



PUBLIC MEETING NOTICE

POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE

COUNCIL OF THE COUNTY OF MAUI

www.MauiCounty.us/PIA

Committee Chair
Michael P. Victorino

Committee Vice-Chair
Don Couch

Voting Members:
Gladys C. Baisa
Robert Carroll
Elle Cochran
Stacy Crivello
Don S. Guzman
Riki Hokama
Mike White

**Monday, June 27, 2016
9:00 a.m.**

MEETING SITE:
Council Chamber
Kalana O Maui Building, 8th Floor
200 South High Street
Wailuku, Hawaii

RECEIVED
2016 JUN 21 AM 9:50
OFFICE OF THE
COUNTY CLERK

A G E N D A

PROPOSED CHARTER AMENDMENTS (PROHIBIT COUNTY EMPLOYEES FROM MAKING CAMPAIGN CONTRIBUTIONS TO SUPPORT OR OPPOSE ANY CANDIDATE FOR MAYOR OR COUNTY COUNCIL) (PIA-10(13))

DESCRIPTION:

The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. Correspondence dated April 29, 2016, from Council Chair Mike White, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO PROHIBIT COUNTY EMPLOYEES FROM MAKING CAMPAIGN CONTRIBUTIONS TO SUPPORT OR OPPOSE ANY CANDIDATE FOR MAYOR OR COUNTY COUNCIL." The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Charter Section 10-4, Subsection 1, should be amended to prohibit any officer or employee of the County from making a political contribution to support or oppose any candidate for Mayor or County Council.

STATUS:

The Committee may consider the filing of the correspondence and other related action.

PROPOSED CHARTER AMENDMENTS (COUNTY MANAGER FORM OF GOVERNANCE) (PIA-10(16))

DESCRIPTION:

The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. Committee Report 16-95, dated June 3, 2016, from the Chair of the Special Committee on County Governance, recommending the following:

- a. FIRST READING of a proposed resolution entitled “PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO PROVIDE THAT THE MANAGING DIRECTOR SHALL BE APPOINTED BY THE COUNTY COUNCIL TO FUNCTION AS THE COUNTY’S CHIEF OPERATING OFFICER, WITH THE ELECTED MAYOR RETAINING THE POWER TO REPRESENT THE COUNTY IN INTERGOVERNMENTAL RELATIONS, APPROVE OR VETO BILLS, AND NOMINATE MEMBERS OF BOARDS AND COMMISSIONS”; and
The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the Charter should be amended to change the form of governance in the County from a Mayor-Council form to a County Manager form, with a Managing Director as the chief operating officer.
- b. FILING of correspondence from the Chair of the Special Committee, dated December 17, 2015.

STATUS: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions, and the filing of the correspondence. The Committee may also consider the filing of Committee Report 16-95 and other related action.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liability of the County.

PROPOSED CHARTER AMENDMENTS (DEPARTMENT DIRECTOR APPOINTMENTS) (PIA-10(14))

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. Correspondence dated June 13, 2016, from the Chair of the Committee, transmitting a proposed resolution entitled “PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR’S APPOINTMENT OF DEPARTMENT DIRECTORS, ALLOW THE COUNCIL TO INITIATE REMOVAL OF DEPARTMENT DIRECTORS, AND ALLOW ADDITIONAL QUALIFICATIONS FOR DEPARTMENT DIRECTORS TO BE ESTABLISHED BY ORDINANCE.” The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the Charter shall be amended to: (1) ease restrictions on the Council relating to the approval and disapproval of Department Director appointments; (2) require Council approval of the Mayor’s appointment and removal of department directors; (3) allow the Council to remove department heads by two-thirds vote of its entire membership; and (4) allow additional qualifications for department directors to be established by ordinance.

STATUS: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

PROPOSED CHARTER AMENDMENTS (COUNCIL INITIATED REMOVAL OF THE CORPORATION COUNSEL) (PIA-10(1))

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.

2. County Communication 14-313, from former Council Vice-Chair Robert Carroll, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, ALLOWING THE COUNCIL TO INITIATE REMOVAL OF THE CORPORATION COUNSEL." The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Charter Section 8-2.2 should be amended to allow the Council to remove the Corporation Counsel by resolution approved by a two-thirds vote of the entire Council with the approval of the Mayor.

STATUS: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of County Communication 14-313 and other related action.

PROPOSED CHARTER AMENDMENTS (CODE OF ETHICS) (PIA-10(3))

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. Correspondence dated April 1, 2014, from Councilmember Mike White, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE CODE OF ETHICS." The purpose of the proposed resolution is to place on the next General Election ballot the question of whether: (1) Charter Section 10-2 should be amended to require the Board of Ethics to render advisory opinions after hearings, which shall include findings of fact, conclusions of law, and recommendations; and (2) a new Section should be added to Charter Article 10, Code of Ethics, to prohibit elected or appointed officers or employees from: (a) using their position to provide special treatment to themselves or any person beyond that which is available to all persons, and (b) hiring, promoting, supervising, or otherwise participating in the employment of a relative, except if the relative is on a list of eligible employees.

STATUS: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

PROPOSED CHARTER AMENDMENTS (ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES) (PIA-10(5))

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. County Communication 14-165, from Councilmember Don S. Guzman, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES." The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Charter Sections 3-7 and 8-2.3 should be amended to allow the Office of Council Services attorneys to serve as legal advisors to, and legal representatives of, the Council and its members, in addition to the Department of the Corporation Counsel attorneys.

STATUS: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of County Communication 14-165 and other related action.

NOTE: With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

PROPOSED CHARTER AMENDMENTS (COUNCIL APPROVAL OF MAYOR'S APPOINTMENT OF DEPARTMENT DIRECTORS) (PIA-10(7))

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. County Communication 15-305, from Councilmember Riki Hokama, transmitting a proposed resolution proposing an amendment to the Revised Charter of the County of Maui (1983), as amended, to place on the next General Election ballot the question of whether Charter Sections 6-2, 8-1.2, 8-4.2, 8-5.2, 8-6.2, 8-8.2, 8-10.2, 8-14.2, and 8-15.2 should be amended to require Council approval of the Mayor's appointments of departmental directors.
3. Correspondence dated April 21, 2016, from the Department of the Corporation Counsel, transmitting a revised proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF DEPARTMENT DIRECTORS." The revised proposed resolution incorporates technical and nonsubstantive revisions.

STATUS: The Committee may consider whether to recommend passage of the revised proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of County Communication 15-305 and other related action.

NOTE: With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liability of the County.

PROPOSED CHARTER AMENDMENTS (COUNCIL APPROVAL OF MAYOR'S APPOINTMENT OR REMOVAL OF THE DIRECTOR OF FINANCE) (PIA-10(9))

DESCRIPTION: The Committee is in receipt of the following:

1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
2. Correspondence dated April 28, 2016, from Council Vice-Chair Don S. Guzman, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF THE DIRECTOR OF FINANCE." The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Charter Sections 6.2 and 8-4.2 should be amended to provide for: (1) Council approval and removal of the Director of Finance; and (2) written notice to the Council from the Mayor within 60 days of a vacancy of the Director of Water Supply and the Director of Finance.

STATUS: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

PROPOSED CHARTER AMENDMENTS (PROHIBIT THE CORPORATION COUNSEL AND THE PROSECUTING ATTORNEY, AND THEIR DEPUTIES, FROM AIDING IN THE ELECTION OR DEFEAT OF ANY CANDIDATE FOR COUNTY PUBLIC OFFICE) (PIA-10(10))

- DESCRIPTION:** The Committee is in receipt of the following:
1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
 2. Correspondence dated April 27, 2016, from Councilmember Riki Hokama, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO PROHIBIT THE CORPORATION COUNSEL AND THE PROSECUTING ATTORNEY, AND THEIR DEPUTIES, FROM AIDING IN THE ELECTION OR DEFEAT OF ANY CANDIDATE FOR COUNTY PUBLIC OFFICE." The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Charter Sections 8-2.2 and 8-3.2 should be amended to prohibit the Corporation Counsel and the Prosecuting Attorney, and their Deputies, from aiding in the election or defeat of any candidate for County public office.
- STATUS:** The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

PROPOSED CHARTER AMENDMENTS (DESIGNATING PLANNING COMMISSION SEATS FOR LEADERS OF HAWAIIAN CULTURAL AND ENVIRONMENTAL PROTECTION GROUPS) (PIA-10(11))

- DESCRIPTION:** The Committee is in receipt of the following:
1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
 2. Correspondence dated June 20, 2016, from Councilmember Elle Cochran, transmitting a revised proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO MEMBERSHIP QUALIFICATIONS OF THE PLANNING COMMISSIONS." The purpose of the revised proposed resolution is to place on the next General Election ballot the question of whether Charter Section 8-8.4 should be amended to: (1) require at least one member from each planning commission to have a background in conservation and natural resources and one member to have expertise in native Hawaiian traditional and customary practices, pursuant to member qualifications set forth in the Maui County Code; and (2) require each new member to participate in a native Hawaiian law training course and report in writing their participation to the Council within one year of the member's appointment.
- STATUS:** The Committee may consider whether to recommend passage of the revised proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

PROPOSED CHARTER AMENDMENTS (BOARD OF ETHICS) (PIA-10(15))

- DESCRIPTION:** The Committee is in receipt of the following:
1. County Communication 09-229, from Councilmember Michael J. Molina, relating to proposed Charter amendments.
 2. Correspondence dated May 26, 2016, from the Council Chair, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO AUTHORIZE THE BOARD OF ETHICS TO APPOINT STAFF, IMPOSE CIVIL FINES, AND RECOMMEND

DISCIPLINARY ACTION AGAINST COUNTY OFFICERS AND EMPLOYEES FOR VIOLATIONS OF THE MAUI COUNTY CODE OF ETHICS.” The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Charter Section 10-2 should be amended to grant the Board of Ethics authority to enforce the Code of Ethics through the imposition of fines and other action and to appoint independent staff.

STATUS: The Committee may consider whether to recommend passage of the proposed resolution on first reading, with or without revisions. The Committee may also consider the filing of the correspondence and other related action.

REMOTE TESTIMONY SITES		
<p>Hana Council District Office Hana Community Center 5091 Uakea Road Hana, Hawaii</p>	<p>Lanai Council District Office Lanai Community Center 8th Street Lanai City, Hawaii</p>	<p>Molokai Council District Office 100 Ainoa Street Kaunakakai, Hawaii</p>
CONTACT INFORMATION	<p>Office of Council Services 200 South High Street Wailuku, Hawaii 96793 www.MauiCounty.us/PIA</p> <p>Committee Staff: Kimberley Willenbrink and Tammy Frias</p>	
TESTIMONY	<p>For information on testifying please visit www.MauiCounty.us/how-to-testify or contact the Office of Council Services.</p> <p>If written testimony is submitted at the meeting site, 16 copies are requested to ensure distribution at the meeting.</p>	
DISABILITY ACCESS	<p>People with disabilities requiring special accommodations should contact the Office of Council Services at least three working days prior to the meeting date.</p>	
LIVE CABLECAST	<p>Available on Akaku: Maui Community Media, Channel 53.</p>	

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.