

COUNCIL OF THE COUNTY OF MAUI

# POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

June 17, 2016

**Committee  
Report No. \_\_\_\_\_**

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

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on June 1, 2016, makes reference to the following:

1. County Communication 09-229, from Michael J. Molina, Chair, Committee of the Whole, relating to proposed amendments to the Revised Charter of the County of Maui (1983), as amended.
2. Correspondence dated April 8, 2016, from Councilmember Don Couch, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO CHANGE THE NAME OF THE CIVIL DEFENSE AGENCY TO THE MAUI COUNTY EMERGENCY MANAGEMENT AGENCY."

The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Charter Sections 8-7.2 and 8-16.1 should be amended to rename the Civil Defense Agency to the Maui County Emergency Management Agency and the Civil Defense Administrator to the Maui County Emergency Management Administrator.

Your Committee notes Charter Article 14 sets forth procedures related to amending the Charter. The Council, by resolution adopted after two readings on separate days and passed by a vote of six or more members, may place a Charter amendment question on the ballot at the next General Election.

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Your Committee noted the name of the agency was originally selected to address defense during times of war. Your Committee further noted the name "Maui County Emergency Management Agency" more accurately reflects the duties of the agency. The title "Emergency Management Administrator" reflects the agency's change in name.

Your Committee voted 8-0 to recommend passage of the proposed resolution on first reading. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Hokama, and White voted "aye." Committee member Guzman was excused.

Your Committee is in receipt of a revised proposed resolution, incorporating nonsubstantive revisions, approved as to form and legality by the Department of the Corporation Counsel.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS that Resolution \_\_\_\_\_, attached hereto, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO CHANGE THE NAME OF THE CIVIL DEFENSE AGENCY TO THE MAUI COUNTY EMERGENCY MANAGEMENT AGENCY," be PASSED ON FIRST READING and be ORDERED TO PRINT.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
MICHAEL P. VICTORINO, Chair

pia:cr:16010(8)aa:kcw

# Resolution

No. \_\_\_\_\_

PROPOSING AN AMENDMENT TO THE  
REVISED CHARTER OF THE COUNTY OF MAUI  
(1983), AS AMENDED, TO CHANGE THE NAME  
OF THE CIVIL DEFENSE AGENCY TO  
THE MAUI COUNTY EMERGENCY  
MANAGEMENT AGENCY

WHEREAS, Article 8, Chapter 16 of the Revised Charter of the County of Maui (1983), as amended, establishes a Civil Defense Agency; and

WHEREAS, the Civil Defense Agency is responsible for administering emergency management programs in the County of Maui in coordination with State and Federal agencies, including the Hawaii Emergency Management Agency and the Federal Emergency Management Agency; and

WHEREAS, amending the Charter to change the agency's name to the Maui County Emergency Management Agency would be beneficial by providing increased clarity and consistency; now, therefore,

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

1. That pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 8-7.2, pertaining to the duties of the Fire and Public Safety Commission, be amended to read as follows:

**“Section 8-7.2. Fire and Public Safety Commission.**

The fire and public safety commission shall consist of nine members appointed by the mayor with the approval of the council.

The fire and public safety commission shall:

1. Adopt such rules as it may consider necessary for the conduct of its business and regulation of the matters committed to its charge by law.

2. Review and submit to the mayor the [department's] department of fire and public safety's request for an annual appropriation for the operation of the department.

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3. Review the operations of the department of fire and public safety and the [civil defense] Maui County emergency management agency and make recommendations for changes that may be desirable to improve the performance of emergency functions and the provision of public safety services.

4. Receive, review, and investigate any changes brought forth by the public against the conduct of the department of fire and public safety or any of its members and submit a written report of its findings and recommendations to the fire chief for disposition.

5. Annually review and evaluate the performance of the fire chief and submit a report to the mayor and the council.

6. Submit an annual report to the mayor and the council on its activities.

7. Have such other powers and duties as may be provided by law.

Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department.”

2. That pursuant to Section 14-1(1) of the Charter, it hereby proposes that Article 8, Chapter 16 of the Charter, pertaining to the Civil Defense Agency, be amended to read as follows:

**“CHAPTER 16**

**[CIVIL DEFENSE]MAUI COUNTY EMERGENCY MANAGEMENT AGENCY**

**Section 8-16.1. Organization and Functions.** There shall be a [civil defense] Maui County emergency management agency whose powers, duties, functions and organization shall be as provided by law. The fire and public safety commission, as established in Section 8-7.2 herein, shall review the operations of the agency and make recommendations for changes which may be desirable to improve the performance of emergency functions and the provision of public safety services. The commission shall receive and investigate any complaints brought forth by the public against the conduct of the agency or any of its

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members and submit a written report of its findings and recommendations to the [civil defense] Maui County emergency management administrator for the administrator's disposition."

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

4. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

5. That, pursuant to Section 14-2(1) of the Charter, it hereby proposes that the following question be placed on the next general election ballot:

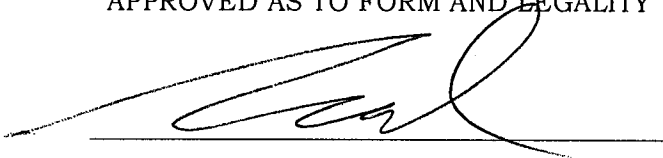
"Shall the Charter be amended to change the name of the Civil Defense Agency to the Maui County Emergency Management Agency?"; and

6. That, pursuant to Section 14-2(2) of the Charter, the County Clerk shall publish the proposed amendment in a newspaper of general circulation; and

7. That, pursuant to Section 14-2(3) of the Charter, upon approval by the majority of the voters voting on the proposed amendment and upon official certification of such result, the amendment proposed herein shall take effect; and

8. That certified copies of this resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



Deputy Corporation Counsel  
County of Maui