

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 6, 2010

Committee
Report No. _____

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

Chair and Members:

Your Committee of the Whole, having met on July 15, 2010, makes reference to County Communication No. 09-229, from Michael J. Molina, Chair of your Committee, relating to Charter amendments.

By correspondence dated March 6, 2010, the Kula Community Association (“KCA”) transmitted a proposed Charter amendment requiring that financial disclosure statements be filed in order for a candidate’s name to appear on the ballot for any County elective office. The KCA further proposed that financial disclosure statements be available for review on the County website.

By correspondence dated April 30, 2010, Councilmember Gladys C. Baisa transmitted the following:

1. A proposed resolution entitled “PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO FINANCIAL DISCLOSURE STATEMENTS OF CANDIDATES FOR ELECTIVE COUNTY OFFICE”. The purpose of the proposed resolution is to place the following question on the 2010 General Election ballot:

Should candidates for elective County office be required to file financial disclosure statements concurrently with the filing of nomination papers, instead of allowing financial disclosures to be filed within 15 days of filing nomination papers?

2. A proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 2.56.060, MAUI COUNTY CODE, RELATING TO FINANCIAL DISCLOSURE STATEMENTS”. The purpose of the proposed bill is to require candidates for elective County office to file a

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financial disclosure statement concurrently with the filing of nomination papers.

Your Committee notes that Section 10-3 of the Revised Charter of the County of Maui (1983), as amended, gives candidates for elective County office 15 days after the filing of nomination papers to file a financial disclosure statement. Your Committee expressed some concern about deleting this 15-day period without understanding the basis for it. Nevertheless, your Committee agreed that requiring a candidate to file a financial disclosure statement concurrently with their nomination papers will minimize any confusion or delay in the filing of financial disclosure statements and should not be a difficult task.

Your Committee notes that Council action on the proposed bill is not necessary until the proposed Charter amendment is enacted.

Your Committee voted 6-0 to recommend passage of the proposed resolution on first reading. Committee Chair Molina, Vice-Chair Mateo, and members Johnson, Kaho`ohalahala, Medeiros, and Nishiki voted "aye". Committee members Baisa, Pontanilla, and Victorino were excused.

Your Committee notes that Section 14-1(1) of the Charter requires that amendments to the Charter shall be initiated by resolution of the Council adopted after two readings on separate days and passed by a vote of six or more members of the Council.

Your Committee of the Whole **RECOMMENDS** that Resolution No. _____, attached hereto, entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO FINANCIAL DISCLOSURE STATEMENTS OF CANDIDATES FOR ELECTIVE COUNTY OFFICE", be **PASSED ON FIRST READING** and be **ORDERED TO PRINT**.

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This report is submitted in accordance with Rule 7 of the Rules of the Council.



MICHAEL J. MOLINA, Chair

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Resolution

No. _____

PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE
COUNTY OF MAUI (1983), AS AMENDED,
RELATING TO FINANCIAL DISCLOSURE STATEMENTS OF
CANDIDATES FOR ELECTIVE COUNTY OFFICE

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

1. That, pursuant to Section 14-1(1) of the Revised Charter of the County of Maui (1983), as amended (“Charter”), it hereby proposes that Section 10-3 of the Charter, pertaining to financial disclosure, be amended 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 [disclosures] disclosure statements in a form or forms to be prescribed by the board of ethics. Such financial [disclosures] 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 [disclosures] disclosure statements in a form or forms to be prescribed by the board of ethics, which [disclosures] financial disclosure statements shall not be open to public inspection, provided that the names of all persons required to file confidential financial [disclosures] disclosure statements, the dates by which the [disclosures] financial disclosure statements are required to be filed, and the dates on which the [disclosures] financial disclosure statements are actually filed, shall be open to public inspection.

3. All persons required herein to make financial [disclosures] disclosure statements, other than candidates for elective county office, shall file such [disclosures] financial disclosure statements within fifteen (15) days of taking office [or within fifteen (15) days of filing nomination papers as a candidate for an elected county office]. A candidate for elective county office shall file a financial disclosure statement concurrently with the filing of nominations papers. The financial

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disclosure statement shall be sworn to under oath and shall include[, but not be limited to,] 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 before government agencies, and such other information as shall be prescribed by the board of ethics.”

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

and

3. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

4. That the County Clerk prepare the necessary ballot for presentation to the voters at the 2010 General Election; and

5. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that the following question be placed on the 2010 General Election ballot:

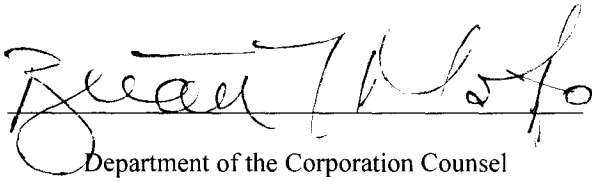
Should candidates for elective County office be required to file financial disclosure statements concurrently with the filing of nomination papers, instead of allowing financial disclosures to be filed within 15 days of filing nomination papers?

6. That, upon approval of the majority of the voters as indicated by the number of votes cast and upon official certification of such result, the amendment proposed herein take effect; and

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7. That certified copies of this resolution be transmitted to the Mayor, the County Clerk, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY

A handwritten signature in cursive script, appearing to read "Juan M. Soto", is written over a horizontal line.

Department of the Corporation Counsel
County of Maui

paf:kmh:10-075d