

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY AND INTERGOVERNMENTAL**  
**AFFAIRS COMMITTEE**

August 5, 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, June 27, 2016, June 29, 2016 (reconvene), and July 5, 2016 (reconvene), 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 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 the Charter should be amended to prohibit the Corporation Counsel, the Prosecuting Attorney, and their deputies from aiding in the election or defeat of any candidate for County public office.

Your Committee notes Article 14 of the Charter 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

**COUNCIL OF THE COUNTY OF MAUI**  
**POLICY AND INTERGOVERNMENTAL**  
**AFFAIRS COMMITTEE**

Page 2

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

or more members, may place a Charter amendment question on the ballot at the next General Election.

Your Committee sought comments on the proposal from organizations concerned about government ethics and the rights of public employees. Your Committee Chair noted substantial testimony was received in opposition to the proposal. The testimony expressed doubt about the County's ability to retain and recruit attorneys for the Department of the Corporation Counsel and the Department of the Prosecuting Attorney and about whether the proposal would satisfy constitutional requirements for freedom of expression.

The First Deputy Corporation Counsel similarly noted concern about whether the Charter amendment would infringe upon the constitutional rights of the Corporation Counsel, the Prosecuting Attorney, and their deputies.

Your Committee voted 7-0 to recommend filing of the correspondence. Committee Chair Victorino, and members Baisa, Carroll, Cochran, Crivello, Hokama, and White voted "aye." Committee Vice-Chair Couch and member Guzman were excused.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS that correspondence dated April 27, 2016, be FILED.

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

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