

## **Ballot Questions**

MAUI: Commission: Council Terms

Should Section 3-2.5 and Article 15 of the Charter be amended to lengthen the terms of Council Members from two (2) to four (4) years, with term limits of three (3) consecutive terms, whether such terms are two (2) or four (4) years, beginning on January 2, 2015, with terms to be staggered?

MAUI: Commission: Ocean Rescue and Safety

Should Section 8-7.4 of the Charter be amended to assign shoreline and ocean rescue and safety to the Department of Fire and Public Safety?

MAUI: Commission: County Auditor

Should the Charter be amended to establish an independent Office of the County Auditor, to provide for the appointment and removal of an independent County Auditor by the County Council, to define the County Auditor's duties and powers in order to increase accountability and efficiency of County operations, to attach the Cost of Government Commission as an advisory board to the County Auditor, and to make other clarifying, conforming, transitional, and related amendments?

MAUI: Commission: Interactive Communication

Should Article 3, County Council, of the Charter be amended to require interactive communications access for public testimony at all County Council and County Council committee meetings for the residents of Hana, Lana`i, Moloka`i and other geographic areas as the Council deems appropriate and reasonable?

MAUI: Commission: Charter Revision Publication

Should Article 14 of the Charter be amended to add a new section to require that the Maui County Charter be revised and published to include all new significant amendments adopted?

MAUI: Commission: Council Residency Requirement

Should Section 3-3 of the Charter be amended to increase the time period for residency requirements in the County of Maui, and from the area which the person seeks to be elected from 90 days to 1 year before a candidate for council files nomination papers?

MAUI: Commission: Mayor Residency Requirement

Should Section 7-3 of the Charter be amended to increase the time period for residency requirement in the County of Maui from 90 days to 1 year before a candidate for Mayor files nomination papers?

MAUI: Commission: Environmental Management

Should Section 8-15.3 of the Charter be amended to add the following to the Powers, Duties and Functions of the Director of the Department of Environmental Management:

Guide efforts to optimize opportunities for environmental, natural resource protection, sustainability, conservation, and restoration?

MAUI: Commission: Annual Evaluation

Should Chapters 7 (Department of Fire and Public Safety), 9 (Department of Personnel Services), 12 (Department of Police), and 13 (Department of Liquor Control) of Article 8 of the Charter be amended to provide consistency in the process in which the various commissions of the listed departments that appoint its directors or chiefs handle the evaluation and removal of its directors or chiefs?

MAUI: Commission: Preamble

Should the Preamble of the Charter be amended to add that the people of the County of Maui being mindful of their Hawaiian history, heritage and culture and uniqueness as a four island County shall dedicate their efforts to fulfill the philosophy decreed by the Hawaii State motto, "Ua mau ke ea o ka aina ika pono," ["The life of the land is perpetuated in righteousness."]?

MAUI: Council: Unexpired Term

Shall the Charter be amended to clarify that a council member who fills a vacancy in office for the remainder of an unexpired term shall not have the remainder of the unexpired term counted towards the maximum number of consecutive terms the council member may serve?

## **INTRODUCTION:**

The voters of Maui County will be asked to approve the following proposed Charter amendments during this year's General Election. Proposals 1 through 10 are proposed by the Maui County Charter Commission. Proposal 11 is proposed by the Maui County Council. (Due to circumstances beyond the Charter Commission's control, the proposals below may be numbered differently on the ballot, or may not be numbered at all.)

### **1.**

#### **CHANGE COUNCIL TERMS OF OFFICE**

This proposal would change the Council's term of office from the current two years to four years; would allow for a maximum of three consecutive, four-year terms; and would stagger the terms so that no more than five Council Members would be elected at one time.

Under the Charter Commission's proposal, in the 2014 election, the four winning candidates with the lowest vote totals out of the nine Council Members would be assigned initial two-year terms in order to set up a staggered election pattern. Those four Council Members would be allowed one term of two years, and two terms of four years, for a total of ten consecutive years before they would have to step down. The other five Council Members would be allowed a total of three consecutive, four-year terms for a total of twelve consecutive years.

**Ballot Question:** Should Section 3-2.5 and Article 15 of the Charter be amended to lengthen the terms of Council Members from two (2) to four (4) years, with term limits of three (3) consecutive terms, whether such terms are two (2) or four (4) years, beginning on January 2, 2015, with terms to be staggered?

### **2.**

#### **MOVE OCEAN AND SHORELINE RESCUE TO DEPARTMENT OF FIRE AND PUBLIC SAFETY**

Currently, County Beach Lifeguards or Ocean Safety Officers are based in the Department of Parks and Recreation. If this proposal is approved by the voters, the County's ocean safety function would be moved to the Department of Fire and Public Safety.

**Ballot Question:** Should Section 8-7.4 of the Charter be amended to assign shoreline and ocean rescue and safety to the Department of Fire and Public Safety?

### 3.

#### **ESTABLISH OFFICE OF THE COUNTY AUDITOR**

This proposed Charter amendment would create a new Office of the County Auditor that would be responsible for fiscal and performance audits of County accounts and operations in order to enhance accountability and efficiency. The County Auditor would be appointed by the Council and may be removed by the Council. The goal for this office is to be independent of the Mayor and the Council so that the County Auditor would be able to issue unbiased and reliable reports to the Mayor, the Council and the public about how Maui County is operating and how efficiencies can be achieved. The County Auditor will appoint necessary staff, who will not be subject to civil service laws. Under this proposal the County Cost of Government Commission will serve in an advisory capacity to the County Auditor and will be appointed by the Mayor and confirmed by the Council.

**Ballot Question:** Should the Charter be amended to establish an independent Office of the County Auditor, to provide for the appointment and removal of an independent County Auditor by the County Council, to define the County Auditor's duties and powers in order to increase accountability and efficiency of County operations, to attach the Cost of Government Commission as an advisory board to the County Auditor, and to make other clarifying, conforming, transitional, and related amendments?

### 4.

#### **ESTABLISHING INTERACTIVE COMMUNICATIONS ACCESS SYSTEM**

Currently to testify live at most Council meetings, residents must appear in person in Wailuku. For residents of Hana, Molokai, and Lanai, a considerable commitment of time, energy, and money must be made in order to be able to exercise their citizen's right to testify before the Council. This proposal requires that the Council establish a communications system that would allow residents of remote districts to give testimony live without having to travel long distances.

**Ballot Question:** Should Article 3, County Council, of the Charter be amended to require interactive communications access for public testimony at all County Council and County Council committee meetings for the residents of Hana, Lana'i, Moloka'i and other geographic areas as the Council deems appropriate and reasonable?

## 5.

### **RE-PUBLISH THE CHARTER WHENEVER IT IS AMENDED**

Currently the Charter is re-published every so often and if amendments to the Charter are approved by the voters before the Charter is re-published, those amendments are attached as addendums to the last published version of the Charter. This creates a confusing presentation of the Charter. Because the Charter is an important public document, meant to be clearly understood by one and all, this proposal requires the County Clerk to republish the Charter whenever it is amended.

**Ballot Question:** Should Article 14 of the Charter be amended to add a new section to require that the Maui County Charter be revised and published to include all new significant amendments adopted?

## 6.

### **INCREASE COUNCIL RESIDENCY REQUIREMENTS**

While Council Members are elected at-large in Maui County, they also must run from the residency district that includes their home address. They are currently required to have lived in the residency district they run from for 90 days. This proposal would increase that requirement to a full year. The purpose for this increase is to better assure that the candidates for Council have a strong relationship to their residency district.

**Ballot Question:** Should Section 3-3 of the Charter be amended to increase the time period for residency requirements in the County of Maui, and from the area which the person seeks to be elected from 90 days to 1 year before a candidate for council files nomination papers?

## 7.

### **INCREASE MAYORAL RESIDENCY REQUIREMENTS**

Candidates for Mayor are now required to have lived in Maui County for 90 days. This proposal would increase that requirement to a full year. The purpose for this increase is to better assure that the candidates for Mayor have a strong knowledge of our four-island County.

**Ballot Question:** Should Section 7-3 of the Charter be amended to increase the time period for residency requirement in the County of Maui from 90 days to 1 year before a candidate for Mayor files nomination papers?

## 8.

### **INCREASE COUNTY'S RESPONSIBILITY FOR ENVIRONMENTAL PROTECTION AND SUSTAINABILITY**

The purpose of this proposal is to add the responsibility for protecting the natural environment and increasing sustainability to the Department of Environmental Management.

**Ballot Question:** Should Section 8-15.3 of the Charter be amended to add the following to the Powers, Duties and Functions of the Director of the Department of Environmental Management:

Guide efforts to optimize opportunities for environmental, natural resource protection, sustainability, conservation, and restoration?

## 9.

### **CREATE DEPARTMENTAL CONSISTENCY**

The Charter describes four Commissions that have specific oversight over four County Departments: Police, Fire and Public Safety, Personnel Services, and Liquor Control. This provision would create consistency in the powers and duties of these four Commissions to hire, evaluate, and, if necessary, dismiss their department directors, as well as requiring each director to be evaluated annually by their Commission and have the same rights to due process in dismissal.

**Ballot Question:** Should Chapters 7 (Department of Fire and Public Safety), 9 (Department of Personnel Services), 12 (Department of Police), and 13 (Department of Liquor Control) of Article 8 of the Charter be amended to provide consistency in the process in which the various commissions of the listed departments that appoint its directors or chiefs handle the evaluation and removal of its directors or chiefs?

## 10.

### **ACKNOWLEDGING OUR HERITAGE**

Currently, the Preamble of the Charter does not make reference to our community's unique heritage and the fact that the County includes four main islands. This proposal would correct that oversight.

**Ballot Question:** Should the Preamble of the Charter be amended to add that the people of the County of Maui being mindful of their Hawaiian history, heritage and culture and uniqueness as a four island County shall dedicate their efforts to fulfill the philosophy decreed by the Hawaii State motto, "Ua mau ke ea o ka aina i ka pono," ("The life of the land is perpetuated in righteousness.")?

## **11.**

### **(COUNCIL PROPOSAL) CLARIFYING TERMS OF OFFICE AFFECTED BY A VACANCY**

The Council offered this proposed charter amendment to clarify that when a vacancy in office occurs, the remainder of the unexpired term served by a Council Member filling such a vacancy shall not be counted towards the maximum number of consecutive terms the Council Member may serve.

**Ballot Question:** "Shall the Charter be amended to clarify that a council member who fills a vacancy in office for the remainder of an unexpired term shall not have the remainder of the unexpired term counted towards the maximum number of consecutive terms the council member may serve?"

Copies of the amendments are available at the Office of the County Clerk, 200 S. High Street, 7<sup>th</sup> Floor, Wailuku, Maui, Hawaii.

For additional information: [www.mauicounty.gov/chartercommission](http://www.mauicounty.gov/chartercommission)

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