

91-19

CHARTER OF COUNTY OF MAUI

Article 3 - County Council

3-1 Composition

9 members elected at large.
1 resident - Lanai
1 resident - Molokai
1 resident - East Maui
1 resident - West Maui
1 resident - South Maui
3 residents - Central Maui

3-2 Terms

2 years beginning the 2nd of January following election.

3-3 Qualifications

U. S. citizen, voter in County.

County resident, 90 days before filing.

Resident of district from which seeks election.

Forfeit office if:

cease county residence
cease district residence during term
guilty of felony

Council judge qualifications-subpoenas, testimony,
produce records, expel by 2/3 vote.

3-4 Vacancy

Resolution appoint new member

Majority of remaining members

30 days after vacancy and no council action - Mayor appoints

Some qualifications as a candidate

Same political party

3-5 Salary Commission

9 members appointed by Mayor, approved by Council,
terms, same as Council, determine compensation of

elected officials per law.

3-6

Procedure

Meet 2:00 p.m. Jan. 2

Elect chairman, vice-chair and presiding officer

Mayor presides until chair elected - no vote

Meet 2 x month

Special meetings, 72 hours notice, Mayor.

Chair, 5 or more members.

Determine own rules.

Voting, except procedural notice, by roll call - votes reached.

5 = quorum, smaller number may meet and compel attendance of others per rules of Council. No valid action unless vote of 5 or more.

3-7

Powers

Legislative taxes, rates, fees, assessments, borrow money.

Legislate appropriations.

Investigate

operation of department/function
subject upon which they legislate.

Fix salaries of employees/officers as necessary.

Require reports, invoices from Mayor, all departments regarding their functions/operations.

Retain/employ special counsel, 2/3 vote, compensation specified.

3-8 OFFICE OF COUNCIL SERVICES

3-9 Restrictions

Council shall not dictate appointment/removal of officers/employees appointed by the Mayor or her subordinates.

Except for investigations shall deal with county employees/officers thru Mayor, and not give any orders.

Council Services/Clerk's office excepted. Wilful violation grounds for impeachment.

CHARTER OF THE CITY AND COUNTY OF HONOLULU

ARTICLE III
LEGISLATIVE BRANCH

CHAPTER I
COUNCIL

3-102 Member, Elections and Term of Office

9 members each from 4 defined districts.

4 years beginning 2nd January following election

3-104 Qualifications

Duly qualified election from council district.

Removal of residence or member adjudicated guilty of a felony - office deemed vacated.

3-105 Vacancy in Office

- (a) term less than one year - elected by remaining members, regular meeting/reasonable notice. 30 days or Mayor can fill.
- (b) Year or more - special election called within 10 days, held within 60 days - elections of district unless - special/general after 30 before 180.

3-122 Salary Commission

Salaries all elected officials, include Mayor, Council, Prosecutor by Special Council.

7 members, 3 appointed by Mayor, 3 appointed by Council, 1 appointed by Mayor confirmed by Council.

Elect Chair - act on majority vote. Vacancy filled as for original.

Appointed Jan. 15, 85 shall establish salaries no later than subsequent May 1.

Set salaries based on "adequate compensation for work performed" - [reserve sensible relationship with other employee salaries.

Establish rules of procedures/rules/regs.

Employ necessary consultants/staff.

No compensation, reimbursed for expenses.

3-107

Organization

Meet 12:00 - Jan. 2 elect chair, vice-chair, presiding officer. Also appointed a presiding officer pro tempore.

All members have right to vote all times.

Majority of entire membership quorum and necessary to carry vote.

Shall adopt rules re: officers/employees committee organizing, transaction of business.

Journal of proceedings, ayes/noes entered as required or upon demand of member.

May suspend without pay not more than one month, disorderly or contemptuous behavior in its present by 2/3 vote.

Presiding officer/council - majority vote - expel for disorderly, contemptuous improper conduct.

2/3 entire vote - employ special counsel shall specify compensation.

Presiding officer/majority of committee expel for disorderly, contemptuous, improper conduct.

Establish Council Services and positions deemed necessary. Fill salaries by ordinance, merit system per Section 6-302 of Charter.

Authorize attorneys within Counsel Services represent it where Executive Branch disputes and Corp. Counsel may represent Executive.

If such attorneys authorized - their considered Special Counsel.

Regular meetings at least once a month. Open to public - open ballot except for conference with Corp. Counsel and own staff.

May adjourn to any meeting place with 3 days published notice in daily paper/general circulation in City and notice to all members 3 days before.

Public hearings on appointees of Mayor prior to confirmations.

- 3-108 Council and employees subject to Charter re: procurement of materials, supplies, equipment, services and disposal of personal property.
- 3-109 Mayor's power to appear, introduce legislation but not vote.
- 3-110 Condemnation by resolution.
- 3-111 Annual Budget of Legislative Branch.
- 3-112 Revenue Program.
- 3-113 Annual Operating and Capital Program/Budget of Executive Branch.
- 3-114 Financial Audit.
- 3-115 Adoption of Pay Plan.
- 3-116 Creation of General Debt.
- 3-117 Creation Special Assessment Debt.
- 3-118 Revenue Bond Indebtedness.
- 3-119 Temporary Borrowing.
- 3-120 Investigation.
- 3-121 Creation semi-autonomous agencies.

CHAPTER 2

ORDINANCES AND RESOLUTIONS

3-201 Actions of the Council

Every legislative act of the Council shall be by ordinance. Non-legislative acts shall be by resolution and will not have force and effect as law.

3-202 Introduction, Consideration and Passage of Ordinances and Resolutions

3-203 Submission of Bills to the Mayor

3-204 Amendment, Revision or Repeal; Adoption of Codes by Reference

3-205 Codification of Ordinances

CHAPTER 3

CITY CLERK

3-301 Powers, Duties and Functions

CHAPTER 4

ORDINANCES BY INITIATIVE POWER

3-401 Declaration

Power

The power of electors to propose and adopt ordinances shall be the initiative power.

Limitation

The initiative power does not extend to any ordinance authorizing or repealing the levy of taxes, the appropriation of money, the issuance of bonds, the salaries of county employees or officers, or any matter governed by collective bargaining contracts.

3-402 Procedure for Enactment and Adoption

Petition.
Form of Petition.
Affidavit of Petition.
Proposed Ordinance.

3-403 Filing and Examination of Signatures on Petition

Duty of Clerk.
Clerk to reject petition, when reviewed by the Court.
Petition may be subject to Court review.

3-404 Submission of Proposal to Electors

For general elections.
For scheduled special election.
For initiative special elections.
Adoption by the Council.

If Council introduces and adopts after three separate readings, including a public hearing. . . proposed ordinance need not be submitted to the electors.

3-405 Adoption, Effective Date and Limitations

Adoption and effective date of ordinance.
No veto.
Limitation against Council.

3-406

Approval of Alteration

Amendments made by Corporation Counsel/

3-407

Inconsistent Provisions

CHARTER OF THE COUNTY OF HAWAII

ARTICLE III
LEGISLATIVE BRANCH
COUNTY COUNCIL

3-1 Powers and Functions

Legislative powers of County vested in the Council.
Function is legislation and public policy
formulation.

3-2 Composition and Terms

9 members, one from each of nine districts.

Terms for two years - 12:00 noon on first Monday of
December.

Nominated/elected according to election laws of
state.

3-3 Qualifications

U. S. citizen, duly qualified election of County
one year before election or appointment.

Resident and registered voter of district 90 days
before.

3-4 Compensation; Salary Commission

Salary of all County elected officials established
by Salary Commission of nine members appointed by
Mayor with approval of Council.

Commission establish Rules of Procedure which shall
provide that it meet at least annually.

3-5 Vacancy

Successor same political party, requisite
qualifications.

Council Chair shall notify all remaining members of
the Council by registered mail when formal action
shall be taken to fill the vacancy.

Clerk's office re: parameters of questions on
ballot.

3-6 Removal of Councilmen

3-7 Organization of the Council; Officers; Employees

Council elect chairman and vice chairman. until elected, Mayor shall preside at meeting, provided Mayor does not vote.

3-8 Meetings; Rules and Journal; Voting and Quorum

Council meets at least twice every month.

3-9 Actions of the Council

Legislative act is ordinance. Non-legislative act is resolution, unless otherwise provided.

3-10 Resolutions

3-11 Ordinances

3-12 Emergency Ordinances

Such ordinances may not be used to levy taxes, authorize the borrowing of money or to grant, renew or extend franchises.

Ordinance, including amendments, are automatically repealed as of the sixty-first day following date of adoption of original ordinance.

3-13 Submission of Bills to the Mayor

3-14 Adoption of Pay Plan

3-15 County Code

3-16 General Plan

3-17 Mandatory Program Review

At least once every four years, the Council shall review every program funded by the County.

3-18 County Reapportionment Commission

Commission shall establish the boundaries of the Council districts.

Composition.

1991 and every tenth year are reapportionment years.

Commission guidelines in establishing boundaries.

CHARTER OF THE COUNTY OF KAUAI

ARTICLE III
COUNTY COUNCIL

3-01 Legislative Power

Vested in County Council.

3-02 Composition

Seven members elected at large.

3-03 Terms

Two years to begin at twelve o'clock on the first working day of December.

3-04 Qualifications

U. S. citizen and duly qualified elector of the County for at least two years prior to election or appointment.

Removal of Councilman who removes his residence from the County or is convicted of a felony, shall immediately forfeit office.

3-05 Vacancy in Office

Remaining members appoint successor to fill vacancy. If Council unable to fill vacancy within thirty (30) days after occurrence, Mayor makes appointment to vacancy.

3-06 Compensation

Established by the Salary Commission.

3-07 Organization of Council; Officers; Rules; Employees

After inauguration and swearing-in ceremony Council meets and elects chairman and presiding officer of the Council. Until election, may/shall preside, provided Mayor does not vote.

3-08 Mayor May Appear Before Council

3-09 Eminent Domain

3-10 Annual Budget and Capital Program

3-11 Adoption of Pay Plan

- 3-12 Audit
- 3-13 Creation of General Debt
- 3-14 Creation of Assessment Debt
- 3-15 Revenue Bond Indebtedness
- 3-16 Temporary Borrowing
- 3-17 Investigation
- 3-18 Restrictions on County Council and Council Members

Shall not interfere with the administrative
processes delegated to the Mayor.