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OFFICE OF THE
COUNTY CLERK

MAUI COUNTY CHARTER COMMISSION

200 S. High St.
Wailuku, HI

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OFFICE OF THE
COUNTY CLERK

AMENDED

REGULAR MEETING AGENDA

MEETING MATERIALS WITH HYPERLINKS

All meeting materials are hyperlinked and available at,

<https://mauicounty.gov/DocumentCenter/Index/5115>

PURSUANT TO CHAPTER 91 & 92, HAWAII REVISED STATUTES AS AMENDED, NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE MAUI CHARTER COMMISSION.

DATE: Tuesday, February 08, 2022
TIME: 9:00 a.m.

REMOTE MEETING LOCATION: Online via BlueJeans; www.bluejeans.com, Meeting ID: 422 626 918

PHYSICAL LOCATION: In accordance with Governor Ige's emergency proclamation related to Sunshine Law meetings, this meeting will be held by videoconference only.

COMMISSIONERS: **Vice-Chair:** Grant Chun (Acting Chair), Kelson Kauanoë Batangan, Doreen Canto, David DeLeon, Paul Deslauriers, Karey Kapoi, Keoni Kuoha, Douglas Ward Mardfin, Ashley Olson, George Purdy IV

MEETING ACCESS & VIDEO TESTIMONY: To access the meeting, provide video testimony or watch the meeting by computer or other mobile device, log onto <https://bluejeans.com> **and enter the Meeting ID: 422 626 918** or use the meeting link, <https://bluejeans.com/422626918>

Testifiers via video may sign-up to testify by sending a Direct Message in the Chat function to the Commission Secretary, signifying their intention to testify, noting the agenda item number, and providing contact information (optional). Testimony shall not be submitted within the Chat function, and the Chat function may not be used to contact Board/Commission Members, or other meeting participants, for the commenting on the agenda items, or other matters.

Testifiers are asked to mute their audio and video when they are not testifying.

PHONE ACCESS & TESTIMONY: To provide testimony by phone OR listen to the meeting **Dial 1-408-915-6290 (toll-free) and enter Meeting ID: 422 626 918**

Testifiers via phone will be called by the Chair after video testimony has concluded.

IN-PERSON TESTIMONY: Testifiers in the Conference Room will be called by the Chair after video and phone testimony has been heard.

Oral testifiers will be limited to a maximum of three (3) minutes to testify. If you are unable to conclude, you may request to return at the end after all other testifiers to complete your testimony pursuant to Commission rules.

WRITTEN TESTIMONY: Whether sent via fax, email, or USPS, written testimony should be received by the Department of the Corporation Counsel by noon, two business days before the meeting to ensure distribution to the commissioners. Email written testimony to charter.commission@mauicounty.gov; fax “Attention: Charter Commission” to (808) 270-7152; or mail to the Charter Commission c/o the Department of the Corporation Counsel, 200 S. High Street, 3rd Floor, Wailuku, Hawaii 96793. While the Commission requests that written testimony be submitted by a certain date and time, testimony submitted after such date and time will still be accepted by the Commission.

CALL TO ORDER AND ROLL CALL

1. Public Testimony on all items.
2. DRAFT 2022 Charter Commission Report.
[\(See DRAFT 2021-2022 Charter Commission Report\)](#) & [\(Memo\)](#)
3. **Proposal 22 – Semi-Autonomous Board of Water Supply**
 - a. Motion to Delete / Refer to Council – Chun; Kapoi; Kuoha; DeLeon
 - b. Commissioner Williams’ Motions to Amend:
 - i. To make it clear the newly empowered BWS has an adequate support staff for itself, hired, fired, and supervised by itself, in a separate budget section, but still within the DWS overall budget.
 - c. Recommended Legal Fixes – Legal changes to proposal and recommended change to Charter Chapter 18, Department of Agriculture regarding the appointment of the director and deputy director of the Department of Agriculture:

Section 8-18.2. Director and Deputy Director of Agriculture. The director and deputy director of agriculture shall be appointed by the mayor from a list of nominees presented to the mayor by the independent nomination board, and as further provided for in Section 13-___, and may be removed by the mayor with the approval of the council.
4. **Proposal 23 – Directors of Water Supply & Environmental Management**
 - a. Motion to Delete / Refer to Council – Batangan
5. **Proposal 24 – Police Chief**
 - a. Motion to Delete / Refer to Council – Batangan

6. **Proposal 25 – Liquor Control Commission & Adjudication Board**
 - a. Motion to Delete / Refer to Council – Batangan; Deslauriers
7. **Proposals 34 & 35 – Independent Nomination Board & Independent Selection Commission**
 - a. Motion to Delete / Refer to Council – Kuoha (as to Proposal 35 only)
 - b. Motion to Amend Both Proposals
 - i. Batangan ([Batangan Proposals 34, 35](#))
 - ii. Williams ([Williams, Proposals 34, 35](#))
 - c. Motion to Amend Proposal 34 only – DeLeon; Olson
([DeLeon, Proposal 34](#)) ([Olson Proposal 34](#))
 - d. Motion to Amend Both Proposals by listing the department heads, boards, and commissions that each will nominate – Deslauriers
 - e. Recommended Legal Fixes to Proposal 35 – remove appointment powers by people or entities not governed by the Maui Ethics Code (judges or bar association) to prevent potential ethical issues.
8. **Proposal 3 – Office of Council Services**
 - a. Motion to Delete / Refer to Council – Batangan; Kuoha; Williams; DeLeon
 - b. Corp. Counsel Note: The current designation of the office (“Office of Council Services”) does not clearly indicate to the public that legislative attorneys may act as legal advisors to Council. Hawaii Rule of Professional Conduct Rule 7.5 prohibits lawyers from practicing under a name that is misleading as to the identity, responsibility, or status of those practicing thereunder.
9. **Proposals 4 and 5 – Auditor**
 - a. Motion to Delete / Refer to Council Proposal 4 only – Kapoi; Kuoha; Williams
 - b. Motion to Delete / Refer to Council Proposal 5 only – Kuoha; Deslauriers
 - c. Motion to Delete Proposal 4 and Amend Proposal 5 to require Auditor to assess fiscal impacts of amendments to the Charter and Delete Proposal 4 – Batangan ([Batangan Amd Proposal 5](#))
10. **Proposal 7 – County Clerk**
 - a. Motion to Amend – Kuoha ([Kuoha Amd Proposal 7](#))

- b. Recommended legal changes if Cm. Kuoha’s proposed amendment is not adopted ([Corp. Counsel Rec. Prop. 7](#))
11. **Proposal 8 – Appoint and Retain Administrative Department Heads**
- a. Motion to Delete / Refer to Council – DeLeon
 - b. Motions to Amend
 - i. Deslauriers: Motion to amend Subsection 6-2.6 to require that the mayor may not request a resignation letter prior to an appointment and not before 30 days prior to resignation.
 - ii. Williams ([Williams, Amd Prop. 8](#))
12. **Proposals 11 & 12 – Corporation Counsel & Prosecutor**
- a. Motions to Amend Proposals 11 and 12 – Kapoi, DeLeon ([Kapoi Rec. Amd. Proposals 11, 12](#))
 - b. Motion to Amend Both Proposals – Kuoha ([Kuoha Amd. Proposals 11, 12](#))
 - c. Motion to Amend Proposal 11 ([DeLeon Amd. Proposal 11](#))
13. **Proposal 13 – Appropriation**
- a. Motion to Delete / Refer to Council – Deslauriers
14. **Proposal 14 – Good Standing**
- a. Motion to Delete / Refer to Council – Deslauriers
15. **Proposal 27 – Director of Ethics / Ethics Board**
- a. Motion to Delete / Refer to Council – DeLeon; Kuoha
16. **Proposal 28 – Ethics**
- a. Motion to Delete / Refer to Council – Deslauriers
17. **Proposal 33 – Board Qualifications**
- a. Motion to Delete / Refer to Council – Batangan
18. **Proposal 37 – Remove Cap on Penalties**
- a. Motion to Delete / Refer to Council – Batangan; Deslauriers
 - b. Motion to Amend – DeLeon ([DeLeon Amd. Proposal 37](#))

19. **Proposal 38 – Bilingual Government**

- a. Motion to Delete / Refer to Council – Batangan

20. **Other Amendments** – The Board may consider other amendments to the Draft Report.

21. Administrative items:

- a. (1) combining proposals; (2) motions to amend titles or questions; (3) motions to amend order of proposals.
- a. Update from Gilbert & Associates
- b. Upcoming meeting dates.

RECESS MEETING: February 15, 2022 at 9:00 a.m.

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

SPECIAL ASSISTANCE: If you require an auxiliary aid or service or an accommodation due to a disability, please contact the Commission Staff no later than three business days prior to the scheduled meeting by calling 808-270-7742.

DOCUMENTS ON FILE: Visit <https://www.mauicounty.gov/CharterCommission> for Commission information and documentation. Contact Supporting Department, Department of the Corporation Counsel, Commission Staff at: 808-270-7742, or 1-800-272-0117 (toll-free from Molokai and Lanai) for further assistance.

EXECUTIVE SESSION: An executive session may be called in order for the commission to consult with its attorney on questions and issues pertaining to the commission's powers, duties, privileges, immunities and liabilities, pursuant to Section 92-5 (a)(4), Hawaii Revised Statutes.

INTERRUPTION IN VIDEO/AUDIO: If the connection between any testifier and the video conference is lost, the meeting will continue. A meeting held by interactive conference technology shall be automatically recessed for up to 30 minutes to restore communication when audiovisual communication cannot be maintained with commission members participating in the meeting or with the public location identified above. If connection cannot be restored within 30 minutes, the meeting is automatically terminated.