

COMMITTEE A  
CHARTER REVIEW COMMISSION

REPORT AND RECOMMENDATIONS TO  
CHARTER REVIEW COMMISSION

Committee A, with responsibility to study and make recommendations on Articles 1 through 7, has reviewed and discussed the correspondence, public hearing minutes, and Commission meeting minutes relating to these Articles. Our recommendations to the full Commission are as follows.

ARTICLE 1 INCORPORATION AND GEOGRAPHICAL LIMITS

Recommendation: No change.

ARTICLE 2 POWERS OF THE COUNTY

Recommendation: No change.

ARTICLE 3 COUNTY COUNCIL

Section 3.1 Composition.

The possibility of changing the way Council members are elected, from at-large with residency requirements to true district elections, has been much discussed by Commission members. After considerable further discussion, it was decided not to make a specific recommendation to the full Commission at that time (March 19). Instead the Committee decided to try to stimulate public interest in the idea by placing an article arqing the case for true districts in the Maui News, and participating in the public meeting on Charter issues sponsored by the Council of Community Associations on April 22. It was felt that these activities might give the Commission members a better idea of how the public feels about a true district system. Another option for the Commission to consider is to keep the at-large system but redefine the residency requirements. It is now time, in the opinion of the Committee Chair, for the Commissioners to make a decision on which of these options they want to recommend. Whatever decision is made, there will still be the task of defining the districts or the residency areas.

Section 3.2 Terms.

Recommendation: Keep two year terms. (Vote: 5 yes, 1 no)

Recommendation: Limit consecutive terms to 5. (Vote: 4 yes, 2 no)

Recommendation: Terms to officially start on the first working day of December following their election. (Vote: Unanimous)

### Section 3.3 Qualifications.

The Committee discussed at length (1) whether the current wording requires residence in a district for 90 days before filing to run, and (2) whether there should be a requirement for a 90 day residency in the district before filing. We concluded at that time that we needed more legal assistance before deciding this matter. Since then the full Commission in its April 23 meeting, after consulting with Paul Mancini, voted to have the key sentence changed to make it very clear that a candidate need only be a resident of the district at the time of filing. The requirement for a 90 day residency in the County is kept.

### Section 3.4 Vacancy in Office.

Recommendation: No change.

### Section 3.5 Salary Commission.

Recommendation: Relocate this section to Article 8 as a separate chapter just prior to current Chapter 14. (Vote: Unanimous)

Recommendation: Salary Commission have the authority to determine the salaries of ALL department directors, with a requirement that they consult with those commissions/boards that hire their department directors. The conflicting provision under Section 8.11.4 that currently authorizes the Water Board to fix the director's salary will be deleted. (Vote: Unanimous)

Recommendation: Include in this section the basic content of the ordinance that has expanded the duties of this Commission to include determining the salaries of all elected and appointed officials. (Vote: Unanimous)

### Section 3.6 Procedure; Meetings; Rules and Journal; Voting.

Recommendation: Change the wording of the first sentence in 3.6.4 to read, "Voting, except on procedural motions, shall be according to Council rule, except that it shall be by roll call if one member so requests." (Vote: Unanimous)

### Sections 3.7, 3.8, 3.9.

Recommendation: No change.

## ARTICLE 4. ORDINANCES AND RESOLUTIONS

Recommendation: The Commission may wish to further discuss the provisions under 4.3.2 and 4.3.3 with regard to the issue of the Mayor not spending appropriations passed by 2/3 of the council. On the rest of Article 4 the Committee has no changes to recommend.

ARTICLE 5. COUNTY CLERK

Recommendation: No change.

ARTICLE 6. EXECUTIVE BRANCH

Section 6.1 Executive Power.

Recommendation: No change.

Section 6.2 Appointment and Removal of Officers and Employees.

Recommendation: The wording in 6.2.3 be changed to provide (1) the Mayor with the authority to appoint acting department heads, who may or may not be appointed to become permanent department heads; (2) the council 60 days to confirm or reject an appointed department head; (3) that a rejected appointee cannot serve as an acting or interim department head after being rejected; (4) the Mayor 60 days to appoint another person after a rejection; (5) the Council 60 days to act on the new appointee; etc. These provisions are to apply to all department heads that are required to be approved by the council.

(NOTE: This recommendation was approved by the full Commission in the April 23 meeting.)

Section 6.3 Powers and Duties of Administrative heads of Departments.

Recommendation: No change.

ARTICLE 7. OFFICE OF THE MAYOR

Section 7.1 Organization.

Recommendation: No change.

Section 7.2 Election of Mayor and Term of Office.

Recommendation: Change the official start of the Mayor's term to the first working day in December following the election.

(Vote: Unanimous)

Sections 7.3, 7.4, 7.5, 7.6.

Recommendation: No change.

Signed:

*Allan R. Sparks*

Allan R. Sparks

*Dolores M. Fabrao*

Dolores M. Fabrao

*Victor G. Reyes*

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*Anne Takabuki*

Anne Takabuki

*Robert Nakasone*

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The Charter Commission gave initial approval to new residency districts for Maui County Council elections. They eliminated the at-large system by making all council members reside in a district. The commission also broke up Central Maui into three seats.

