil service.

2. The attorneys within the office of council legislative and legal services, in addition to the attorneys within the department of the corporation counsel, may serve as legal advisors to the council and its members. (Amended 2016) shall serve in an advisory capacity to the council, and shall perform such duties, including drafting of ordinances, legal research, legal advice to individual council members relating to county council matters, and providing independent advisory opinions, as requested by the council. No action or opinion of the office of council legislative and legal services shall be construed to be the official legal position of the County, and such legal position and actions shall be solely within the scope of the powers and duties of attorneys within the office of council legislative and legal services.”

The ballot question would be as follows:

Shall Section 3.7 of the Charter of the County of Maui be amended to specify that attorneys within the Office of Council Services perform legal services for the council?

## FOURTH PROPOSAL

### **Change the appointment and retention of the County Auditor; remove the County Auditor from the Legislative branch.**

The Commission recommends that Section 3-9.1 of the Charter of the County of Maui be removed from Article 3, placed in a new article, and Subsection 3-9.1(1) be amended to read as follows:

**[Note: The redline below shows the proposed amendments to Subsection 3-9.1(1) only, as there are no proposed amendments to Subsections 3-9.1(2) and 3-9.1(3). Section 3-9.1(4) is the subject of the Sixth Proposal.]**

### “ARTICLE COUNTY AUDITOR

#### **Section 3-9.1\_1. Office of the County Auditor and County Auditor.**

1. There is established an office of the county auditor, to be headed by a county auditor. The Council shall fill a vacancy in the office of the county auditor, by appointing a person from a list of not less than one and not more than four, nominees for the vacancy, presented to the council by the independent selection commission, and as further provided for in Section 13-  
~~There is established an office of the county auditor, to be headed by a county auditor who shall be appointed by the county council, by a majority vote of its membership, and shall serve for a term of six years. The county auditor may be re-appointed, or a successor appointed, by the council for subsequent terms of six years. The county auditor may hold over until a successor is appointed.~~  
<sup>5</sup>The salary of the county auditor shall be determined by the salary commission. The council, by a two-thirds vote of its membership, may remove the county auditor from office at any time for cause. The county auditor shall be exempt from civil service.

2. The county auditor shall possess adequate professional proficiency for the office, demonstrated by relevant certification as a certified internal auditor or certified public accountant, and have at least five years of experience in the field of auditing, evaluation, or analysis. The county auditor shall have a bachelor's degree in accounting, business administration, or public administration or related field.

3. The term of office for county auditor shall be six years from the date of commission. At least six months prior to the expiration of county auditor's term of office, the county auditor shall petition the independent selection commission to be retained in office if ~~sh~~the auditor wishes to be retained. If the independent selection commission determines the county auditor should be retained in office, the commission shall forward ~~their~~its recommendation to the Council. If the

Council disagrees in the recommendation to retain by a two-thirds vote within thirty days of receipt of the recommendation, the county auditor shall not be retained in office. Otherwise, the county auditor shall be retained in office for another term.

~~43.~~ Except for exercising the right to vote, neither the county auditor nor any staff member of the office of the county auditor shall support, advocate, or aid in the election or defeat of any candidate for county public office.

~~54.~~ The county auditor shall appoint the necessary staff as shall be authorized by law. Persons appointed to such positions shall be exempt from civil service and shall serve at the pleasure of the county auditor.”

The **ballot question** would be as follows:

Shall Sections 3-9.1 of the Charter of the County of Maui be placed in a new article, and Subsection 3-9.1(1) be amended to require that an independent selection commission recommend the appointment or reappointment of the auditor and set a six-year term for the auditor?

## FIFTH PROPOSAL

### **Require the auditor to assess the fiscal impacts of changes to the Charter**

The Commission recommends that Section 14-1 of the Charter of the County of Maui be amended to read as follows:

#### **“Section 14-1. Initiation of Amendments.**

When the petition has been determined sufficient by the county clerk, the county clerk shall submit the proposed amendments to the voters of the county at the next general election. The county auditor shall assess the fiscal impact of any proposed amendment within sixty (60) days prior to the election and make such assessment available to the public.<sup>6</sup>”

The **ballot question** would be as follows:

Shall Section 14.1 of the Charter of the County of Maui be amended to require the County Auditor to assess the fiscal impacts of proposed amendments to the Charter?

## SIXTH PROPOSAL

### **Allow the Cost of Government Commission to issue additional reports and stagger the terms of the members of the commission**

#### **The Commission recommends that:**

1. Subsection 3-9.3 of the Charter of the County of Maui be amended to read as follows:

**“Section ~~3-9.4~~3-9.3 Cost of Government Commission.** For the purpose of carrying out the policy set forth herein, ~~in accordance with section 13-2 of this charter, the mayor with the approval of the council shall appoint~~ there shall be established a cost of government commission ~~consisting of nine members~~<sup>7</sup>. The commission shall be advisory to the county auditor.

The commission shall have the power and duty to:

1. Study and investigate the organizations and methods of operations of all departments, commissions, boards, offices, and other instrumentality of all branches of the county government and determine what changes, if any, may be desirable to accomplish the policy set forth herein.

2. Be authorized to secure directly from any department, commission, board, office, or any other instrumentalities of all branches of the county government or from any individual officer or employee of the county, information, suggestions, estimates, and statistics necessary to carry out its duties.

3. Submit an annual report of its findings and recommendations as well as any other reports it deems appropriate<sup>8</sup> to the mayor, council, and county auditor.”

2. A new section in Article 15 be established, as follows:

**“Section 15-\_\_ . Cost of government commission, terms.** The council shall stagger the terms of the members of the cost of government commission, by resolution, to conform the term of its members to Section 13-2 of this Charter.”<sup>9</sup>

The ballot question would be as follows:

Shall Subsection 3.9.4 of the Charter of the County of Maui be amended, and shall a new section in Article 15 be established to allow the Cost of Government Commission to issue additional reports and require the Council to stagger the terms of members of the Cost of Government Commission?

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<sup>7</sup> C-06.

<sup>8</sup> C-07.

<sup>9</sup> C-06

## SEVENTH PROPOSAL

**Change the method by which the county clerk is appointed and removed, define the clerk's term, and add additional duties to the powers of the clerk.**

**The Commission recommends that Sections 5-2 and 5-3 of the Charter of the County of Maui be amended to read as follows:**

**“Section 5-2. County Clerk.** ~~The county clerk shall be appointed and may be removed by the council. The mayor, with the consent of the Council, shall fill a vacancy in the office of county clerk, by appointing a person from a list of not less than two and not more than four, nominees for the vacancy, presented to the mayor by the independent selection commission, and as further provided for in Section 13- .~~

~~The term of office for county clerk shall be six years from the date of commission. At least six months prior to the expiration of county clerk's term of office, county clerk shall petition the independent selection commission to be retained in office. If the independent selection commission determines the county clerk should be retained in office, the commission shall forward their recommendation to the Council. If the Council disagrees in the recommendation by a two-thirds vote within thirty days of receipt of the recommendation, the county clerk shall not be retained in office. Otherwise, the county clerk shall be retained in office for another term.~~

~~The salary of the county clerk and deputy county clerk shall be set by the salary commission.~~

~~The council, by a two-thirds vote of its membership, may remove the county clerk from office at any time for misfeasance, malfeasance, or nonfeasance.~~

**Section 5-3. Powers, Duties and Functions.** (a) The county clerk shall:

1. Be the clerk of the council.
2. Take charge of, safely keep and dispose of all books, papers and records which may properly be filed in the clerk's office and keep in separate files all bills, ordinances, resolutions and rules and cumulative indices of the same, or exact copies thereof.
3. Have custody of the county seal, which shall be used to authenticate all official papers and instruments requiring execution of certification by the county clerk in the exercise of the county clerk's office.
4. Conduct all elections held within the county as provided by law.
5. Certify ordinances.
6. Serve as parliamentarian to the council.<sup>10</sup>
7. Subject to review of the corporation counsel and approval of a majority of the council, the clerk shall have authority to rearrange, renumber, reletter,

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<sup>10</sup> C-14.



capitalize, punctuate, and divide provisions of this charter, and to correct clerical errors and omissions and insert captions in accordance with the meaning and intent of the provisions of this charter, from time to time, and may delete provisions that have become inoperative or any provision ruled invalid by a court of competent jurisdiction. The clerk may substitute any current title of an official or department in lieu of the title originally appearing in the charter provision, in accordance with the changes of title or duties subsequently made by law.<sup>11</sup>

8. The clerk and all persons employed by the office of the county clerk shall not take an active part in political management or in political campaigns for county elective office.<sup>12</sup>

~~Adopt rules for the classification, storage and destruction of all records of the county.~~

9.-7. Perform such other functions as may be prescribed by the council rules or law.<sup>13</sup>

The **ballot question** would be as follows:

Shall Sections 5.2 and 5.3 of the Charter of the County of Maui be amended to change the method by which the county clerk is appointed and removed to require that an independent selection commission recommend the appointment or reappointment of the clerk, set the clerk's term as six years, add additional duties to the powers of the clerk, and prohibit the clerk from actively participating in political management or campaigns?

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<sup>11</sup> C-10.

<sup>12</sup> C-15.

<sup>13</sup> C-16.

## EIGHTH PROPOSAL

### **Alter the powers of the mayor to appoint and retain administrative department heads**

**The Commission recommends that Section 6-2 of the Charter of the County of Maui 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 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 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 not hold over more than sixty (60) days after their respective terms of office, and shall immediately vacate their respective offices at the end of the 60-day period or upon the appointment of a successor in accordance with this charter, whichever occurs first.
4. The mayor shall have the authority to appoint, on a temporary basis, an administrative head of any department, provided that such department is one where the administrative head is appointed by the mayor.
5. Within ~~sixty (60) days of taking office, or within sixty~~thirty (360) days after a vacancy is created in an administrative head appointed by the mayor, the mayor shall appoint the ~~administrative head 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 confirm or deny the appointment within ~~sixty~~thirty (360) days after receiving notice of the appointment by the mayor. If the council does not act within the ~~thirty~~360-day period, the appointment shall be deemed to be confirmed. The appointee shall take office upon appointment by the mayor but shall not continue in office if the council denies the appointment. If the appointment is denied by the council, the mayor shall make a new appointment within ~~sixty~~thirty (360) days of the council's denial, and the council shall confirm or deny within ~~sixty~~thirty (360) days after receiving notice of the new appointment by the mayor. If the council does not act within the 60-day period, the appointment shall be deemed to be confirmed.
6. No letter of resignation of an administrative head shall be effective unless it is sworn or affirmed to before a person authorized to administer oaths and made within thirty (30) days of the intended date of resignation.<sup>14</sup>”

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<sup>14</sup> I-02 and I-10.

The **ballot question** would be as follows:

Shall Section 6.2 of the Charter of the County of Maui be amended to reduce the deadlines for appointments to administrative heads from sixty days to thirty days and require that any letter of resignation of an administrative head be sworn to under oath within thirty days prior to the intended resignation date?

## NINTH PROPOSAL

### **Increase the residency requirements for candidates for mayor from 1 to 3 years.**

**The Commission recommends that Section 7-3 of the Charter of the County of Maui be amended to read as follows:**

**“Section 7-3. Qualifications.** Any citizen of the United States who is a voter of the county and a resident of the county for a period of at least ~~one-three (31)~~ years<sup>15</sup> next preceding the filing of nomination papers shall be eligible to be mayor. Upon removal of the mayor's residence from the county, the mayor shall by that fact be deemed to have vacated the office of mayor. If the mayor ceases to be a voter of the county, or is adjudicated guilty of a felony, the mayor shall immediately forfeit the office of mayor.”

The ballot question would be as follows:

Shall Section 7-3 of the Charter of the County of Maui be amended to increase the requirement that for candidates for mayor must be a resident of the county of Maui for at least 1 year to 3 years preceding the filing of nomination papers?

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<sup>15</sup> I-07

## TENTH PROPOSAL

### **Require cooperation among departments and that department heads shall be responsible for the cultivation of a friendly culture in their department**

#### **The Commission recommends:**

1. That Section 6-3 of the Charter of the County of Maui be amended to read as follows:

#### **“Section 6-3. Powers and Duties of Administrative Heads of Departments.**

1. Pursuant to law the administrative heads of departments shall have the power to take all personnel actions.
2. The administrative head of a department shall perform such duties and exercise such powers as provided for herein or as may be assigned by the mayor.
3. The powers, duties and functions of the administrative head of any department may be assigned to any staff member or members of that department by the administrative head.

4. Each administrative head of a department shall be responsible to create, maintain and cultivate friendliness, aloha, and spirit of service among their personnel.<sup>16</sup>”

2. That Section 8-1.3 of the Charter of the County of Maui be amended to read as follows:

#### **“Section 8-1.3. Powers, Duties and Functions.** The managing director shall:

1. Act as the principal management aid to the mayor.
2. Supervise the administrative functions of those agencies, departments, boards and commissions assigned by the mayor.
3. Evaluate the management and performance of each agency.
4. Prescribe standards of administrative practice to be followed by all agencies under his or her supervision.
5. Supervise and coordinate those functions described in Subsections 7-5.6, 7-5.7 and 7-5.8.

6. Ensure cooperation among the various departments and agencies to promote shared goals, reciprocal operation, and information sharing.<sup>17</sup>

67. Perform all other duties and functions required by this charter or assigned by the mayor.”

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<sup>16</sup> I-09.

<sup>17</sup> I-15.

The **ballot question** would be as follows:

Shall Section 6-3 the Charter of the County of Maui be amended to add a provision making each administrative head of a department responsible to create, maintain, and cultivate aloha among the personnel in said department; and Section 8-1.3, to require that the Managing Director ensure cooperation among the executive departments?

## ELEVENTH PROPOSAL

**Change the appointment, retention, and qualifications of the Corporation Counsel, make the term of the Corporation Counsel five years, provide that the Council may remove the Corporation Counsel without the Mayor's concurrence.**

**The Commission recommends that Section 8-2.2 of the Charter of the County of Maui be amended to read as follows:**

**“Section 8-2.2. Corporation Counsel.** The corporation counsel shall be appointed by the mayor ~~from a list of not less than three and not more than five nominees presented to the mayor by the independent selection commission, and as further provided for in Section 13- . with the approval of the council and may be removed by the mayor with the approval of the council.~~

~~The term of office for corporation counsel shall be five years from the date of commission. At least six months prior to the expiration of corporation counsel's first term of office, corporation counsel shall petition the independent selection commission to be retained in office, if the corporation counsel intends to continue in office. If the independent selection commission determines the corporation counsel should be retained in office, the commission shall forward ~~their~~its recommendation to the Council. If the Council disagrees in the recommendation by a two-thirds vote within thirty days of receipt of the recommendation, the corporation counsel shall not be retained in office. Otherwise, corporation counsel shall be retained in office for one additional five-year term.~~

The corporation counsel shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law for at least ~~five-ten~~ years immediately preceding nomination.

~~The mayor with the approval of council or the council by a two-thirds vote of its membership, may remove the corporation counsel from office at any time for misfeasance, malfeasance, or nonfeasance.<sup>18</sup>”~~

The **ballot question** would be as follows:

Shall Section 8-2.2 of the Charter of the County of Maui be amended as follows:

1. Require that the mayor appoint the corporation counsel from a list of nominees selected by an independent selection commission;
2. Change the requirement that the corporation counsel have practiced law for at least five years to ten years immediately preceding their nomination;
3. Set the term of the corporation counsel at five years;
4. Require that to be retained, the independent selection commission

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<sup>18</sup> I-17 and I-19. Style TIG

must first approve the retention, subject to disapproval by the council by a two-thirds vote; and

5. The removal provisions for the corporation counsel be changed from requiring recommendation by the mayor with approval of the council to also allow for removal solely by a two-third vote of the council?



## TWELFTH PROPOSAL

**Change the appointment and retention of the Prosecutor, make the term of the Prosecutor four years, prohibit the Prosecutor from running for County elected office immediately following the end of the Prosecutor's term, and provide that the Mayor may remove the Prosecutor only with the Council's consent by a two-thirds vote of its membership.**

**The Commission recommends that Section 8-3.2 of the Charter of the County of Maui be amended to read as follows:**

**“Section 8-3.2. Prosecuting Attorney.** The prosecuting attorney shall be appointed by the mayor from a list of not less than three and not more than five nominees presented to the mayor by the independent selection commission, and as further provided for in Section 13- with the approval of the council and may be removed by the mayor with the approval of the council.

The term of office for the prosecuting attorney shall be four years from the date of appointment. At least six months prior to the expiration of the prosecuting attorney's term of office, prosecuting attorney shall petition the independent selection commission to be retained in office, if the prosecuting attorney intends to continue in office. If the independent selection commission determines the prosecuting attorney should be retained in office, the commission shall forward ~~their~~its recommendation to the Council. If the Council disagrees in the recommendation by a two-thirds vote within thirty days of receipt of the recommendation, the prosecuting attorney shall not be retained in office. Otherwise, prosecuting attorney shall be retained in office for an additional four year term, not to exceed two additional terms.

The prosecuting attorney shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law for at least ~~five~~ six years immediately preceding nomination. A person who serves as prosecuting attorney may not run for any other elected office within the county at the next election following the end of their service.<sup>19</sup>

The mayor with the approval of the council, by a two-thirds vote of its membership, may remove the prosecuting attorney from office at any time for misfeasance, malfeasance, or nonfeasance.”

The ballot question would be as follows:

Shall Section 8-3.2, of the Charter of the County of Maui be amended as follows:

1. Require that the mayor must appoint the prosecutor from a list of nominees selected by an independent selection commission;
2. Change the requirement that the prosecutor have engaged in the

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<sup>19</sup> I-20.

practice of law for at least five years to six years immediately preceding their nomination;

3. Set the term of the prosecutor to four years;
4. Require that to be retained, the independent selection commission must first approve the prosecutor's retention, subject to disapproval by the council by a two-thirds vote;
5. Prohibit the prosecutor from running for any elected office within the County at the next election following the end of the prosecutor's term; and
6. Change the removal provisions from requiring a recommendation by the mayor and approved by the counsel to require a recommendation by the major and approval of two-thirds of the council?

## THIRTEENTH PROPOSAL

**Require the Fire and Public Safety Commission; the Police Commission; Civil Service Commission; and the Liquor Control Commission to review the request for annual appropriation for the operation of the respective departments before submission to the mayor.**

**The Commission recommends:**

1. That Subsection 8-7.2(2) of the Charter of the County of Maui be amended to read as follows:

**“Section 8-7.2. Fire and Public Safety Commission.** The fire and public safety commission shall consist of nine members appointed by the mayor with the approval of the council.

The fire and public safety commission shall:

1. Adopt such rules as it may consider necessary for the conduct of its business and regulation of the matters committed to its charge by law.
2. Review ~~and submit to the mayor~~ the department of fire and public safety's request for an annual appropriation for the operation of the department before submission to the mayor.<sup>20</sup>
3. Review the operations of the department of fire and public safety and the Maui County emergency management agency and make recommendations for changes that may be desirable to improve the performance of emergency functions and the provision of public safety services.
4. Receive, review, and investigate any charges brought forth by the public against the conduct of the department of fire and public safety or any of its members and submit a written report of its findings and recommendations to the fire chief for disposition.
5. Annually review and evaluate the performance of the fire chief and submit a report to the mayor and the council.
6. Submit an annual report to the mayor and the council on its activities.
7. Have such other powers and duties as may be provided by law.

Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department.”

2. That Subsection 8-9.4(2) of the Charter of the County of Maui be amended to read as follows:

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<sup>20</sup> I-11.

**“Section 8-9.4. Civil Service Commission.** The civil service commission shall consist of five members appointed by the mayor with the approval of the council.

The civil service commission shall:

1. Adopt rules having the force and effect of law to carry out the provisions of the civil service laws of the State.

2. ~~Request an annual appropriation for~~ Review the department’s request for an annual appropriation for the operation of the department before submission to the mayor.<sup>21</sup>

3. Hear appeals, in accordance with law, by any officer or employee aggrieved by any action by the director of personnel services or by an appointing authority.

4. Advise the mayor and director of personnel services on problems concerning personnel administration.

5. Annually review and evaluate the performance of the director of personnel services and submit a report to the mayor and the council.

6. Have such other powers and duties as may be provided by law.”

3. That Subsection 8-12.2(2) of the Charter of the County of Maui be amended to read as follows:

**“Section 8-12.2. Police Commission.** The police commission shall consist of nine members appointed by the mayor with the approval of the council.

The police commission shall:

1. Adopt such rules as it may consider necessary for the conduct of its business and regulation of the matters committed to its charge by law.

2. Review ~~and submit to the mayor~~ the department's request for an annual appropriation for the operation of the department before submission to the mayor.<sup>22</sup>

3. Receive, review and investigate any charges brought forth by the public against the conduct of the department or any of its members and submit a written report of its findings and recommendations to the chief of police for the chief's disposition.

4. Annually review and evaluate the performance of the chief of police and submit a report to the mayor and the council.

5. Have such other powers and duties as may be provided by law.”

4. That Subsection 8-13.2(1) of the Charter of the County of Maui be amended to read as follows:

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<sup>21</sup> I-11.

<sup>22</sup> I-11 and H-02.

**“Section 8-13.2. Liquor Control Commission.** The liquor control commission shall consist of nine members appointed by the mayor with the approval of the council.

The liquor control commission shall:

1. ~~Prepare and submit~~Review the department’s a request for an annual appropriation for the operation of the department before submission to the mayor.<sup>23</sup>
2. Adopt rules having the force and effect of law for the administration of liquor control in the county and to carry out provisions of the liquor control laws of the State, including, but not limited to, the fixing of liquor license fees.
3. Grant, renew, or refuse applications for licenses for the manufacture, importation and sale of liquor in the county under applicable laws and regulations.
4. Annually review and evaluate the performance of the director of liquor control and submit a report to the mayor and the council.”

The ballot question would be as follows:

Shall the Charter of the County of Maui be amended to require the Fire and Public Safety Commission in Section 8-7.2; the Police Commission in Section 8-12.2; Civil Service Commission in section 8-9.4; and the Liquor Control Commission in Section 8-13.2 to review the request for annual appropriation for the operation of the respective departments before submission to the mayor?

## FOURTEENTH PROPOSAL

**Allow the Fire Commission; the Civil Service Commission; and the Liquor Control Commission to determine whether the Fire Chief; the Director of Personnel Services; and the Director of the Department of Liquor Control have “good standing” for the purpose of retirement; and to expand the qualifications of the Director of Liquor Control**

**The Commission recommends:**

1. That Section 8-7.3 of the Charter of the County of Maui be amended to read as follows:

**“Section 8-7.3. Fire Chief.** The fire chief shall be appointed and may be removed by the fire and public safety commission. The fire chief may be removed by the fire and public safety commission only after being informed in writing of the ~~charges that are resulting in reasons for~~ the fire chief’s dismissal, and after being given an opportunity for hearing before the commission. The commission shall have the power to determine the chief’s “good standing” for purpose of retirement.<sup>24</sup> The fire chief shall have had a minimum of five years of experience in fire control, at least three years of which shall have been in an administrative capacity.”

2. That Section 8-9.2 of the Charter of the County of Maui be amended to read as follows:

**“Section 8-9.2. Director of Personnel Services.** The director of personnel services shall be appointed and may be removed by the civil service commission. The director may be removed by the civil service commission only after being informed in writing of the ~~charges that are resulting in reason for~~ the director’s dismissal, and after being given an opportunity for hearing before the commission. The commission shall have the power to determine the director’s “good standing” for purpose of retirement.<sup>25</sup> The director of personnel services shall be thoroughly familiar with the principles and methods of personnel administration and shall believe in applying merit principles and scientific administrative methods to public personnel administration.”

3. That Section 8-13.4 of the Charter of the County of Maui be amended to read as follows:

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<sup>24</sup> I-12 and I-13.

<sup>25</sup> I-12 and I-13.

**“Section 8-13.54. Director of the Department of Liquor Control.** The director of the department of liquor control shall be appointed and may be removed by the liquor control commission. The director may be removed by the liquor control commission only after being informed in writing of the ~~charges~~ which are resulting in reason for the director's dismissal, and after being given an opportunity for hearing before the commission. The commission shall have the power to determine the director's “good standing” for purpose of retirement.<sup>26</sup> The director of the department of liquor control shall have had a minimum of five years experience in law or law enforcement related fields, at least three of which shall have been in an administrative capacity.<sup>27”</sup>

The ballot question would be as follows:

Shall the Charter of the County of Maui be amended to authorize the Fire Commission; the Civil Service Commission; and the Liquor Control Commission to determine whether the Fire Chief; the Director of Personnel Services; and the Director of the Department of Liquor Control have “good standing” for the purpose of retirement; and expand the qualifications for candidates for the director of the Department of Liquor Control?

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<sup>26</sup> I-12 and I-13.

<sup>27</sup> I-27.

## FIFTEENTH PROPOSAL

### **Eliminate the Maui Planning Commission; establish new planning commissions for each community plan area; reduce the number of planning commissioners to seven per commission**

#### **The Commission recommends:**

1. That Section 8-8.1 of the Charter of the County of Maui be amended as follows:

**“Section 8-8.1. Organization.** There shall be a department of planning, consisting of a planning commission for each community plan area except Kaho`olawe~~planning consisting of a Maui planning commission, a Moloka`i planning commission and a Lāna`i planning commission~~, a planning director, a board of variances and appeals and the necessary staff.”

2. That Section 8-8.4 of the Charter of the County of Maui be amended as follows:

**“Section 8-8.4. Planning Commissions. a.** Each planning commission shall consist of ~~nine~~ seven (7) members ~~appointed by the mayor with the approval of the council~~. The members of each planning commission shall be residents of the community plan area island ~~of the planning commission on which the member serves~~. The directors ~~of the department~~ directors of the departments of ‘Oiwi resources, of public works, and environmental management, and the ~~director of the~~ department of water supply shall be non-voting ex-officio members of each commission.

**b.** Each planning commission shall exercise its powers, duties, and functions as concerns the area encompassing its respective community plan area. as follows:

~~— 1. — The Maui planning commission shall be concerned with the area encompassing the islands of Maui and Kaho`olawe and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto.~~

~~— 2. — The Moloka`i planning commission shall be concerned with the area encompassing the island of Moloka`i and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto, except that portion of the island known as Kalaupapa, Kalawao, and Waikolu and commonly known and designated as the Kalaupapa Settlement.~~

~~— 3. — The Lāna`i planning commission shall be concerned with the area encompassing the island of Lāna`i and all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto.<sup>28</sup>”~~



#### **“8-8.5 General Plan and Community Plans.**

...

4. ~~There shall be a citizen advisory committee for each community plan area. Each citizen advisory committee shall consist of thirteen members, with nine appointed by the council and four appointed by the mayor. Each citizen advisory committee~~planning commission is charged with reviewing and recommending revisions to the community plan for its community plan area. ~~Each citizen advisory committee shall remain in existence until its revisions are adopted, modified, or rejected by the council and until such action is approved, modified, or rejected by the mayor.~~

...

~~67.~~ The community plans ~~generated through~~ initiated by the planning department, reviewed, and adjusted by the ~~citizen advisory councils~~planning commissions and accepted by the planning commission, council, and mayor are part of the general plan.<sup>29</sup> The community plans shall be reviewed every ten (10) years.<sup>30</sup>

The ballot question would be as follows:

Shall Sections 8-8.1 and 8-8.4 and 8-8.5 of the Charter of the County of Maui be amended to eliminate the Maui Planning Commission along with all citizen advisory councils, and establish new planning commissions for each community plan area; and to reduce the number of planning commissioners from nine members to seven members per commission?

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<sup>29</sup> G-01 and G-05.

<sup>30</sup> G-21

## SIXTEENTH PROPOSAL

**Allow the Council to take action on the general plan and land use ordinances without review of the planning commissions; shorten the time for planning commission review of community plans to one year; for shorten the time for planning commission review of proposed land use ordinances to 120 days from the first public hearing**

**The Commission recommends that Section 8-8.4 of the Charter of the County of Maui be amended to read as follows:**

### **“Section 8-8.4. Planning Commissions**

c. The appropriate planning commission shall:

1. Advise the mayor, council, and the planning director in matters concerning planning programs.
2. Review the general plan and revisions thereof prepared by the planning director or at the request of the council. The commission shall hold public hearings on such plans and revisions thereof and shall transmit them, with its findings and recommendations to the council for consideration and action no later than one hundred eighty (180) days after the final public hearing or the council may take action on plans or revisions proposed by the council without the commission’s findings and recommendations. Each community plan shall be reviewed and commented on by the appropriate planning commission within one year of receipt from the planning department.<sup>31</sup>
3. Review other proposed land use ordinances and amendments thereto prepared by the director or the council and, after public hearings, transmit such ordinances with its findings and recommendations thereon to the council for consideration and action no later than one hundred twenty (120) days after the ~~final-first~~ public hearing or the council may take action on plans or revisions proposed by the council without the commission’s findings and recommendations.<sup>32”</sup>

The **ballot question** would be as follows:

Shall Section 8-8.4 of the Charter of the County of Maui be amended to authorize Council to take action on amendments to the general plan and land use ordinances without the review of the planning commissions, and to shorten the time for planning commission review of community plan amendments and proposed land use ordinances?

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<sup>31</sup> G-21

<sup>32</sup> G-09

## SEVENTEENTH PROPOSAL

**Require the Planning Director to verify consistency with the general plan for County capital improvement projects, and require the Planning Director and planning commissions to review community plans every 10 years**

**The Commission recommends:**

- 1. That Section 8-8.3 of the Charter of the County of Maui be amended to read as follows:**

**“Section 8-8.3. Powers, Duties, and Functions.** The planning director shall:

1. Be the administrative head of the department of planning.
2. Serve as the chief planning officer of the county and as the technical advisor to the mayor, council and planning commissions on all planning and related matters.
3. Recommend revisions of the general plan at least every ten (10) years to guide the development of the county.
4. Prepare, administer, and enforce long-range planning programs.
5. Prepare, administer, and enforce a cultural resource management program.
6. Prepare, administer, and enforce zoning ordinances, zoning maps and regulations and any amendments or modifications thereto.
7. Review the lists of proposed capital improvements projects contemplated by the county and ~~recommend the order of their priority to the mayor~~ verify their consistency with the general plan.<sup>33</sup>
8. Perform such other duties and functions as shall be required by law or as shall be assigned by the mayor.”

- 2. That Section 8-8.5 of the Charter of the County of Maui be amended to read as follows:**

**“Section 8-8.5. General Plan and Community Plans.**

1. The general plan shall be developed after input from state and county agencies and the general public, and shall be based on sound policy and information.
2. The general plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments.

The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.

3. The planning director shall issue a report annually providing a detailed explanation of the implementation and enforcement of the general plan and the community plans to the mayor and the council. The planning director shall also report on the status of the 10-year community plan review.<sup>34</sup>

...

The **ballot question** would be as follows:

Shall Sections 8-8.3 and 8-8.5 of the Charter of the County of Maui be amended to require the Planning Director to review proposed capital improvements projects contemplated by the County and verify consistency with the general plan; and require the Planning Director and planning commissions to review community plans every 10 years?

## EIGHTEENTH PROPOSAL

**Change the method for approval of revisions to the general plan and zoning and land use ordinances; provide that if Council fails to act within a specified timeframe on revisions to the general plan or zoning and land use ordinances proposed by the Planning Director, the revisions are deemed approved**

**The Commission recommends that Section 8-8.6 of the Charter of the County of Maui be amended to read as follows:**

**“Section 8-8.6. Adoption of General Plan and Other Land Use Ordinances.**

1. The county shall adopt revisions to the general plan by ordinances.
2. Any revisions of the general plan, zoning ordinance or other land use ordinance may be proposed by the council and shall be reviewed by the appropriate planning commission as if prepared by the planning director. Any such revision shall be referred to the appropriate planning commission by resolution. If the planning commission ~~disapproves~~ recommends disapproval of the proposed revision or recommends a modification thereof, not accepted by the council, or fails to make its report within a period of ~~the~~ one hundred twenty (120) days after ~~receipt of the first public hearing on~~ the referral, the council may nevertheless pass such revision, but only by the affirmative vote of at least two thirds of the council's entire membership.
3. Revisions to the general plan proposed by the planning director shall be reviewed and acted upon by the council no later than one (1) year after receipt of the transmittal from the planning director of the proposed revision shall be deemed approved.
4. Revisions to zoning and land use ordinances proposed by the planning director shall be reviewed and acted upon by the council no later than one hundred eighty (180) days after receipt of the transmittal from the planning director or the proposed revision shall be deemed approved.<sup>35</sup>”

The ballot question would be as follows:

Shall Section 8-8.6 of the Charter of the County of Maui be amended to provide that if Council fails to act within one year on revisions to the general plan or within 180 days on zoning and land use ordinances proposed by the Planning Director, the revisions are deemed approved?

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<sup>35</sup> G-01 and G-05.

## NINETEENTH PROPOSAL

### Require an island-wide plan for the Island of Maui

**The Commission recommends that Section 8-8.5 of the Charter of the County of Maui be amended to add a new subsection and to read as follows:**

**Section 8-8.5. General Plan and Community Plans.**

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“5. There shall be an island-wide plan for the Island of Maui that addresses the various components and principles of the General Plan as they relate to the Island of Maui. The Maui Island Plan will be updated every twenty-five (25) years. Updates to the six (6) Maui Community Plan District Plans shall follow the principles and goals established in the Maui Island Plan. The Maui Island Plan is a part of the general plan.

~~56.~~ The community plans ~~created and revised by the citizen advisory committees~~ shall set forth, in detail, land uses within the community plan regions of the county. The objectives of each community plan shall be to implement the policies of the general plan and where appropriate, the Maui Island Plan. Each community plan shall include implementing actions that clearly identify priorities, timelines, estimated costs, and the county department accountable for the completion of the implementing actions.<sup>36</sup>”

The ballot question would be as follows:

Shall Section 8-8.5 of the Charter of the County of Maui be amended to add a new subsection to require an island-wide plan for the Island of Maui, which would be updated every 25 years?

## TWENTIETH PROPOSAL

### **Establishing the cultural resources commission as part of the Planning Department and requiring the planning commissions to consider the recommendations of the cultural resource commission in projects involving areas of cultural or historical significance**

#### **The Commission recommends:**

- 1. That Chapter 8-8 of the Charter of the County of Maui be amended by adding a new section 8-8.8 to read as follows:**

**“Section 8-8.8 Cultural Resources Commission.** There is established a cultural resources commission with such powers and duties as prescribed by law.<sup>37</sup>”

- 2. That Section 8-8.1 of the Charter of the County of Maui be amended as follows:**

**“Section 8-8.1. Organization.** There shall be a department of planning consisting of a Maui planning commission, a Moloka`i planning commission and a Lāna`i planning commission, a cultural resources commission,<sup>38</sup> a planning director, a board of variances and appeals and the necessary staff.”

- 3. That Section 8-8.4 of the Charter be amended to add a new subsection to be appropriately designated and to read as follows:**

**“Section 8-8.4 Planning Commissions.**

**(5)** Consider the recommendations of the cultural resource commission before acting on any project involving areas of culturally or historically significance as determined by law.<sup>39</sup>”

The ballot question would be as follows:

Shall Chapter 8.8, of the Charter of the County of Maui be amended by amending Section 8-8.1 and adding a new Section 8-8.8, to add the Cultural Resources Commission, which is currently provided for by ordinance, as part of the Planning Department; and Section 8-8.4 be amended to require that the planning commissions consider the recommendations of the cultural resources commission in projects involving areas of cultural or historical significance?

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<sup>37</sup> G-14

<sup>38</sup> G-14

<sup>39</sup> G-16, Style TIG

## TWENTY-FIRST PROPOSAL

### **Bifurcate the Department of Housing & Human Concerns; create the Housing Development Board and Department of Hawaiian Home Lands Liaison within the Department of Housing**

**The Commission recommends:**

- 1. That Chapter 10 of Article 8 of the Charter of the County of Maui be amended to read as follows:**

#### **“CHAPTER 10 DEPARTMENT OF ~~HOUSING AND~~ HUMAN CONCERNS**

**Section 8-10.1. Organization.** There shall be a department of ~~housing and~~ human concerns which shall consist of a director and the necessary staff.

**Section 8-10.2. Director of ~~Housing and~~ Human Concerns.** The director of ~~housing and human concerns shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The director of housing and~~ human concerns shall have ~~had~~ a minimum of five years of experience in an administrative capacity, in any combination of either in public service; or private, non-profit community service; business, or both private business.

**Section 8-10.3. Powers, Duties and Functions.** The director of ~~housing and~~ human concerns shall:

1. Develop a comprehensive approach to the effective administration and coordination of programs and plans of action designed to meet human needs in the county.
2. Develop, supervise and coordinate such programs and projects as shall be assigned by the mayor.
3. Perform such other duties and functions as may be assigned by the mayor.

#### **Section 8-10.4. Functions of the Department**

1. The department shall strive to effectively address the health, safety, and basic social needs of all segments of the County community and to enhance the quality of life of all residents.
2. Programs for senior citizens, youth, the economically challenged, and homeless services will be included among the department’s responsibilities.



3. Perform such other duties and functions as may be assigned by the mayor.<sup>40</sup>

**2. That the Charter of the County of Maui be amended by adding a new chapter within Article 8 to be appropriately designated and to read as follows:**

**“CHAPTER 19**  
**DEPARTMENT OF HOUSING DEVELOPMENT**

**Section 8-19.1. Organization.** There shall be a department of housing development which shall consist of a director, a housing development advisory board, and the necessary staff.

**Section 8-19.2. Director of Housing Development.** The director of housing development shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The director of housing development shall have a minimum of ten (10) years of experience in either the fields of housing development, housing planning, civil engineering, banking and finance, and/or an advanced degree in economics or planning.

**Section 8-19.3. Powers, Duties, and Functions.** The director of housing development shall:

1. Support efforts to create housing that Maui residents can afford.
2. Seek opportunities to develop financing that will underwrite the cost of housing.
3. Focus the resources of the County and the community to promote all viable, reasonable alternative forms of housing, including community land trusts.

**Section 8-19.4. Functions of Department.** To promote, to lead, and to coordinate the County’s programs to provide its residents with housing they can afford.

**Section 8-19.5. Housing Development Advisory Board.** The housing development advisory board shall consist of five members who shall be appointed by the mayor with the approval of the council. The director of human concerns, the director of public works, the director of planning, and the director of environmental management shall be non-voting, ex-officio members of the housing development advisory board. The voting members of the housing development advisory board shall be appointed based on their experience in housing finance, housing development, or other fields related to the creation of housing Maui County residents can afford. The geographic residency requirement set in 13-2.3 shall not apply. This board is tasked with advising,

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<sup>40</sup> 1-23.

aiding, and supporting the director's efforts to create affordable housing.<sup>41</sup>

**Section 8-19.6. Department of Hawaiian Home Lands Liaison.** There shall be a liaison within the department who shall:

1. Serve as a liaison to the Department of Hawaiian Home Lands on all matters involving the County.
2. Develop and implement plans and programs for the development of housing for beneficiaries within the county.
3. Assist lessee beneficiaries with homesteads within the County.
4. Perform such other duties as required by law.<sup>42</sup>

The **ballot question** would be as follows:

Shall Article 8 of the Charter of the County of Maui be amended by amending Chapter 10 and adding a new Chapter 19 to bifurcate the Department of Housing and Human Concerns; and create the Housing Development Board and Hawaiian Home Lands within the Department of Housing?

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<sup>41</sup> I-22.

<sup>42</sup> J-11.

## TWENTY-SECOND PROPOSAL

### **Make the Board of Water Supply semi-autonomous; Change Appointment and Removal of Director and Deputy of Water Supply**

**The Commission recommends:**

**1. That Sections 8-11.1 of the Charter of the County of Maui be amended to read as follows:**

**“Section 8-11.1. Organization.** There shall be a semi-autonomous department of water supply consisting of a board of water supply, a director, a deputy director and the necessary staff.”

**2. That Sections 8-11.3 of the Charter of the County of Maui be amended to read as follows:**

**“Section 8-11.3. Board of Water Supply.** The board of water supply shall consist of nine members who shall be appointed by the mayor with the approval of the council. The ~~director of the department of planning and the directors~~ of the department of planning, public works, and environmental management shall be non-voting ex-officio members of the board of water supply. ~~The board of water supply shall act as advisor to the director of the department of water supply, the mayor and the council in all matters concerning the county's water system.~~”

**3. That Sections 8-11.4 of the Charter of the County of Maui be amended to read as follows:**

**“Section 8-11.4. Powers, Duties and Functions.** The board of water supply shall:

~~1. Review and submit to the mayor the department of water supply's request for an annual appropriation for operations and capital improvements.~~

~~2. Recommend the establishment and adjustment of rates and charges for furnishing water; such rates and charges shall be submitted to the mayor for review and approval. If approved by the mayor, proposed rates and charges shall be submitted to the council for enactment by ordinance.~~

1. Manage, control and oversee the department of water supply and all property thereof.

2. Adopt rules which shall have the force and effect of law relating to the management, control, operation, preservation, and protection of the waterworks of the county.

3. Adopt an annual operating and capital budget for the department.

4. Establish and adjust rates and charges for furnishing water; provided, however, the Council by ordinance may amend or repeal such rates and charges.

5. Have the power to acquire by eminent domain, purchase, lease, or otherwise, and to sell, lease, or otherwise convey real property in the name of the water board.

6. Have the authority to issue revenue bonds under the name of the water board.<sup>43</sup>

3. Perform such other duties and functions as shall be prescribed by law.”

**4. That Sections 8-11.5 of the Charter of the County of Maui be amended to read as follows:**

**“Section 8-11.5. Director and Deputy Director of Water Supply.** The director and deputy director of water supply shall be appointed by ~~the mayor with the approval of the council, and removed by the board of water supply.~~ The director and deputy director may be removed only after being informed in writing of the reason for dismissal, and after being given an opportunity for hearing before the board. ~~and may be removed by the mayor with the approval of the council.~~ The director of water supply shall have had a minimum of five years of experience in a management capacity, either in public service or private business, or both. ~~The deputy director of water supply shall be appointed by the mayor and may be removed by the mayor.~~ The director or deputy director of water supply shall be a registered engineer.”

The **ballot question** would be as follows:

Shall Sections 8-11.1, 8-11.3, 8-11.4, and 8-11.5 of the Charter of the County of Maui be amended to make the board of water supply semi-autonomous and allow the board to appoint the director and deputy director of the department of water supply; oversee the department of water supply; establish and adjust rates and charges for furnishing water, subject to change by Council; and adopt the operating and capital budget of the department of water?

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<sup>43</sup> 1-24.

## TWENTY-THIRD PROPOSAL

**Require that either the Directors or Deputy Directors of Water Supply and Environmental Management be professional engineers, licensed and registered in Hawaii.**

**The Commission recommends:**

- 1. That Section 8-11.5 of the Charter of the County of Maui be amended to read as follows:**

**“Section 8-11.5. Director and Deputy Director of Water Supply.** The director of water supply shall be appointed by the mayor with the approval of the council, and may be removed by the mayor with the approval of the council. The director of water supply shall have had a minimum of five years of experience in a management capacity, either in public service or private business, or both. The deputy director of water supply shall be appointed by the mayor and may be removed by the mayor. The director or deputy director of water supply shall be a registered professional engineer, licensed and registered in the State of Hawai‘i. <sup>44</sup>”

- 2. That Section 8-15.2 of the Charter of the County of Maui be amended to read as follows:**

**“Section 8-15.2. Director of Environmental Management.** The director of environmental management shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The director of environmental management shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both. The director or deputy director of environmental management shall be a professional engineer, licensed and registered in the State of Hawaii. <sup>45</sup>”

The ballot question would be as follows:

Shall Sections 8-11.5 and 8-15.2 of the Charter of the County of Maui be amended to require that the director and deputy director of water supply and the director of environmental management be professional engineers, licensed and registered in the State of Hawai‘i?

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<sup>44</sup> 1-25.

<sup>45</sup> 1-28.

## TWENTY-FOURTH PROPOSAL

### Add additional qualifications for the chief of police

**The Commission recommends that Section 8-12.3 of the Charter of the County of Maui be amended to read as follows:**

**“Section 8-12.3. Chief of Police.** The chief of police shall be appointed and may be removed by the police commission. The chief may be removed by the police commission only after being informed in writing of the ~~charges which are resulting in reason for~~ the chief's dismissal, and after being given an opportunity for hearing before the commission. The commission shall have the power to determine the director's “good standing” for purpose of retirement. The chief of police shall have had a minimum of ~~five-fifteen~~ years of experience in law enforcement, at least ~~three-five~~ of which shall have been in an administrative capacity. The chief shall also have at least a bachelor’s degree from an accredited university in a relevant field of study as determined by the commission.<sup>46</sup>”

The **ballot question** would be as follows:

Shall Section 8-12.3 of the Charter of the County of Maui be amended to:

1. Require that the Chief of Police have at least a bachelor’s degree from a relevant field of study; and
2. Authorize the police commission to determine whether the Chief of Police has “good standing” for the purpose of retirement; and
3. Clarify that the Chief of Police may be removed after notice and hearing before the Police Commission?

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<sup>46</sup> H-03, I-12, and I-13.

## TWENTY-FIFTH PROPOSAL

**Forbid members of the liquor control commission or liquor control adjudication board from serving on the other commission or board for 2 years**

**The Commission recommends that Chapter 8-13 of the Charter of the County of Maui be amended to add a new section to be appropriately designated and to read as follows:**

**“Section 8-13-4. No member of the liquor control commission or liquor control adjudication board shall be eligible for appointment to the other commission or board prior to the expiration of two (2) years from the end of membership on the board or commission.”<sup>47</sup>**

The **ballot question** would be as follows:

Shall Chapter 8-13 of the Charter of the County of Maui be amended by adding a new subsection to prohibit the members of the liquor control commission or liquor control adjudication board from serving on the other commission or board for 2 years?

## TWENTY-SIXTH PROPOSAL

### Create the Department of ‘Ōiwi Resources

**The Commission recommends:**

- 1. That Article 8 of the Charter be amended to add a newchapter to be appropriately designated and to read as follows:**

#### “CHAPTER DEPARTMENT OF ‘ŌIWI RESOURCES”

Section 8- . Organization. There shall be a department of ‘Ōiwi resources consisting of a director of ‘Ōiwi resources and the necessary staff.

Section 8- . Director of ‘Ōiwi Resources. The director of ‘Ōiwi resources shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The director shall be experienced in Native Hawaiian cultural resource management, Native Hawaiian cultural practices in the County, and proficient in the Hawaiian language. The director must have had five years of experience in a leadership capacity.

Section 8- . Powers, Duties, and Functions. The director of ‘Ōiwi resources shall:

1. Be the administrative head of the department of ‘Ōiwi resources.
2. Collaborate with the mayor, the executive branch, and the council to ensure proper management of ‘Ōiwi resources throughout the County.
3. Design and implement programs to care for and develop ‘Ōiwi resources.
4. Guide the County in the correct usage of the Hawaiian language, including place names, and the integration of Hawaiian language within County functions.
5. Promote healthy ecosystems through natural-cultural resource regeneration, protection, and sustainable utilization.
6. Advise state and federal agencies on all programs and projects that affect ‘Ōiwi resources in the County.
7. Report to the mayor and council annually on the County's overall performance in meeting ‘Ōiwi resources objectives and any issues that could be addressed by ordinance.
8. Perform other duties and functions as assigned by the mayor or managing director.”



**2. Section 8-8.3 of the Charter be amended to read as follows:**

**“Section 8-8.3. Powers, Duties, and Functions.** The planning director shall:

1. Be the administrative head of the department of planning.
2. Serve as the chief planning officer of the county and as the technical advisor to the mayor, council and planning commissions on all planning and related matters.
3. Recommend revisions of the general plan at least every ten (10) years to guide the development of the county, in collaboration with the director of ‘Ōiwi resources.
4. Prepare, administer, and enforce long-range planning programs, in collaboration with the director of ‘Ōiwi resources.”<sup>48</sup>

The **ballot question** would be as follows:

Shall Article 8 of the Charter of the County of Maui be amended by adding a new chapter to establish a Department of ‘Ōiwi Resources and by amending Section 8-8.3 to:

1. Ensure proper management of ‘Ōiwi (Native) cultural resources throughout the County, including cultural sites, iwi and burials, and the variety of natural resources used in cultural practices; and
2. Design and implement programs to care for and/or develop ‘Ōiwi (Native) resources, including the Hawaiian language, cultural practices, place names, historical and archival materials, cultural sites, iwi and burials, and the variety of natural resources used in cultural practices; and
3. Collaborate with the Planning Director on revisions to the general plan and long-range planning programs?

## TWENTY-SEVENTH PROPOSAL

### **Change how the members of the Board of Ethics are appointed; Create a new position of the Director of Ethics**

**The Commission recommends that Section 10-2 of the Charter of the County of Maui be amended to read as follows:**

**“Section 10-2. Board of Ethics.** There shall be a board of ethics.

1. The board shall consist of nine members appointed by the mayor from a panel of persons, nominated by the independent selection commission, with the approval of the council. There shall not less than two nominees for each vacancy.<sup>49</sup>

2. The board shall:

a. Initiate, receive, hear and investigate complaints of violations of this Article.

b. Initiate impeachment proceedings against elected officers and officers appointed to elective office who are found by the board after investigation to have violated this Article. Such proceeding shall be brought in the name of the board which shall be represented by special counsel of the board's choosing.

c. Render advisory opinions with respect to application of this Article on request. All requests for advisory opinions shall be answered within forty-fivesixty (4560) days of its filing; failure to submit an advisory opinion within the forty-fivesixty (6045) days shall be deemed a finding of no breach of this Article.<sup>50</sup>

d. Prescribe forms for the disclosures provided in this section and to implement the requirements of the disclosure provisions.

e. Examine all disclosure statements filed and to comment on or advise corrective action as to any matters that may indicate a conflict of interest.

f. Adopt such rules, having the force and effect of law, as will be necessary to provide for the enforcement of the provisions of this Article.

3. In the course of its investigations, the board shall have the power to administer oaths and subpoena witness and to compel the production of books and papers pertinent thereto.

4. The board, after due deliberation on issues before it, shall make findings of facts and conclusions of law regarding such issues and shall transmit the same to the appropriate appointing authority and the prosecuting attorney for appropriate disposition.

5. If any officer or employee, or former officer or employee, obtains an advisory opinion from the board and acts accordingly, or acts in accordance with the opinions of the board, the officer or employee shall not be held liable for violating any of the provisions of this Article.

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<sup>49</sup> E-05

<sup>50</sup> E-06

6. The council and mayor shall cooperate and provide financing and personnel reasonably required by the board in the performance of its duties.

~~(Amended 1992)~~

~~7. The board shall employ an executive director who shall be a Hawai'i licensed attorney and exempt from civil service, to manage the day to day affairs of the board and such staff as is necessary to fulfill its duties. The executive director shall be the legal advisor and legal representative of the board. Notwithstanding any other provision of this Charter to the contrary, the board may delegate any of its powers to the executive director by rule, except for adopting rules, rendering formal advisory opinions, making final determinations on complaints of violations, or initiating impeachment proceedings. The salary of the executive director shall be determined by the salary commission.<sup>51</sup>~~

The **ballot question** would be as follows:

Shall Section 10-2 of the Charter of the County of Maui be amended to change the appointment procedures for members of the Board of Ethics from being appointed by the mayor with approval of council to instead require that the mayor first select nominees for the commission from a list of at least two nominees developed by an independent selection commission and to establish the new position of Ethics Commission executive director who shall be a Hawai'i licensed attorney and exempt from civil service?

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<sup>51</sup> E-01 and E-02.

## TWENTY-EIGHTH PROPOSAL

### **Add additional requirements to the ethics code regarding the financial interests of county officers**

#### **The Commission recommends:**

- 1. That Section 10-3 of the Charter of the County of Maui be amended to read as follows:**

#### **“Section 10-3. Financial Disclosure.**

1. All elected county officers, all candidates for elective county office, and such appointed officers or other employees as the council shall designate by ordinance shall file with the board of ethics and the county clerk financial disclosure statements in a form or forms to be prescribed by the board of ethics. Such financial disclosure statements shall be open to public inspection.

2. All members of boards and commissions established under this charter, and such appointed officers or other employees as shall be designated by the council by ordinance as having significant discretionary or fiscal powers shall file with the board of ethics confidential financial disclosure statements in a form or forms to be prescribed by the board of ethics, which financial disclosure statements shall not be open to public inspection, provided that the names of all persons required to file confidential financial disclosure statements, the dates by which the financial disclosure statements are required to be filed, and the dates on which the financial disclosure statements are actually filed, shall be open to public inspection. No member of a board or commission who has failed to file a complete required financial disclosure statement may participate or vote in any official board or commission business until the statement is acknowledged as received by the board of ethics.<sup>52</sup>

3. All persons required herein to make financial disclosure statements, other than candidates for elective county office, shall file such financial disclosure statements within fifteen (15) days of the date of the resolution approving their appointment to the board or commission and shall file annual updates of their financial disclosure statements January 1st of each year that the person continues their term as a member of the board or commission taking office. A candidate for elective county office shall file a financial disclosure statement concurrently with the filing of nomination papers and shall file annual updates of their financial disclosure statements on January 1st of each year of their elected term.<sup>53</sup> The financial disclosure statement shall be sworn to under oath and shall include sources and amount of income, business ownership, officer and director positions, ownership of or interest in real property, debts, creditor interests in insolvent businesses, the names of persons represented

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<sup>52</sup> E-07 and E-08

<sup>53</sup> E-07 and E-08.

before government agencies, and such other information as shall be prescribed by the board of ethics.

**2. That Subsection 1 of Section 10-4 of the Charter of the County of Maui be amended to read as follows:**

**“Section 10-4. Prohibitions.**

1. No officer or employee of the county shall:
  - a. Solicit, accept or receive any gift; directly or indirectly, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of the officer's or employee's official duties or is intended as a reward for any official action on the officer's or employee's part.
  - b. Disclose information which, by law or practice, is not available to the public and which the officer or employee acquires in the course of the officer's or employee's official duties or use such information for the officer's or employee's personal gain or for the benefit of anyone.
  - c. Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the officer's or employee's official duties or which may tend to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties, or take any official action in which the officer or employee has a direct or indirect substantial financial interest, including participating in deliberations.<sup>54</sup>
  - d. Use county property or personnel for other than public activity or purpose.
  - e. Fail to disclose a financial interest in any matter which may be affected by an action of a county agency or vote on any matter affected by such interest.
  - f. Receive compensation for any service rendered in behalf of any private interest after termination of service to or employment with the county in relation to any case, proceeding or application with respect to which the officer or employee was directly concerned, or which was under his or her active consideration, or with respect to which knowledge or information not generally available to the public was made available to him or her during the period of service to or employment with the county.
  - g. Use or attempt to use the officer's or employee's official position to secure or grant unwarranted consideration, privileges,

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<sup>54</sup> E-04.

exemptions, advantages, contracts, or treatment, for oneself or others beyond that which is available to every other person.<sup>55</sup>”

The **ballot question** would be as follows:

Shall Section 10-3 the Charter of the County of Maui be amended to require the filing of a financial disclosure statement by members of a board of commission in order to participate in any official capacity; and be amended in Subsection 1 of Section 10-4 to clarify that county officers or employees are prohibited from taking official actions in which the officer or employee has a direct or indirect substantial financial interest and from using or attempting to use the officer’s or employee’s official position to secure or grant unwarranted consideration, privileges, exemptions, advantages, contracts, or treatment, for oneself or others?

## TWENTY-NINTH PROPOSAL

### **Create an appointed Community Commission, an appointed executive secretary, and elected Community Boards**

**The Commission recommends that Article 13 of the Charter be amended to add a newsection to be appropriately designated and to read as follows:**

#### **“COMMUNITY COMMISSION AND COMMUNITY BOARDS**

##### **Section 13- . Community Commission and Community Boards.**

a. Community commission and community boards shall be established to increase and ensure effective citizen participation in the decisions of government.

b. There shall be a community commission. The community commission shall

1. Develop, after public hearings, a community board plan which shall be effective upon filing with the clerk.

2. Review and evaluate the effectiveness of the community board plan and community boards and report to the mayor and council annually thereon.

3. Assist areas of the county in the formation and operation of their community boards, upon their request.

c. The community board plan shall designate the boundaries of communities and provide procedures by which registered voters within communities may initiate and form community boards and the manner of selection of the members of community boards, their terms of office, and their powers, duties, and functions. The plan may be amended by the commission, after public hearings to be held in various areas of the county, and amendments shall become effective upon filing with the clerk. Community boards shall be elected, as determined by ordinance.

d. There shall be an executive secretary to the community commission who shall be appointed by the mayor and confirmed by the council, and may be removed by mayor with the consent of the council. The executive secretary shall be exempt from civil service and the salary shall be set by the salary commission.<sup>56</sup>

e. Community boards are neighborhood boards overseen by a county-based commission within the meaning of HRS 92-81.<sup>57</sup>”

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<sup>56</sup> G-03.

<sup>57</sup> Style TIG

The **ballot question** would be as follows:

Shall Article 13 of the Charter of the County of Maui be amended to add a new section to create a Community Commission whose executive secretary is appointed by the Mayor and confirmed by Council; and elected Community Boards?



## THIRTIETH PROPOSAL

**Create a County Hearings Officer Department and require that all contested cases be heard by a County Hearings Officer, exclude the Police Commission, Board of Ethics, and Board of Review**

**The Commission recommends that Article 8 of the Charter be amended to add a newchapter to be appropriately designated and to read as follows:**

### **“COUNTY HEARINGS OFFICER**

**Section 8 - \_\_\_\_ . County Hearings Officer, established.** There shall be established an office of the county hearings officer and county hearings officers. There shall be two or more hearings officers. Each shall be appointed by the mayor and confirmed by the council from a list of not less than three and not more than five nominees presented to the mayor by the independent selection commission, and as further provided for in Section 13- \_\_\_\_ . The county hearings officer shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law for at least ten years immediately preceding nomination. The term of office shall be six years. Provided that among the first two hearings officers appointed, one shall serve for three years. The terms shall be staggered. The longest serving hearings officer shall be the administrative head of the office.

**Section 8- \_\_\_\_ . County Hearings Officer, powers.** Whenever any contested case proceeding or hearing determining the rights of private individuals, employees or officers before any county officer, board or commission, pursuant to any law, charter provision, rule or ordinance, the hearings officer or officers shall hear and recommend final decision in all such cases and shall have jurisdiction of all matters from their initiation until recommendation of final decision. Jurisdiction shall include final determinations as to the admission of parties. Provided, however, that contested cases of the Board of Ethics and Real Property Tax Board of Review shall not be subject to this section unless a hearings officer is affirmatively appointed to hear a matter.

Hearings officer or officers shall have power to issue subpoenas, administer oaths, hear testimony, conduct public hearings when required by law, find facts, and make conclusions of law and a recommended decision; provided that the recommended decision shall be subject to review and redetermination by the officer, board, or commission which would have heard the case in the first instance in the absence of a hearings officer within ninety days of transmission of the findings, conclusions and recommended decision to said officer, board or commission. If no action is taken within said ninety days, the recommended

decision shall become the final decision of the officer, board or commission and be appealable.

The hearings officers shall adopt uniform rules regarding their procedures and shall recommend amendments to the administrative rules of every agency with which they make recommendations for final decision. To the extent there is a conflict regarding procedural rules, the rules of the hearings officer shall take precedence over other county rules.”<sup>58</sup>

The **ballot question** would be as follows:

Shall Article 8 of the Charter of the County of Maui be amended by adding a new chapter to:

1. Create a department of County Hearings Officers;
2. Require that all contested cases before any county board be heard first by County Hearings Officers; and
3. Exclude the Board of Real Property Tax Review and Board of Ethics from this requirement?

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<sup>58</sup> C-09; amended by TIG

## THIRTY-FIRST PROPOSAL

### **Reduce the number of voters needed to sign a petition to add an initiative to the ballot**

**The Commission recommends that Section 11-3 of the Charter of the County of Maui be amended to read as follows:**

**“Section 11-3. Petitions.**

1. Petitions shall be filed as one instrument and shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
2. Such petitions must be signed by not less than ~~twenty-ten~~ percent (~~120~~%) of the total number of voters who cast ballots in the last mayoral general election.”<sup>59</sup>

The ballot question would be as follows:

Shall Section 11-3 of the Charter of the County of Maui be amended to reduce the number of voters needed to sign a petition to add an initiative to the ballot from 20% to 10%?

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<sup>59</sup> J-02 and J-04.

## **THIRTY-SECOND PROPOSAL**

**Increase the number of days from the County Clerk has to determine the sufficiency of any petition filed to recall an elective officer or member of a board or commission**

**The Commission recommends that Section 12-4 of the Charter of the County of Maui be amended to read as follows:**

**“Section 12-4. Filing and Certification.**

1. Within thirty (30) days after the filing with the clerk of the affidavit stating the name and office of the officer sought to be removed, all papers comprising a recall petition shall be assembled and filed with the county clerk as one instrument.

2. Within ~~twenty-thirty~~ (320)<sup>60</sup> days from the date of the filing of such petition, the county clerk shall determine the sufficiency thereof and attach thereto a certificate showing the result of the clerk's examination. If the county clerk certifies that the petition is insufficient, the clerk shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the person designated in such petition to receive it.”

The ballot question would be as follows:

Shall Section 12-4 the Charter of the County of Maui be amended to increase the number of days the County Clerk has to determine the sufficiency of any petition filed to recall an elective officer or member of a board or commission from 20 days to 30 days?

## THIRTY-THIRD PROPOSAL

### Change the qualifications for service on county boards and commissions.

The Commission recommends that Section 13-2 of the Charter of the County of Maui be amended to read as follows:

#### “Section 13-2. Boards and Commissions.

1. Unless otherwise provided, the members of all boards or commissions shall serve for ~~staggered~~ terms of five (5) years beginning on the date of taking office~~April 1~~ and ending on March 31, five (5) years thereafter. ~~All members of boards and commissions recognized by this charter who hold office upon the effective date of this amendment shall continue in office for the balance of the term for which they were originally appointed and ninety (90) days thereafter to the following March 31.~~<sup>61</sup>

Each new board or commission established by this charter shall have nine members. Of the nine members initially appointed, three shall serve for a term of five (5) years, two shall serve for a term of four (4) years, two shall serve for a term of three (3) years and two shall serve for a term of two (2) years.

~~2. Not more than a bare majority of the members of any board or commission shall belong to the same political party.~~<sup>62</sup>

~~3~~2. In making appointments to all boards and commissions, the mayor shall give due consideration to balanced geographic representation.

~~34. Any vacancy occurring on any board or commission shall be filled for the unexpired term as provided for herein.~~<sup>63</sup>

45. The members of boards and commissions appointed by the mayor, with approval of the council, may be removed for cause upon recommendation of such removal by the mayor and the approval of two-thirds of the entire membership of the council.

~~5~~6. No member of any board or commission shall be eligible for a second appointment to the same board or commission prior to the expiration of two (2) years, ~~provided that members of any board or commission initially appointed for a term not exceeding two (2) years shall be eligible to succeed themselves for an additional term. No member of any board or commission shall serve beyond the time when his or her term expires unless the member is specifically reappointed.~~<sup>64</sup> A vacancy shall be automatically created upon the expiration of a member's term which vacancy shall be filled as provided for herein.

67. Employees and officers of the State or county shall be eligible to serve on boards and commissions, provided that such service does not result in a conflict of interest.

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<sup>61</sup> F-06

<sup>62</sup> F-05

<sup>63</sup> F-06

<sup>64</sup> Style TIG amendment

~~78~~. A majority of the entire membership of a board or commission shall constitute a quorum to do business, and the affirmative vote of a majority of the entire membership of a board or commission shall be necessary to take any action.

~~89~~. Each board or commission shall select a chair from its membership annually.

10. All boards and commissions shall have the power to subpoena witnesses and administer oaths to witnesses as to all matters within the authority of such boards or commissions.

11. All boards and commissions shall hold public hearings whenever required or deemed necessary and shall provide due notice to the public by publication in a newspaper of general circulation in the county.

12. The deputies of the administrative head of any department shall be appointed by the administrative head without the necessity of confirmation by any commission or board.

~~123~~. The members of boards and commissions ~~shall receive no compensation but~~<sup>65</sup> shall be entitled to be paid for necessary expenses incurred by them in the performance of their duties. Necessary expenses may be paid in advance as per diem allowances as may be established by ordinance.

~~134~~. Except for purposes of inquiry and as otherwise provided by this charter or by law, no board or commission nor its membership shall interfere in any way with the administrative affairs of the department.

~~145~~. Each board and commission shall have power to establish its own rules of procedures necessary for the conduct of its business, except as otherwise provided in this charter.”

The **ballot question** would be as follows:

Shall Section 13-2 of the Charter of the County of Maui be amended to provide that members of boards and commissions serve for 5 years from the date of appointment, whether a new appointment or filling a vacancy; to eliminate the requirement that no more than a bare majority may belong to the same political party; and to eliminate the prohibition that board and commission members may be compensated?

## THIRTY-FOURTH PROPOSAL

### **Create an independent nomination board and change the method by which vacancies on boards and commissions are filled**

**The Commission recommends that Article 13 of the Charter be amended and to add a new section to be appropriately designated and to read as follows:**

“There shall be an independent nomination board established to recruit, evaluate and nominate individuals to serve on boards and commissions established by this charter and any other board or commission, as determined by ordinance. The manner and requirements for lists of nominees shall be established by ordinance.

16. A vacancy on a commission or board due to the expiration of a member's term shall be filled as follows:

Not less than ninety (90) days before a vacancy occurs, the independent nomination board shall submit a list of nominees to the mayor. Not more than seventy (70) days nor less than sixty (60) days before the vacancy is to occur the mayor shall submit to the council the name of the mayor's nominee to fill the vacancy. Within ~~sixty-thirty~~ (360) days thereafter the council shall act to approve or disapprove the nominee. If the council disapproves the nominee, it shall immediately so notify the mayor of its action. The mayor shall then submit the name of a second nominee to the council within ten (10) days and the council shall act thereon within ~~sixty-thirty~~ (360) days. The process shall continue until the vacancy is filled. In the event that the council fails to approve or disapprove a nominee within the time periods provided for herein, the nominee shall be deemed appointed to fill the vacancy upon its occurrence. If the mayor fails to submit the name of a nominee within the times provided for herein, the council may within ~~sixty-thirty~~ (360) days nominate and approve the appointment of an individual to fill the vacancy.

17. A vacancy on a commission or board due to death, resignation or removal shall be filled ~~as follows:~~in the same manner as the original appointment.

~~Within thirty (30) days of the occurrence of a vacancy the mayor shall submit to the council the name of the mayor's nominee to fill the vacancy.~~ Within sixty (60) days thereafter the council shall act to approve or disapprove the nominee. If the council disapproves the nominee it shall immediately so notify the mayor of its action. The mayor shall then submit the name of a second nominee to the council within ten (10) days and the council shall act thereon within sixty (60) days. This process shall continue until the vacancy is filled. In the event that the council fails to approve or disapprove a nominee within the time periods provided for herein, that nominee shall be deemed appointed to fill the vacancy upon its occurrence. If the mayor fails to submit the name of a nominee within the times provided for herein, the council may within

sixty (60) days nominate and approve the appointment of an individual to fill the vacancy.<sup>66</sup>

The **ballot question** would be as follows:

Shall Section 13-2 of the Charter of the County of Maui be amended to create an Independent Nomination Board tasked with nominating members of certain county boards and commissions?

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<sup>66</sup> F-03 and F-05.



## THIRTY-FIFTH PROPOSAL

**Create an Independent Selection Commission to recommend nominees for the County Clerk, Auditor, Corporation Counsel, Prosecutor, and other officers, and to appoint the officers if the Mayor or Council fails to act**

**The Commission recommends that Article 13 of the Charter be amended to add a new section to be appropriately designated and to read as follows:**

**“Section 13- . Independent Selection Commission.** There shall be an independent selection commission that shall consist of seven members. The mayor shall appoint two members to the commission. The County Council shall appoint two members. The Maui County Bar Association shall appoint two members to the commission. The chief judge of the Second Circuit Court shall appoint one member to the commission. Upon establishment, the Commission shall determine the staggering of their terms. A regular term shall be five years. No member shall run for or hold any other elected office under the United States, the State or its political subdivisions. No member shall take an active part in political management or in political campaigns. No member shall be eligible for appointment to any office for which the commission makes nominations so long as a member of the commission and for a period of three years after the end of the entire term so appointed.

If the mayor or council fails to make any appointment within thirty days of presentation of nominees, or within ten days after the Council's rejection of any previous appointment, the appointment shall be made by the independent selection commission from the list with the consent of the Council. If the council fails to reject any appointment within thirty days thereof, it shall be deemed to have given its consent to such appointment. If the council shall reject any appointment, the mayor or council shall make another appointment from the list within ten days thereof. The same appointment and consent procedure shall be followed until a valid appointment has been made, or failing this, the commission shall make the appointment from the list, without Council consent.”<sup>67</sup>

The **ballot question** would be as follows:

Shall Article 13 of the Charter of the County of Maui be amended to add a new section to create an Independent Selection Commission tasked with nominating candidates for the County Clerk, Auditor, Corporation Counsel,

Prosecutor, and other officers, and to appoint the officers if the Mayor or Council fails to act?

## THIRTY-SIXTH PROPOSAL

### Allow for electronic signatures in accordance with state law

**The Commission recommends that Section 13-4 of the Charter of the County of Maui be amended to read as follows:**

**“Section 13-4. Facsimile and Electronic Signatures.** Whenever any person is required to sign negotiable instruments, multiple bonds, or certification of payrolls, the signatures may be a facsimile, or may be made electronically pursuant to state law.<sup>68</sup>”

The ballot question would be as follows:

Shall Section 13-4 the Charter of the County of Maui be amended to allow for electronic signatures pursuant to state law?

## THIRTY-SEVENTH PROPOSAL

### Remove the cap on penalties for violations of law

**The Commission recommends that Section 13-10 of the Charter of the County of Maui be amended to read as follows:**

**“Section 13-10. Penalties.** The council shall, by ordinance, provide for the punishment of violations of any provisions of this charter and may provide for punishment of violations of ordinances and rules having the force and effect of law, ~~but no penalty shall exceed the amount of \$1,000.00 per day for each day the violation persists or one (1) year's imprisonment, or both; except that the penalty for the operation of a transient accommodation without a necessary permit shall not exceed a civil fine of \$20,000 plus \$10,000 per day for each day the unlawful operation persists, unless a higher fine is authorized by State law. For purposes of this section, "transient accommodation" includes transient vacation rentals, bed and breakfast homes, short term rental homes, and other categories of transient accommodation established by ordinance.<sup>69</sup>~~”

The **ballot question** would be as follows:

Shall Section 13-10 of the Charter of the County of Maui be amended to remove the cap on penalties for violations of the law so that they will be set by ordinance?

## THIRTY-EIGHTH PROPOSAL

### Require the county to operate as a bilingual government

#### The Commission recommends:

**1. That the Preamble of the Charter be amended to read as follows:**

“WE, THE PEOPLE OF THE COUNTY OF MAUI, mindful of our Hawaiian history, heritage and culture and our uniqueness as a four island county, dedicate our efforts to fulfill the Hawaii State motto, "Ua mau ke ea o ka ‘āina i ka pono," [~~"The life of the land is perpetuated in righteousness."~~<sup>70</sup>]

In order to secure the benefits of the best possible form of county government and to exercise the powers and assume the responsibilities of county government to the fullest extent possible, we do hereby adopt this charter of the County of Maui, State of Hawai‘i.”

**2. Article 13 of the Charter be amended to add a new section to be appropriately designated and to read as follows:**

**“Section 13-\_\_\_. Bilingual Government.** The county shall operate as a bilingual government and shall implement such opportunities to promote inclusion of the Hawaiian language. Official writings of the county shall be prepared and made available in both official state languages, English and Hawaiian, as determined by ordinance. The county shall provide appropriate oral language services to any resident who orally communicates with its officers or employees in the Hawaiian language.”<sup>71</sup>

The ballot question would be as follows:

Shall the Preamble and Article 13 of the Charter of the County of Maui be amended to remove the translation of the Hawaii State motto, and affirm that the County will operate as a bilingual government by implementing opportunities to include the Hawaiian language?

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<sup>70</sup> J-01.

<sup>71</sup> J-12.

## THIRTY-NINTH PROPOSAL

### **Require that the Police Commission issue public reports of 1) the investigation of charges brought by the public against the conduct of the department or its members, and 2) the annual performance of the chief of police**

The Commission recommends that Subsections 8-12.2(3) and 8-12.2(4) of the Charter of the County of Maui be amended to read as follows:

**“Section 8-12.2. Police Commission.** The police commission shall consist of nine members appointed by the mayor with the approval of the council.

The police commission shall:

1. Adopt such rules as it may consider necessary for the conduct of its business and regulation of the matters committed to its charge by law.
2. Review ~~and submit to the mayor~~ the department's request for an annual appropriation for the operation of the department before submission to the mayor. **[NOTE: CONFLICTING PROVISIONS PASSED – LATER PROVISION INCLUDED]**
3. Receive, review and investigate any charges brought forth by the public against the conduct of the department or any of its members and submit a written public report of its findings and recommendations to the chief of police for the chief's disposition.
4. Annually review and evaluate the performance of the chief of police and submit a public report to the mayor and the council.<sup>72</sup>
5. Have such other powers and duties as may be provided by law.”

The ballot question would be as follows:

Shall Subsections 8-12.2(3) and 8-12.2(4) of the Charter of the County of Maui be amended to require that the Police Commission issue public reports of 1) the investigation of charges brought by the public against the conduct of the department or its members, and 2) the annual performance of the chief of police?

## FORTIETH PROPOSAL

### Eliminate unnecessary transitional provisions

**The Commission recommends that Article 15 of the Charter of the County of Maui be amended to read as follows:**

**Section 15-2. Transition Provisions Concerning Fire and Public Safety Commission.**

~~1. Upon adoption of the proposed 2002 amendments to Article 8, Chapter 7, the fire chief serving on January 1, 2003 shall continue serving as interim fire chief until the appointment or reappointment of a chief by the fire and public safety commission. Should the office of fire chief become vacant before appointment of a fire and public safety commission, the mayor may appoint an interim fire chief, or, in the absence of such an appointment, the deputy fire chief shall serve as interim fire chief.~~

~~2. Upon adoption of the proposed 2002 amendments to Article 8, Chapter 7, the current members of the public safety commission shall continue to serve on the new fire and public safety commission until the end of their term of appointment. (Amended 2002)~~

~~**Section 15-3. Salary Commission.** Upon adoption of the proposed 2002 amendment to Section 8-17.1, the current members of the salary commission shall determine by lot the lengths of their terms to facilitate the appointment or reappointment pursuant to the annual sequence adopted in the 2002 amendment beginning in 2003. (Amended 2002)~~

~~**Section 15-4.** Upon adoption of the proposed 2012 amendment to Section 8-7.4, the Maui County Department of Fire and Public Safety shall provide the timetable for the transition to include the functions of shoreline and ocean rescue and safety. (Amended 2012)~~

**Section 15-5. Transfer of Audit Functions to the Office of the County Auditor.**

~~1. All lawful obligations and liabilities owed by or to the office of council services relating to financial and performance audits on June 30, 2013 shall remain in effect on July 1, 2013. The obligations and liabilities shall be assumed by the office of the county auditor.~~

~~All contracts held by the office of council services relating to financial and performance audits which are to remain effective after June 30, 2013 shall be assumed by the office of the county auditor. The contracts shall continue in effect until fulfilled or lawfully terminated.~~

~~All financial and performance audit activities administered by the office of council services on June 30, 2013 shall be assumed by the office of the county auditor on July 1, 2013.~~

~~2. On July 1, 2013, all records, data, and information held by the office of council services relating to financial and performance audits which have not been completed as of June 30, 2013 shall be transferred to the office of the county auditor.~~

(Amended 2012)

**Section 15-2. Transition Provisions Concerning Fire and Public Safety Commission.**

~~3. Upon adoption of the proposed 2002 amendments to Article 8, Chapter 7, the fire chief serving on January 1, 2003 shall continue serving as interim fire chief until the appointment or reappointment of a chief by the fire and public safety commission. Should the office of fire chief become vacant before appointment of a fire and public safety commission, the mayor may appoint an interim fire chief, or, in the absence of such an appointment, the deputy fire chief shall serve as interim fire chief.~~

~~4. Upon adoption of the proposed 2002 amendments to Article 8, Chapter 7, the current members of the public safety commission shall continue to serve on the new fire and public safety commission until the end of their term of appointment. (Amended 2002)~~

~~**Section 15-3. Salary Commission.** Upon adoption of the proposed 2002 amendment to Section 8-17.1, the current members of the salary commission shall determine by lot the lengths of their terms to facilitate the appointment or reappointment pursuant to the annual sequence adopted in the 2002 amendment beginning in 2003. (Amended 2002)~~

~~**Section 15-4.** Upon adoption of the proposed 2012 amendment to Section 8-7.4, the Maui County Department of Fire and Public Safety shall provide the timetable for the transition to include the functions of shoreline and ocean rescue and safety. (Amended 2012)~~

**Section 15-5. Transfer of Audit Functions to the Office of the County Auditor.**

~~3. All lawful obligations and liabilities owed by or to the office of council services relating to financial and performance audits on June 30, 2013 shall remain in effect on July 1, 2013. The obligations and liabilities shall be assumed by the office of the county auditor.~~

~~All contracts held by the office of council services relating to financial and performance audits which are to remain effective after June 30, 2013 shall be assumed by the office of the county auditor. The contracts shall continue in effect until fulfilled or lawfully terminated.~~

~~All financial and performance audit activities administered by the office of council services on June 30, 2013 shall be assumed by the office of the county auditor on July 1, 2013.~~

~~On July 1, 2013, all records, data, and information held by the office of council services relating to financial and performance audits which have not been completed as of June 30, 2013 shall be transferred to the office of the county auditor."<sup>73</sup>~~

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<sup>73</sup> K-04



The **ballot question** would be as follows:

Shall Sections 15-2 through 15-5 of the Charter of the County of Maui be eliminated because these transitional provisions are no longer effective or necessary?