



COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
July 23, 2002

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Honorable Members of the Council
County of Maui
Wailuku, Hawaii 96793

Dear Members of the Council:

**SUBJECT: DISCHARGE OF CHARTER COMMISSION
RECOMMENDATIONS; PROPOSED CHARTER
AMENDMENTS (COW-41)**

Due to the State Office of Elections' deadline of September 6, 2002 for submittal of all proposed Charter amendments to be placed on the ballot in the November 2002 General Election, I am respectfully requesting the Council's favorable consideration of my request to discharge the Committee of the Whole from further consideration of all matters pertaining to COW-41, entitled CHARTER COMMISSION RECOMMENDATIONS; PROPOSED CHARTER AMENDMENTS.

COW-41 is comprised of the following:

1. County Communication No. 02-25, from the Council Chair, relating to the matter of Charter Commission recommendations.
2. County Communication No. 02-75, from Councilmember Johnson, transmitting a draft resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO REPRESENTATION OF THE COUNCIL IN LEGAL DISPUTES WITH THE EXECUTIVE BRANCH". The purpose of the draft resolution is to propose an amendment to the Charter to enable the Council to authorize attorneys within the legislative branch to represent the Council in litigation against executive-branch officials.
3. County Communication No. 02-112, from the Chair of the Committee of the Whole, relating to the matter of proposed Charter amendments.

COUNTY COMMUNICATION NO. 02-149

4. County Communication No. 02-123, from the Chair of the Maui County Charter Commission, transmitting the 2001-2002 Revised Final Report of the Maui County Charter Commission and a summary of their decisions.
5. Committee Report No. 02-43, from the Planning Committee, recommending adoption of a resolution proposing amendments to the revised Charter of the County of Maui (1983), as amended, relating to the Department of Planning.
6. Correspondence dated April 18, 2002, from Councilmember Tavares, transmitting a proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO BOARDS AND COMMISSIONS". The purpose of the proposed resolution is to propose an amendment to the Charter to allow the Council to nominate and approve the appointment of an individual to fill a vacancy on a board or commission if the Mayor fails to submit the name of a nominee within the times provided for by the Charter.
7. Correspondence dated June 20, 2002, from Councilmember Tavares, transmitting a proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE COUNCIL AND DEPARTMENT OF PLANNING AND THE COASTAL ZONE MANAGEMENT LAW". The purpose of the proposed resolution is to propose an amendment to the Charter that would transfer authority for issuing Special Management Area (SMA) permits from the respective planning commissions to the Council.
8. Correspondence dated June 20, 2002, from Councilmember Johnson, transmitting a draft resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE ADMINISTRATION OF SUBDIVISION ORDINANCES". The purpose of the draft resolution is to propose an amendment to the Charter to transfer authority for subdivision approvals from the Director of Public Works and Waste Management to the Planning Director.

9. Correspondence dated June 20, 2002, from Councilmember Johnson, transmitting a draft resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE CODE OF ETHICS AND TESTIFYING BEFORE COUNTY BOARDS". The purpose of the draft resolution is to propose an amendment to the Charter to clarify that County officers and employees have the right to testify before the Council and County boards and commissions.
10. Correspondence dated June 21, 2002, from Councilmember Nishiki, transmitting a draft resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO RESTRICTIONS ON THE COUNCIL AND COUNCIL MEMBERS". The purpose of the draft resolution is to propose an amendment to the Charter to bring the Charter into conformity with the Uniform Information Practices Act (UIPA), Chapter 92F, Hawaii Revised Statutes, by deleting the requirement that Council members route requests for public records through the Mayor.
11. Correspondence dated June 21, 2002, from Councilmember Nishiki, transmitting a draft resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE BOARD OF ETHICS AND THE CODE OF ETHICS". The purpose of the draft resolution is to propose an amendment to the Charter to strengthen government ethics by requiring County officials to engage in "fair and equal treatment"; authorize the Board of Ethics to employ independent staff; and require the Board of Ethics to make reasonable efforts to efficiently disseminate its opinions to the public, officers, and employees, including dissemination through the Internet.
12. Correspondence dated June 21, 2002, from Councilmember Nishiki, transmitting a draft resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO INITIATIVE". The purpose of the draft resolution is to propose an amendment to the Charter to increase citizen power by easing the requirements for proposing ordinances by initiative by decreasing the signature requirements from 20% of registered voters to 10% of voters in the last general election and by eliminating the 30-day window of opportunity to gather signatures.

13. Correspondence dated June 21, 2002, from Councilmember Johnson, transmitting a draft resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE POWERS, DUTIES AND FUNCTIONS OF THE OFFICE OF THE MAYOR". The purpose of the draft resolution is to propose an amendment to the Charter that would delete the provision of the Charter allowing the Mayor to have a voice but no vote in the proceedings of all boards and commissions.
14. Other related documents.

The Committee Chair requested that the Department of the Corporation Counsel review and approve as to form and legality all of the draft resolutions listed above. By correspondence dated July 22, 2002, the Department of the Corporation Counsel transmitted the proposed resolutions approved as to form and legality. The correspondence noted that certain technical and format revisions had been made to the draft resolutions.

Due to time constraints, the Committee of the Whole will be unable to issue a committee report, recommending passage on two readings of resolutions proposing amendments to the Charter, prior to the State Office of Elections' deadline of September 6, 2002.

For the aforementioned reasons, I will entertain the following motions at the August 2, 2002 Council meeting:

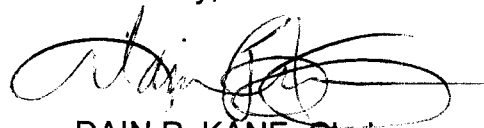
1. A motion to DISCHARGE the Committee of the Whole from further consideration of the following:
 - A. County Communication Nos. 02-25, 02-75, 02-112, and 02-123;
 - B. Planning Committee Report No. 02-43;
 - C. The proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO BOARDS AND COMMISSIONS";

- D. The proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE COUNCIL AND DEPARTMENT OF PLANNING AND THE COASTAL ZONE MANAGEMENT LAW";
- E. The proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE ADMINISTRATION OF SUBDIVISION ORDINANCES";
- F. The proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE CODE OF ETHICS AND TESTIFYING BEFORE COUNTY BOARDS";
- G. The proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO RESTRICTIONS ON THE COUNCIL AND COUNCIL MEMBERS";
- H. The proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE BOARD OF ETHICS AND THE CODE OF ETHICS";
- I. The proposed resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO INITIATIVE";
- J. The proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE POWERS, DUTIES AND FUNCTIONS OF THE OFFICE OF THE MAYOR";

- K. The proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO REPRESENTATION OF THE COUNCIL IN LEGAL DISPUTES WITH THE EXECUTIVE BRANCH"; and
 - L. All other documents related to COW-41.
2. A motion to WAIVE the requirement of committee referral and recommendation as provided for in Section 5(H) of the Rules of the Council. Approval of the motion by a two-thirds vote will enable the Council to consider the proposed and draft resolutions on the floor.
 3. A motion to FILE County Communication Nos. 02-25, 02-75, 02-112, and 02-123.
 4. A motion to FILE Committee Report No. 02-43.
 5. A motion to FILE this communication.

Thank you for your time and consideration on this matter. Your favorable consideration of this request would be greatly appreciated. Please feel free to contact me if you have any questions.

Sincerely,



DAIN P. KANE, Chair
Committee Of The Whole

cow:ltr:41amc06:rkk

Attachments