

Maui County Charter Commission

2022 Voter Guide

General Election

Tuesday, November 8, 2022

**Know How to Vote on the Proposed
Amendments to the Charter of the County
of Maui**

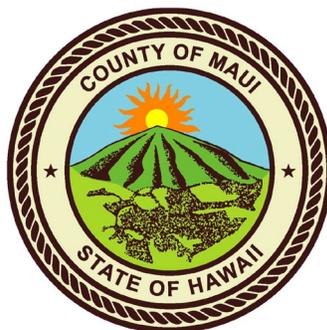
Maui County Charter

Commission

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Dear Voter,

Your vote counts! In the upcoming 2022 General Election, Maui County voters will be asked to vote on potential amendments to the Maui County Charter. The Maui County Charter Commission proposed 11 amendments for this ballot, and the Maui County Council proposed 2 alternatives.

Any proposition receiving a majority of the votes cast will be considered approved by the voters. If a proposed charter amendment and a proposed alternative both receive a majority of votes cast, the proposition receiving the larger majority shall supersede the proposition with the smaller majority.

Please note that answers to any proposed question left blank or with both yes and no marked will not be counted in determining the majority of votes. We therefore recommend you consider each of these proposals carefully and cast your vote.

Copies of the text of the amendments are available at the Office of the County Clerk (200 S. High Street, 7th Floor, Wailuku, Maui, Hawaii), and also on the Charter Commission's webpage at www.mauicounty.gov/chartercommission.

Thank you for being a voter!

Maui County Charter Commission



Charter Amendment Proposal 1

X

Create a separate Housing Department dedicated to affordable housing; include an advisory board and Hawaiian Home Lands Liaison.

Ballot question

MAUI Proposal 1: Create a separate Housing Department dedicated to affordable housing; include an advisory board and Hawaiian Home Lands Liaison

Shall the Charter be amended, effective July 1, 2024, to:

1. Divide the Department of Housing and Human Concerns into two departments;
2. Create the Housing Advisory Board to advise the Director of Housing; and
3. Require a liaison with the Department of Hawaiian Home Lands within the Department of Housing?

What your vote means

YES	NO
<p>The Department of Housing & Human Concerns is a single County department. A “Yes” vote supports dividing that department into two separate departments, each with its own director and unique powers, duties, and functions. The amendment also creates a new Housing Advisory Board tasked with advising, aiding, and supporting the Housing Director’s efforts to create affordable housing. Finally, the amendment creates a new position within the Department of Housing that is tasked with acting as a liaison with the Department of Hawaiian Home Lands on all matters involving housing development within the County.</p>	<p>A “No” vote opposes separating the Department of Housing & Human Concerns into two separate departments. A “No” vote also opposes the creation of a Housing Advisory Board tasked with advising, aiding, and supporting the Housing Director’s efforts to create affordable housing and the creation of a liaison with the Department of Hawaiian Home Lands within the Department of Housing.</p>



Charter Amendment Proposal 2

X

Create a Department of ‘Ōiwi Resources and affirm that the County will operate as a bilingual government.

Ballot question

MAUI Proposal 2: Department of ‘Ōiwi Resources

Shall the Charter be amended to affirm that the County will operate as a bilingual government; and, effective July 1, 2024, to establish a Department of ‘Ōiwi Resources to implement programs to ensure proper management of ‘Ōiwi (native) cultural resources, including the Hawaiian language, place names, historical and archival materials, cultural sites, iwi and burials, and the variety of natural resources used in cultural practices; and collaborate with the Planning Director on revisions to the general plan and long-range planning programs?

What your vote means

YES	NO
<p>A “Yes” vote supports the creation of a new County department, called the Department of ‘Ōiwi Resources, which would implement programs for native cultural resources, including Hawaiian language, cultural practices, and natural resources. The Director of ‘Ōiwi Resources would act as an ex-officio non-voting member of planning commissions. The amendment also affirms that the County will operate as a bilingual (Hawaiian and English) government.</p>	<p>A “No” vote opposes the creation of the Department of ‘Ōiwi Resources and opposes a Charter mandate that the County operate as a bilingual government.</p>



Charter Amendment Proposal 3

X

Expand requirements in the Code of Ethics regarding the financial interests of County officers.

Ballot question

MAUI Proposal 3: Ethics and financial disclosures

Shall the Charter be amended to:

1. Require the filing of a financial disclosure statement by appointive officers and employees prior to taking office or participating in any official capacity;
2. Prohibit officers and employees from taking official actions in which the officer or employee has a direct or indirect financial interest;
3. Prohibit officers and employees from using or attempting to use their position for unwarranted advantage to themselves or others?

What your vote means

YES	NO
<p>A “Yes” vote supports three significant changes to the Code of Ethics: (1) appointed officers and employees would be required to file their financial disclosure statements prior to taking office; (2) officers or employees would be prohibited from taking official action in which the officer or employee has a direct or indirect financial interest; and (3) officers or employees would be prohibited from using or attempting to use their position for unwarranted advantage to themselves or others. The amendment also adds a requirement that annual updates to financial disclosure statements be filed by February 15 of each calendar year.</p>	<p>A “No” vote opposes the proposed changes to the Code of Ethics and supports keeping the Code of Ethics as it is currently in the Charter. The deadline for the filing of annual updates to financial disclosure statements would continue to be set by the Board of Ethics.</p>



Charter Amendment Proposal 4

X

The Maui Planning Commission must have one member from every Maui Island council residency area; Moloka`i Planning Commission to be given jurisdiction over Kalaupapa; community plan update process to be set by ordinance.

Ballot question

MAUI Proposal 4: Planning Commissions and Community Plan Updates

Shall the Charter be amended to:

1. Require that the Maui Planning Commission have members from all council residency areas on the island of Maui;
2. Allow for Kalaupapa, Moloka'i, to be included within the County of Maui and the jurisdiction of the Moloka'i Planning Commission upon State action; and
3. Allow for the community plan update process to be set by ordinance?

What your vote means

YES	NO
<p>The Charter currently does not require regional representation on the Maui Planning Commission. A "Yes" vote is in favor of requiring that the Maui Planning Commission's members include at least one person from each of Maui's council residency areas, and no more than two members who reside in each council residency area. This amendment would also allow for Kalaupapa, Moloka'i to be included within the jurisdiction of the County of Maui if state law allows for such a change. The amendment would also provide that community plans will be reviewed and updated as set by ordinance.</p>	<p>A "No" vote opposes the changes within this proposal. The Charter currently does not require regional representation on the Maui Planning Commission. The Charter also currently defines the geographic limits of the County to exclude the area known as Kalaupapa, Moloka'i, which is currently in Kalawao County.</p>



Charter Amendment Proposal 5

X

(1) Require interactive remote communications with the public during Council meetings; (2) allow access to County records; and (3) remove time and place requirements for Council’s organizational meeting.

Ballot question

MAUI Proposal 5: Council organizational meeting, remote access, government records

Shall the Charter be amended to:

1. Require remote communications during County Council meetings between the Council and members of the public located in Hāna, Lāna`i, Moloka`i, and other geographic areas, in accordance with State law;
2. Require County employees to facilitate access to County records and minimize fees and charges; and
3. Provide discretion in determining the day, time, and venue of the County Council’s organizational meeting?

What your vote means

YES	NO
<p>A "Yes" vote favors making three changes to the Charter: (1) The Council would be required to provide interactive communications with the public in Hāna, Lāna`i, Moloka`i, and other geographic areas to council meetings and council committee meetings. (2) County employees would be required to facilitate access to County records and minimize fees charged to the public that make requests for County records. (3) Council would be able to determine the time and place of its organizational meeting to elect their officers. Currently, the charter requires Council meet for its organizational meeting in the council room at the county building at 2 p.m. on the second day of January following the election.</p>	<p>A "No" vote favors keeping the current legal requirements in place. Specifically: (1) the Council would be required to provide members of the public with remote communications but only to the extent required by state law. The current charter also requires that, to the extent capable, Council provide interactive communications access for the residents of Hāna, Lāna`i, Moloka`i. (2) County employees would be required to provide access to public records, in accordance with state law. (3) Council would continue to be required to hold their organizational meeting in the County building at 2 p.m. on the second day of January following the election.</p>



Charter Amendment Proposal 6

X

Remove the cap on penalties for violations of law so that they may be set by ordinance.

Ballot question

MAUI Proposal 6: Fines and penalties

Shall the Charter be amended to remove the cap on penalties for violations of the law so that they will be set by ordinance?

What your vote means

YES	NO
<p>The Charter includes a cap on the punishments that may be provided in law for violations of rules or ordinances. The cap is set to \$1,000 per day for each day of the violation and 1 year's imprisonment, or both; except that penalties for the operation of transient accommodations cannot exceed a \$20,000 plus \$10,000 per day the unlawful operation persists. A "Yes" vote would remove these caps and allow the Council to set punishments by ordinance.</p>	<p>A "No" vote opposes the removal of the cap on penalties and supports keeping the caps as they are currently provided for in the Charter.</p>



Charter Amendment Proposal 7

X

Limit the powers of the Mayor to appoint administrative department heads.

Ballot question

MAUI Proposal 7: Administrative department heads

Shall the Charter be amended to require an administrative head nominated by the Mayor to immediately vacate office if denied appointment by the Council, and to prohibit a letter of resignation as a condition of appointment for an administrative head?

What your vote means

YES	NO
<p>A “Yes” vote favors limiting the powers of the Mayor to appoint administrative department heads by (1) requiring an administrative head nominated by the Mayor to vacate office if denied appointment by the Council, and (2) prohibiting the Mayor from requiring a candidate for the head of an administrative department to submit a letter of resignation as a condition of appointment.</p>	<p>A “No” vote favors keeping the powers of the Mayor to appoint administrative heads as is currently detailed in the Charter.</p>



Charter Amendment Proposal 8

X

(1) Authorize the County Clerk to update the Charter and (2) prohibit the County Clerk and Deputy County Clerk from actively participating in political campaigns.

Ballot question

MAUI Proposal 8: County Clerk

Shall the Charter be amended to authorize the County Clerk to update the Charter in compliance with law, clarify the County Clerk’s other duties, and to prohibit the County Clerk and Deputy County Clerk from actively participating in political management or campaigns for Federal, State, or County elective office?

What your vote means

YES	NO
<p>A “Yes” vote favors adding an additional duty to the powers, duties, and functions of the County Clerk: The Clerk will have the power to update the Charter to correct non-substantive errors, in compliance with the law, and subject to the approval of the Corporation Counsel and a majority of Council. The Clerk and Deputy Clerk would also be banned from taking an active part in political management or political campaigns for any elected office.</p>	<p>A “No” vote supports not giving the County Clerk the power to correct non-substantive errors in the charter. A “No” vote also opposes any Charter-mandated legal restriction on the Clerk or Deputy Clerk taking an active part in political campaigns.</p>



Charter Amendment Proposal 9

X

Require that the Chief of Police submit a written report when the Chief disagrees with the findings of the Police Commission.

Ballot question

MAUI Proposal 9: Police Chief

Shall the Charter be amended to require that the Chief of Police provide a written report to the Police Commission when the Chief disagrees with the Commission's findings related to the conduct of the department or its members?

What your vote means

YES	NO
<p>One of the powers of the Police Commission is to receive and investigate charges brought by the public against the conduct of the Police Department or any department employees. The Police Commission issues a written report to the Chief of Police for the Chief's disposition. A "Yes" vote supports adding additional language which requires that if the Chief of Police disagrees with the findings of the Police Commission, the Chief must submit the reasons in writing to the Police Commission. It also requires that a summary of the charges filed and their disposition be included in the Commission's annual report.</p>	<p>A "No" vote opposes adding a requirement that the Police Chief submits a written report to the Police Commission if the Chief disagrees with any of the Commission's findings. A "No" vote also opposes adding a requirement to the Charter that the Police Commission issue an annual report regarding the summary of charges filed with the Commission against the Police Department and disposition of the charges.</p>



Charter Amendment Proposal 9A

X

Council’s Alternative 9A: Require that the Chief of Police submit a written report when the Chief disagrees with the findings of the Police Commission, upon the Police Commission’s Request.

Ballot question

MAUI Proposal 9A: Council’s Alternative to Proposal 9; Police Chief

Shall the Charter be amended with Council’s alternative 9A to require that the Chief of Police inform the Police Commission when the Chief disagrees with the Commission’s findings related to the conduct of the police department or its members, and upon the Commission’s request, provide a written report?

What your vote means

YES	NO
<p>One of the powers of the Police Commission is to receive and investigate charges brought by the public against the conduct of the Police Department or any department employees. The Police Commission issues a written report to the Chief of Police for the Chief’s disposition. A “Yes” vote supports adding additional language which requires that if the Chief of Police disagrees with the findings of the Police Commission, the Chief must submit the reasons in writing to the Police Commission upon the Police Commission’s request. It also requires that a summary of the charges filed and their disposition be included in the Commission’s annual report.</p>	<p>A “No” vote opposes adding a requirement that the Police Chief submits a written report to the Police Commission, upon the Commission’s request, if the Chief disagrees with any of the Commission’s findings. A “No” vote also opposes adding a requirement to the Charter that the Police Commission issue an annual report regarding the summary of charges filed with the Commission against the Police Department and their disposition.</p>

How Council’s Alternative 9A differs from the Commission’s Proposal 9:

The Council has proposed an alternative to Proposal 9. Council’s alternative 9A would only require the Chief of Police to submit, in writing, the reasons the Chief disagrees with the Police Commission’s findings if requested by the Police Commission.



Charter Amendment Proposal 10

X

Create an Independent Nomination Board to recruit, evaluate, and recommend individuals for County boards, commissions, and the positions of County Clerk, Auditor, Corporation Counsel, and Prosecuting Attorney.

Ballot question

MAUI Proposal 10: Independent Nomination Board

Shall the Charter be amended, effective July 1, 2023, to:

1. Create a 9-member Independent Nomination Board, with its membership appointed by the Mayor and approved by Council, to recruit, evaluate, and nominate individuals for County boards, commissions, and the positions of the County Clerk, Auditor, Corporation Counsel, and Prosecuting Attorney;
2. Eliminate the prohibition on paying board and commission members;
3. Set the County Clerk’s term at 6 years;
4. Eliminate the requirement that no more than a bare majority of a board or commission may belong to the same political party; and
5. Stagger the membership of new boards so that five members would serve 3-year terms and four members would serve 2-year terms and provide that board members serving for an initial term of less than 3 years may be reappointed to a full term on the same board?

What your vote means

YES	NO
<p>A “Yes” vote supports the creation of a 9-member board, appointed by the Mayor and approved by the Council, to recruit, evaluate, and recommend individuals for County boards and commissions and 4 County positions: Clerk, Auditor, Corporation Counsel, and Prosecuting Attorney. The amendment also eliminates the prohibition against paying board and commission members; eliminates the prohibition against appointing more than a bare majority of members on any board or commission that belong to the same political party; sets the Clerk’s term at 6 years; and staggers membership for new boards so 5 members would serve 3-year terms and 4 members would serve 2-year terms.</p>	<p>A “No” vote opposes the creation of a new Independent Nomination Board, and would allow the appointing authority (the Mayor or Council) to recruit and evaluate applicants for boards and commissions and County offices on their own. A “No” vote also supports retaining: (1) the prohibition on paying board and commission members; (2) the prohibition against appointing more than a bare majority of members on any board or commission that belong to the same political party; and (3) the current method of staggering the membership of new boards and commissions. A “No” vote also opposes setting a specific term for the County Clerk; none is provided for in the current Charter.</p>



Charter Amendment Alternative 10A

X

Council’s Alternative 10A: Create an Independent Nomination Board of 11 members, 2 appointed by the Mayor without Council approval and 9 appointed by the Council without Mayoral approval, to recruit, evaluate, and nominate individuals for County boards, commissions, and the positions of Corporation Counsel and Prosecuting Attorney.

Ballot question

MAUI Proposal 10A: Council’s Alternative to Proposal 10; makeup of Independent Nomination Board

Shall the Charter be amended with Council’s alternative No. 10A to:

1. Create an 11-member Independent Nomination Board, with 2 members appointed by the Mayor without Council approval and 9 members appointed by Council without Mayoral approval and, to recruit, evaluate, and nominate individuals for the positions of the Corporation Counsel and Prosecuting Attorney and County boards and commissions;
2. Eliminate the requirement that no more than a bare majority of a board or commission may belong to the same political party;
3. Remove the prohibition on paying board and commission members; and
4. Stagger the membership of new boards and commissions so that five members would serve 3-year terms and four members would serve 2-year terms and provide that board members serving for an initial term of less than 3 years may be reappointed to a full term on the same board or commission?

What your vote means

YES	NO
<p>A “Yes” vote supports the creation of an 11-member board, 2 appointed by the Mayor, without Council approval, and 9 appointed by Council without Mayoral approval, to recruit, evaluate, and recommend individuals for county boards and commissions and Corporation Counsel, and Prosecuting Attorney. The amendment also eliminates the prohibition against paying board and commission members; eliminates the prohibition against appointing more than a bare majority of members on any board or commission that belong to the same political party; sets the Clerk’s term at 6 years; and staggers membership for new boards.</p>	<p>A “No” vote opposes the creation of an 11-member Independent Nomination Board, and would allow the appointing authority (the Mayor or Council) to recruit and evaluate applicants for boards and commissions and County offices on their own. A “No” vote also supports retaining: (1) the prohibition on paying board and commission members; (2) the prohibition against appointing more than a bare majority of members on any board or commission that belong to the same political party; and (3) the current method of staggering the membership of new boards and commissions. A “No” vote also opposes setting a specific term for the County Clerk; none is provided for in the current Charter.</p>



Charter Amendment Alternative 10A

How Council's Alternative 10A differs from the Commission's Proposal 10:

The Council has proposed an alternative to Proposal 10. Council's alternative differs from the Commission's proposal in three major ways:

1. Council's alternative creates an 11-member Independent Nomination Board, with 9 members appointed by Council, without Mayoral approval, and 2 appointed by the Mayor, without Council approval.
2. Council's alternative would not require that the Auditor and County Clerk be vetted and recommended by the Independent Nomination Board.
3. The Commission's proposed amendment would take effect on July 1, 2023, to allow time for the appointment of the members of the Independent Nomination Board. Council's alternative would take effect as soon as the vote for the amendment was certified.



Charter Amendment Proposal 11

X

Require the County Auditor to assess the impacts of proposed charter amendments on County taxation and spending.

Ballot question

MAUI Proposal 11: Impacts of Charter amendments on County taxation and spending

Shall the Charter be amended to require that the County Auditor assess the impacts of proposed charter amendments on County taxation and spending?

What your vote means

YES	NO
A "Yes" vote is in favor of requiring the County Auditor to assess the impacts of any charter amendments on County taxation and County spending, whether those amendments are proposed by the public, the Charter Commission, or Council.	A "No" vote supports not including any Charter-mandated requirement that the auditor assess the financial impact of any proposed charter amendment. The auditor would still have the legal power to assess the fiscal impacts of proposed charter amendments either by request or on the auditor's own initiative.



My Amendment Choices

	CHARTER AMENDMENT PROPOSAL DESCRIPTION	YES	NO
#1	Create a separate Housing Department dedicated to affordable housing; include an advisory board and Hawaiian Home Lands Liaison.		
#2	Create a Department of 'Ōiwi Resources and affirm that the County will operate as a bilingual government.		
#3	Expand requirements in the Code of Ethics regarding the financial interests of County officers.		
#4	The Maui Planning Commission must have one member from each Maui Island council residency area; Moloka'i Planning Commission to be given jurisdiction over Kalaupapa; community plan update process to be set by ordinance.		
#5	(1) Require interactive remote communications with the public during Council meetings; (2) allow access to County records; and (3) remove time and place requirements for Council's organizational meeting.		
#6	Remove the cap on penalties for violations of law so that they may be set by ordinance.		
#7	Limit the powers of the Mayor to appoint administrative department heads.		
#8	1) Authorize the County Clerk to update the Charter and (2) prohibit the County Clerk and Deputy County Clerk from actively participating in political management of political campaigns.		
#9	Require that the Chief of Police submit a written report when the Chief disagrees with the findings of the Police Commission.		
#9A	Require that the Chief of Police submit a written report when the Chief disagrees with the findings of the Police Commission, upon the Police Commission's request.		
#10	Create an Independent Nomination Board to recruit, evaluate, and recommend individuals for County boards, commissions and the positions of County Clerk, Auditor, Corporation Counsel, and Prosecuting Attorney.		
#10A	Create an Independent Nomination Board of 11 members; 2 appointed by the Mayor without Council approval and 9 appointed by the Council without Mayoral approval, to recruit, evaluate, and nominate individuals for county boards, commissions, and the positions of Corporation Counsel and Prosecuting attorney.		
#11	Require the County Auditor to assess the financial impacts of proposed charter amendments on County taxation and spending.		

NOTE: This is not a ballot. This voter guide table is provided only as a convenient tool for you to make your own notes about proposed charter amendments. Do not submit this form with your ballot. Only votes marked on official ballots will be counted.