

PUBLIC NOTICE

PROPOSED AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED

Pursuant to Section 14-2.2 of the Revised Charter of the County of Maui (1983), as amended, the following are amendments to the Charter proposed by the Maui County Council. Each proposed amendment is preceded by the specific question relating to the amendment that will appear on the 2016 General Election ballot.

BALLOT QUESTION: MAUI: Withdrawal of Signature from Supplemental Petition

Shall Sections 11-4 and 11-5 of the Charter be amended to correct clerical errors and to provide consistency within the Charter by allowing an individual to withdraw their signature from a supplemental petition?

PROPOSED CHARTER AMENDMENT

Section 11-4. Filing and Certification.

1. Within one hundred eighty (180) days after the filing with the county clerk of the affidavit described in Section 11-2, all papers forming an initiative petition shall be assembled and filed with the county clerk as one instrument. If an individual who has signed the petition wishes to withdraw the individual's signature from the petition, written notice of the withdrawal must be filed with the county clerk within fifteen (15) days after the filing of the [affidavit] petitions described in Section [11-2] 11-3.

Section 11-5. Supplementary Petitions.

1. In the event the initial petition contains insufficient valid signatures, it may be supported by supplemental signatures of voters signed in the manner required in Section 11-3 of this Article. Such supplementary signatures shall be appended to the initial petition at any time within twenty (20) days after receipt by the petitioners' committee of notification that the county clerk has certified the initial petition insufficient. If an individual who has signed the supplemental petition wishes to withdraw the individual's signature from the supplemental petition, written notice of the withdrawal must be filed with the county clerk within three (3) days of the receipt of the supplementary signatures by the county clerk.

BALLOT QUESTION: MAUI: Review of Supplemental Petition

Shall Section 11-5 of the Charter be amended to allow the County Clerk twenty (20) days to review a supplemental petition, instead of ten (10) days?

PROPOSED CHARTER AMENDMENT

Section 11-5. Supplementary Petitions.

2. The clerk shall within [ten (10)] twenty (20) days after such supplementary signatures are filed make a like examination of them and shall promptly issue a certificate as to their sufficiency. Such certificate shall be sent to the petitioners' committee.

BALLOT QUESTION: MAUI: Emergency Management Agency

Shall the Charter be amended to change the name of the Civil Defense Agency to the Maui County Emergency Management Agency?

PROPOSED CHARTER AMENDMENT

Section 8-7.2. Fire and Public Safety Commission. The fire and public safety commission shall consist of nine members appointed by the mayor with the approval of the council.

The fire and public safety commission shall:

1. Adopt such rules as it may consider necessary for the conduct of its business and regulation of the matters committed to its charge by law.
2. Review and submit to the mayor the [department's] department of fire and public safety's request for an annual appropriation for the operation of the department.
3. Review the operations of the department of fire and public safety and the [civil defense] Maui County emergency management agency and make recommendations for changes that may be desirable to improve the performance of emergency functions and the provision of public safety services.
4. Receive, review, and investigate any charges brought forth by the public against the conduct of the department of fire and public safety or any of its members and submit a written report of its findings and recommendations to the fire chief for disposition.
5. Annually review and evaluate the performance of the fire chief and submit a report to the mayor and the council.
6. Submit an annual report to the mayor and the council on its activities.
7. Have such other powers and duties as may be provided by law.

Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department.

CHAPTER 16

[CIVIL DEFENSE] MAUI COUNTY EMERGENCY MANAGEMENT AGENCY

Section 8-16.1. Organization and Functions. There shall be a [civil defense] Maui County emergency management agency whose powers, duties, functions and organization shall be as provided by law. The fire and public safety commission, as established in Section 8-7.2 herein, shall review the operations of the agency and make recommendations for changes which may be desirable to improve the performance of emergency functions and the provision of public safety services. The commission shall receive and investigate any complaints brought forth by the public against the conduct of the agency or any of its members and submit a written report of its findings and recommendations to the [civil defense] Maui County emergency management administrator for the administrator's disposition.

BALLOT QUESTION: MAUI: Approval of and Qualifications for Various Directors

Shall the Charter be amended to require Council approval of the Mayor's appointment of the Managing Director, Director of Finance, Director of Public Works, Director of Parks and Recreation, Planning Director, Director of Housing and Human Concerns, Director of Transportation, and Director of Environmental Management and to allow additional qualifications for department directors to be established by ordinance?

PROPOSED CHARTER AMENDMENT

Section 6-4. Specific Qualifications of Administrative Heads of Departments.
In addition to any qualifications set forth in this charter, specific qualifications for administrative heads appointed by the mayor may be established by the council by ordinance.

Section 3-8. Restrictions on Council and Council Members.

1. ~~[Neither]~~ Unless otherwise provided in this charter, neither the council nor any of its members shall, in any manner, dictate the appointment or removal of any officer or employee appointed by the mayor or by the mayor's subordinates.

2. Neither the council nor its members shall give orders to any county employees or county officers other than those appointed pursuant to Section 3-7 or Article 5, either publicly or privately. Any willful violation of the provisions of this subsection by a member of the council shall be sufficient grounds for the councilmember's removal from office by impeachment.

Section 6-2. Appointment and Removal of Officers and Employees.

1. The administrative head of a department may not appoint more than the staff for which appropriations have been made by the council.

2. No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of the office or position.

3. The term of office of any administrative head of a department who is appointed by the mayor~~[, including the corporation counsel and the prosecuting attorney,]~~ shall end with the term of office of the mayor, except that any such administrative head may be earlier removed as provided for in this charter. Such officers shall not hold over more than sixty (60) days after their respective terms of office, and shall immediately vacate their respective offices at the end of the 60-day period or upon the appointment of a successor in accordance with this charter, whichever occurs first.

4. The mayor shall have the authority to appoint, on a temporary basis, an administrative head of any department, provided that such department is one where the administrative head is appointed by the mayor.

5. Within sixty (60) days of taking office, or within sixty (60) days after a vacancy is created, the mayor shall appoint the managing director, corporation counsel, [and] prosecuting attorney, director of finance, director of public works, director of parks and recreation, planning director, director of housing and human concerns, director of water supply, director of transportation, and director of environmental management, with

written notice of the appointment to the council. The council shall confirm or deny the [confirmation] appointment within sixty (60) days after receiving notice of the appointment by the mayor. If the council does not act within the 60-day period, the appointment shall be deemed to be confirmed. The [corporation counsel and prosecuting attorney] appointee shall take office upon appointment by the mayor but shall not continue in office if the council denies [confirmation.] the appointment. If the appointment is [not confirmed] denied by the council, the mayor shall make a new appointment within sixty (60) days of the council's denial, and the council shall confirm or deny within sixty (60) days after receiving notice of the new appointment by the mayor. If the council does not act within the 60-day period, the appointment shall be deemed to be confirmed.

Section 8-1.2. Managing Director. The managing director shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The managing director shall have had a minimum of five years of experience in an administrative capacity, either in public or private business, or both.

Section 8-2.2. Corporation Counsel. The corporation counsel shall be appointed by the mayor with the approval of the council and may be removed by the mayor with the approval of the council. The corporation counsel shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law for at least [three] five years.

Section 8-3.2. Prosecuting Attorney. The prosecuting attorney shall be appointed by the mayor with the approval of the council and may be removed by the mayor with the approval of the council. The prosecuting attorney shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law for at least [three] five years.

Section 8-4.2. Director of Finance. The director of finance shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The director of finance shall have had a minimum of five years of experience in a public or private financial position, at least three [years] of which shall have been in an administrative capacity.

Section 8-5.2. Director of Public Works. The director of public works shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The director of public works shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

Section 8-6.2. Director of Parks and Recreation. The director of parks and recreation shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The director of parks and recreation shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

Section 8-8.2. Planning Director. The planning director shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The planning director shall have had a minimum of five years of experience in the field of planning, at least three of which shall have been in an administrative capacity~~[.]~~, either in public service or private business, or both.

Section 8-10.2. Director of [the Department of] Housing and Human Concerns. The director of [the department of] housing and human concerns shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The director of [the department of] housing and human concerns shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

Section 8-11.5. Director and Deputy Director of Water Supply. The director of [the department of] water supply shall be appointed by the mayor with the approval of the council, and may be removed by the mayor with the approval of the council. The director of [the department of] water supply shall have had a minimum of five years of experience in a management capacity, either in public service or private business, or both. The deputy director of [the department of] water supply shall be appointed by the mayor and may be removed by the mayor. The director or deputy director of [the department of] water supply shall be a registered engineer.

Section 8-14.2. Director of Transportation. The director of transportation shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The director of transportation shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

Section 8-15.2. Director of Environmental Management. The director of environmental management shall be appointed by the mayor with the approval of the council and may be removed by the mayor. The director of environmental management shall have had a minimum of five years of experience in an administrative capacity, either in public service or private business, or both.

BALLOT QUESTION: MAUI: Office of Council Services' Attorneys

Shall Sections 3-6, 3-7, and 8-2.3 of the Charter be amended to allow attorneys within the Office of Council Services, in addition to the attorneys within the Department of the Corporation Counsel, to serve as legal advisors to the Council and its members, and to allow the Council to designate, by two-thirds vote of its entire membership, attorneys within the Office of Council Services as special counsel to serve as legal representatives for any special matter presenting a real necessity for such employment?

PROPOSED CHARTER AMENDMENT

Section 3-6. Powers of Council. The council shall be the legislative body of the county. Without limitation of the foregoing grant or of other powers given it by this charter, the council shall have the power:

1. To legislate taxes, rates, fees, assessments and special assessments and to borrow money, subject to the limitations provided by law and this charter.
2. To legislate appropriations for county purposes subject to the limitations provided by this charter.

3. To conduct investigations of (a) the operation of any department or function of the county and (b) any subject upon which the council may legislate.
4. To fix the salaries of such employees and officers as may be necessary.
5. To require periodic and special reports from all county departments concerning their functions and operations. Such reports shall be requested and submitted by and through the mayor.
6. To retain, [or] employ, or designate, by a vote of two-thirds of its entire membership, special counsel as legal representative for any special matter presenting a real necessity for such employment. Any such employment shall specify the compensation, if any, to be paid for said services.
7. To designate attorneys within the office of council services to serve as legal advisors.

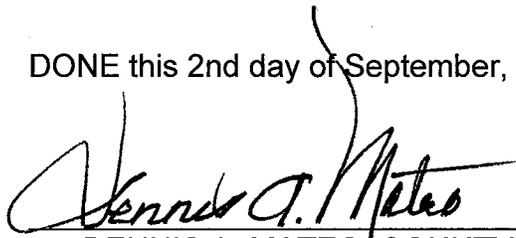
Section 3-7. Office of Council Services.

1. There shall be an office of council services. The council may create such positions in the office of council services as it deems necessary to assist it in the exercise of its legislative power. The salaries of such positions shall be fixed by ordinance. Persons appointed to such positions by the council shall be exempt from civil service.
2. The attorneys within the office of council services, in addition to the attorneys within the department of the corporation counsel, may serve as legal advisors to the council and its members.

Section 8-2.3. Powers, Duties, and Functions. The corporation counsel shall:

1. Appoint such deputy corporation counsel and necessary staff as shall be authorized by the council. Deputy corporation counsel shall be exempt from civil service and shall serve at the pleasure of the corporation counsel.
2. Be the chief legal advisor and legal representative of the County of Maui; of the council, the mayor, all departments, and all boards and commissions, and of all officers and employees in matters relating to their official duties[.], except as otherwise provided in this charter.
3. Represent the county in all legal proceedings.
4. Perform such other duties and functions as may be incident to the department or required by law.

DONE this 2nd day of September, 2016



DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII