

ARTICLE 15 TRANSITIONAL PROVISIONS

Section 15-1. Existing Laws and Conflicting Laws.

1. All laws, ordinances, resolutions, and rules in force at the time this charter takes full effect, and not in conflict or inconsistent with this charter, are continued in force until repealed, amended, or superseded by proper authority. All laws that are inconsistent with this charter are superseded by the provisions of this charter at its effective date. All laws relating to or affecting this county or its departments, officials, or employees, and all county ordinances, resolutions, orders, and regulations that are in force when this charter takes full effect are repealed to the extent that they are inconsistent with or interfere with the effective operation of this charter or of ordinances or resolutions adopted by the county council under the provisions of this charter.

2. a. When construing provisions of this charter, the foremost obligation is to ascertain and give effect to the intent of the drafters—either members of the county council, members of the charter commission, or registered voters. Intent is to be obtained primarily from the language contained in this charter itself. This charter's language must be read in the context of the entire charter and construed in a manner consistent with the drafters' intent.

b. When there is doubt, doubleness of meaning, or indistinctiveness or uncertainty of an expression used in a statute, an ambiguity exists. In construing an ambiguous charter provision, the meaning of the ambiguous words may be sought by examining the context, with which the ambiguous words, phrases, and sentences may be compared, to ascertain their true meaning.

c. Extrinsic aids may be reviewed to determine intent. In the case of a charter provision drafted by the county council, the relevant committee report may be reviewed. In the case of a charter provision drafted by the charter commission, the relevant charter commission report may be reviewed. Courts may also consider the reason and spirit of the law, and the cause that induced the county council, the charter commission, or registered voters to propose the charter provision to discover its true meaning.

d. Charter provisions on the same subject matter must be construed with reference to each other. What is clear in one charter provision may be used to explain what is unclear in another.

e. Conflicting interpretations of the provisions of this charter must be resolved by complying with the intent of the most recent charter amendment pertaining to the conflict.

f. Elected and appointed officials, including the corporation counsel, must carefully interpret the provisions of this charter to ensure the officials do not violate the charter.

g. If a question in interpretation is the source of a conflict between the administration and the county council, then the corporation counsel or special counsel, if any, must seek a declaratory judgment, a writ of quo warranto, or other appropriate judicial remedy on the county's behalf within thirty days of the conflict being identified to obtain clarity in the interpretation of this charter's provisions, unless another party has already brought a viable judicial action for the same purpose.

h. A willful violation of a charter provision by an elected or appointed county officer or employee constitutes use of county property or personnel for other than public activity or purpose under Article 10 and, therefore, is grounds for the commencement of impeachment proceedings. A willful violation of a charter provision by an employee is grounds for discipline including termination of employment. (Amended 2021)

Section 15-2. Transition Provisions Concerning Fire and Public Safety Commission.

1. Upon adoption of the proposed 2002 amendments to Article 8, Chapter 7, the fire chief serving on January 1, 2003 shall continue serving as interim fire chief until the appointment or reappointment of a chief by the fire and public safety commission. Should the office of fire chief become vacant before appointment of a fire and public safety commission, the mayor may appoint an interim fire chief, or, in the absence of such an appointment, the deputy fire chief shall serve as interim fire chief.

2. Upon adoption of the proposed 2002 amendments to Article 8, Chapter 7, the current members of the public safety commission shall continue to serve on the new fire and public safety commission until the end of their term of appointment. (Amended 2002)

Section 15-3. Salary Commission. Upon adoption of the proposed 2002 amendment to Section 8-17.1, the current members of the salary commission shall determine by lot the lengths of their terms to facilitate the appointment or reappointment pursuant to the annual sequence adopted in the 2002 amendment beginning in 2003. (Amended 2002)

Section 15-4. Upon adoption of the proposed 2012 amendment to Section 8-7.4, the Maui County Department of Fire and Public Safety shall provide the timetable for the transition to include the functions of shoreline and ocean rescue and safety. (Amended 2012)

Section 15-5. Transfer of Audit Functions to the Office of the County Auditor.

1. All lawful obligations and liabilities owed by or to the office of council services relating to financial and performance audits on June 30, 2013 shall remain in effect on July 1, 2013. The obligations and liabilities shall be assumed by the office of the county auditor.

All contracts held by the office of council services relating to financial and performance audits which are to remain effective after June 30, 2013 shall be assumed by the office of the county auditor. The contracts shall continue in effect until fulfilled or lawfully terminated.

All financial and performance audit activities administered by the office of council services on June 30, 2013 shall be assumed by the office of the county auditor on July 1, 2013.

2. On July 1, 2013, all records, data, and information held by the office of council services relating to financial and performance audits which have not been completed as of June 30, 2013 shall be transferred to the office of the county auditor. (Amended 2012)

Section 15-6. Board of Ethics. The board of Ethics must adopt administrative rules by May 6, 2023, to effectuate the 2022 amendments to Article 10.