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Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

March 27, 2013

RECEIVED  
2013 MAR 28 AM 8:12  
OFFICE OF THE  
COUNTY CLERK

The Honorable Gladys C. Baisa, Chair  
and Members of the Council  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair Baisa and Members:

**SUBJECT: AMENDING CHAPTER 2.56, MAUI COUNTY CODE,  
RELATING TO THE CODE OF ETHICS TO INCLUDE A  
NEPOTISM POLICY (PAF 13-075)**

Please find attached proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.56, MAUI COUNTY CODE, RELATING TO A NEPOTISM POLICY".

May I request that the proposed bill be referred to the appropriate standing committee for discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike White".

MIKE WHITE  
Council Member

paf:srg:13-075d

Enclosure

COUNTY COMMUNICATION NO. 13-127

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2013)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.56, MAUI COUNTY CODE,  
RELATING TO A NEPOTISM POLICY

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 2.56, Maui County Code, is amended by adding a new section to  
be appropriately designated and to read as follows:

“2.56.070 Prohibited employment practices; nepotism. A. No officer or employee shall advocate for a relative for appointment, employment, promotion, or advancement to a position in the officer’s or employee’s agency or in an agency over which the officer or employee exercises jurisdiction or control.

B. No officer or employee of the County shall appoint, employ, promote, or advance to a position in an agency over which the officer or employee exercises jurisdiction or control:

1. A relative;

2. A relative of another officer elected to or employed by the same agency; or

3. A relative of another officer who exercises jurisdiction or control over the same agency;

except under circumstances where the relative is qualified on merit alone for the position.

C. For the purposes of subsection A, an officer or employee who recommends a relative or refers a relative for consideration by an officer or employee standing lower in the chain of command for appointment, employment, promotion, or advancement shall be presumed to have advocated for the appointment, employment, promotion, or advancement of the relative.

D. No council member shall name or appoint to County office or employment, or vote for the confirmation of, a relative of the council member.

E. For purposes of this section:

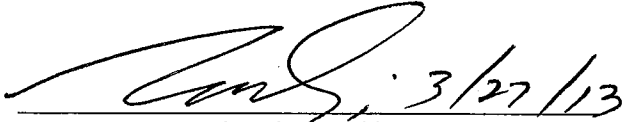
1. “Chain of command” means the hierarchical line of personnel having authority in an agency, in which the authority passes down from the head of the agency through a series of supervisory or executive positions and in which each officer or employee is accountable to the officer or employee directly superior within the line.

2. “Relative” means a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, grandparent, grandchild, spouse, father-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.”

SECTION 2. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



Edward S. Kushi, Jr.

Department of the Corporation Counsel  
County of Maui

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