

Resolution

No. 02-99

PROPOSING AMENDMENTS TO THE REVISED CHARTER
OF THE COUNTY OF MAUI (1983), AS AMENDED,
RELATING TO BOARDS AND COMMISSIONS

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby proposes that the Revised Charter of the County of Maui (1983), as amended, be amended to authorize the Council to nominate and appoint individuals to fill vacancies on boards and commissions when the Mayor fails to submit nominees within the times provided for by the Charter.

2. Section 13-2, Revised Charter of the County of Maui (1983), as amended, is amended by amending subsection 16 to read as follows:

"16. A vacancy on a commission or board due to the expiration of a member's term shall be filled as follows:

Not more than seventy (70) days nor less than sixty (60) days before the vacancy is to occur the mayor shall submit to the council the name of the mayor's nominee to fill the vacancy. Within sixty (60) days thereafter the council shall act to approve or disapprove the nominee. If the council disapproves the nominee, it shall immediately so notify the mayor of its action. The mayor shall then submit the name of a second nominee to the council within ten (10) days and the council shall act thereon within sixty (60) days. The process shall continue until the vacancy is filled. In the event that the council fails to approve or disapprove a nominee within the time periods provided for herein, the nominee shall be deemed appointed to fill the vacancy upon its occurrence. If the mayor fails to submit the name of a nominee within the times provided for herein, the council may within sixty (60) days nominate and approve the appointment of an individual to fill the vacancy."

and

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3. Section 13-2, Revised Charter of the County of Maui (1983), as amended, is amended by amending subsection 17 to read as follows:

"17. A vacancy on a commission or board due to death, resignation or removal shall be filled as follows:

Within thirty (30) days of the occurrence of a vacancy the mayor shall submit to the council the name of the mayor's nominee to fill the vacancy. Within sixty (60) days thereafter the council shall act to approve or disapprove the nominee. If the council disapproves the nominee it shall immediately so notify the mayor of its action. The mayor shall then submit the name of a second nominee to the council within ten (10) days and the council shall act thereon within sixty (60) days. This process shall continue until the vacancy is filled. In the event that the council fails to approve or disapprove a nominee within the time periods provided for herein, that nominee shall be deemed appointed to fill the vacancy upon its occurrence. If the mayor fails to submit the name of a nominee within the times provided for herein, the council may within sixty (60) days nominate and approve the appointment of an individual to fill the vacancy."

and

4. That this Resolution shall be submitted to the voters of the County of Maui at the next general election; and

5. That the County Clerk is hereby requested to prepare the necessary ballot for the presentation to the voters at the 2002 general election; and

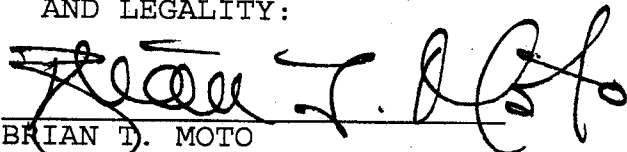
6. That, upon approval by the majority of the voters in favor of amending the Revised Charter of the County of Maui (1983), as amended, as indicated by the number of votes cast and

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upon official certification of such result, the amendments proposed herein shall take effect; and

7. That certified copies of this Resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:

A handwritten signature in black ink, appearing to read "Brian T. Moto", written over a horizontal line.

BRIAN T. MOTO
First Deputy Corporation Counsel
County of Maui

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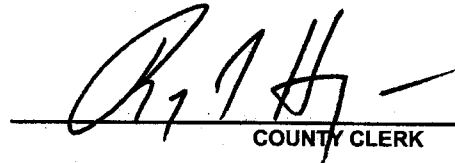
COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 02-99 was passed on Second and Final Reading by the Council of the County of Maui, State of Hawaii, on the 20th day of August, 2002, by the following vote:

| MEMBERS | Dain P. KANE Acting Chair | Alan M. ARAKAWA | Robert CARROLL | G. Riki HOKAMA | Jo Anne JOHNSON | Dennis A. MATEO | Michael J. MOLINA | Wayne K. NISHIKI | Charmaine TAVARES |
|------------------|--|----------------------------|---------------------------|---------------------------|----------------------------|----------------------------|------------------------------|-----------------------------|------------------------------|
| ROLL CALL | No | Aye | No | No | Aye | Aye | Aye | Aye | Aye |



COUNTY CLERK

Passed First Reading on August 2, 2002