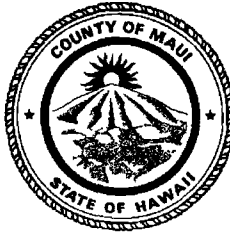


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MEMO TO: Michael J. Molina, Councilmember

FROM: Mimi Desjardins *MD*
Deputy Corporation Counsel

DATE: August 1, 2019

SUBJECT: **DRAFTING OF NOTES FOR COUNCIL AND COMMITTEE MEETINGS**

On July 17, 2019, you submitted a request to the Department of the Corporation Counsel to address whether the Council Chair has authority to assign duties to, and supervise, the individual councilmembers' executive assistants ("EA").

Short answer:

Section 2.08.050.A.1, Maui County Code ("MCC"), provides that the individual council members have the authority to supervise, and direct, their own EAs.

Background:

On January 30, 2019, Council Chair King wrote a memorandum to all council members. Chair King stated that, effective July 1, 2019, Office of Council Services' ("OCS") staff members would no longer provide assistance to council members in the preparation of meeting notes. However, the memorandum went on to state that OCS staff would be happy to train EAs on how to prepare such notes if they wanted.

Michael J. Molina, Councilmember

August 1, 2019

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Analysis:

Rule 6 of the Rules of Council provides that the council chair has the authority to assign duties “not otherwise assigned by law or in these rules” to both the county clerk and the director of the OCS.


Section 2.08.040.A, Maui County Code (“MCC”), provides that the director of OCS shall supervise all members of the OCS staff to provide necessary assistance to council members so that they can perform their duties, including “stenographical, research and other assistance...” The director of OCS is appointed by the council, not the council chair. MCC 2.08.020.

However, section 2.08.050.A.1 clearly sets forth the authority of individual council members to supervise and direct their *own* EAs:

Council executive assistants shall serve under a council member, and shall have terms of employment that coincide with the terms of the supervising council member unless sooner terminated by the council member having direct supervision.

In sum, the director of OCS is appointed by the council, and the chair of the council has the authority to assign duties to the director of OCS. In turn, the director of OCS is tasked with overseeing OCS staff as they provide necessary assistance to individual council members, either individually or collectively. However, the authority to direct EAs is left to the sole discretion of the individual council member who employs the EA.

APPROVED FOR TRANSMITTAL:



MOANA M. LUTEY
Corporation Counsel
2019-1258