

TO: Maui County Charter Commissioners
FROM: Kase Higa, County Attorney
SUBJECT: Further Revisions

1. Revise the last sentence in paragraph 1 of Section 4-2 to read as follows:

"Full readings of bills may be required by three or more members of the council."

2. Revise the first sentence in paragraph 3 of Section 4-2 to read as follows:

"Except as otherwise provided in this charter, resolutions may be adopted on one reading by the affirmative vote of five or more members of the council."

3. Revise the first sentence of Section 8-1.5 to read as follows:

"The council may, by the affirmative vote of six or more members, authorize the employment of special counsel for any special matter presenting a real necessity for such employment."

4. Revise Sections 11-1 and 11-8 as follows:

"Section 11-1. Powers of Initiative and Referendum--

1. (a) The voters of the county shall have power to propose ordinances to the county council. If the council rejects an ordinance proposed hereunder or passes it with amendment, the voters shall have power to approve or reject the proposed ordinance at the polls. These powers comprise the initiative power.

(b) Voters seeking to propose an ordinance subject to initiative shall proceed by way of initiative petition addressed to the council and containing the full text of the proposed ordinance. The initiative petition shall be commenced by the filing of an affidavit with the clerk by

one or more qualified voters containing a full text of the proposed ordinance. Within sixty (60) days of such filing the initiative petition must be filed with the clerk and must be signed by not less than twenty per cent (20%) of the voters registered in the last general election for mayor.

2. (a) The voters of the county shall have power to require reconsideration by the council of any adopted ordinance, including any ordinance initiated under subsection 1 of this section and adopted by the council. If the council fails to repeal an ordinance which it has been required to reconsider, the voters shall have power to approve or reject that ordinance at the polls. These powers comprise the referendum power.

(b) Voters seeking a referendum on any ordinance shall proceed by way of a referendum petition addressed to the council, identifying the ordinance concerned and requesting that it be either repealed or referred to the voters of the county. Any referendum petition must be filed with the clerk of the county council within sixty (60) days after adoption by the council of the ordinance concerned and must be signed by not less than twenty per cent (20%) of the voters registered in the last general election for mayor. "

"Section 11-3. Results of Election--If less than fifty per cent (50%) of the voters registered in the last general election for mayor shall vote upon a proposed initiative ordinance or upon a referred ordinance, such initiative ordinance shall not become an ordinance of the county and such referred ordinance shall not be repealed."

Insert the following after paragraph 2 (b) of Section 11-1:

"3. The initiative and referendum power shall not extend to any part or all of the capital program or annual budget; or to any property tax levied; or to any ordinance making or repealing any appropriation of money; or to any ordinance authorizing the issuance of bonds; or to any ordinance authorizing the appointment of employees; or to any emergency ordinance."

5. Revise Sections 12-1 and 12-6 as follows:

"Section 12-1. Recall Procedure--Any elective officer provided for in this charter may be removed from office by the electors qualified to vote for a successor to such office. The procedure to effect such removal shall be in accordance with this article.

A petition demanding that the question of removing such official be submitted to the electors qualified to vote for his successor shall be addressed to the council and filed with the clerk thereof. Such petitions shall be signed by not less than twenty per cent (20%) of the voters registered in the last general election for mayor."

"Section 12-6. Recall Election--If a recall petition or supplemental petition shall be certified by the clerk to be sufficient, he shall at once submit the same with his certificate to the council and shall notify the officer sought to be recalled of such action. If the official whose removal is sought does not resign within five days after such notice, the council shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than sixty (60) nor more than ninety (90) days after the petition has been presented to the council, at the same time as any other general or special election held within such period, but if no such election is to be held within such period the council shall call a special recall election to be held within the time aforesaid. If less than fifty per cent (50%) of the voters registered in the last general election for mayor shall vote at such recall election, the officer sought to be recalled shall not be deemed recalled regardless of the outcome of the election."

6. Revise Section 14-1 to read as follows:

"Section 14-1. Initiation of Amendments or Revisions-- Amendments or revisions of this charter may be initiated only in the following manner:

1. By resolution of the council adopted after three readings on separate days and passed by an affirmative vote of six or more members of the council.

2. By petition presented to the council, signed by not less than ten per cent (10%) of the voters registered in the last general election for mayor, setting forth the proposed amendments or revisions. Such petitions . . . "

7. Revise the last sentence of paragraph 2 of Section 14-1 to read as follows:

"The determination by the council to submit such proposed amendments or revisions to the electors shall be by resolution adopted by an affirmative vote of five or more members of the council within forty-five (45) days after the receipt of the petition."

8. Add a new section to Article XV (Transitional Provisions)--subsequent sections should be renumbered:

"Section 15-4. Temporary Budget and Capital Program-- For the period January 2, 1967 to July 1, 1967 the mayor shall submit and the council shall adopt, with or without amendments, a temporary current expense budget and a capital program based on the revenues anticipated during said period. Until the adoption of such temporary current expense budget and capital program, appropriations of the general character and amount of the last preceding budget shall be deemed appropriated and available for the respective county departments."

9. Add a new paragraph under Section 8-6.6 (Prohibitions) to read as follows:

"11. Any violation of the provisions of this section by an officer or employee shall be sufficient grounds for his removal from office or employment."

10. Revise sub-paragraph (a) of paragraph 1 under Section 7-6 to read as follows:

"(a) If the unexpired term is for less than one year, the council shall, by an affirmative vote of five or more members, elect one of the councilmen to be mayor for the unexpired term, and a vacancy shall thereupon exist in the office of such councilman."