

April 23, 2010

MEMO TO: Michael J. Molina, Chair
Committee of the Whole

F R O M: Councilmember Jo Anne Johnson



SUBJECT: PROPOSED CHARTER AMENDMENTS (COW-10)

Attached for the Committee's review and consideration is a draft resolution entitled "PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH MAUI COUNTY COUNCIL ELECTION DISTRICTS". The purpose of the draft resolution is to place on the 2010 general-election ballot the question of whether the Charter should be amended to replace at-large elections for Maui County Council members with elections for members from each of nine election districts, with the district boundaries to be determined by a County Reapportionment Commission according to established criteria.

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Attachment

OFFICE OF THE
COUNTY COUNCIL

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RECEIVED

Resolution

No. _____

PROPOSING AMENDMENTS TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH MAUI COUNTY COUNCIL ELECTION DISTRICTS

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

1. That, pursuant to Section 14-1(1) of the Revised Charter of the County of Maui (1983), as amended (Charter), it hereby proposes that Section 3-1 of the Charter, pertaining to the composition of the Council, be deleted in its entirety and replaced with the following:

“Section 3-1. Composition. There shall be a council composed of nine members who shall be elected from each of nine election districts, as established by section 3-9.”

2. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 3-3 of the Charter, pertaining to qualifications, be amended as follows:

“Section 3-3. Qualifications. To be eligible for election or appointment to the council, a person must be a citizen of the United States, a voter in the county, a resident of the county and the district from which the person seeks to be elected for a period of ninety (90) days next preceding the filing of nomination papers [and at the time of filing of nomination papers a resident in the area from which the person seeks to be elected]. If a council member ceases to be a resident of the county, or ceases to be a resident of the council member’s [residency area] district during the council member’s term of office, or if a council member is adjudicated guilty of a felony, the council member shall immediately forfeit office and the seat shall thereupon become vacant.”

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3. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 3-5 of the Charter, pertaining to procedure, meetings, rules and journal, and voting, be amended as follows:

“Section 3-5. Procedure; Meetings; Rules and Journal; Voting.

1. The council shall meet in the council room at the county building for its organization at two o'clock p.m. on the second day of January following its election, or on the following Monday if the second day be a Saturday or Sunday, at which time it shall elect one of its members as chair and presiding officer of the council. Until such time as the chair shall be elected, the [mayor] council member elected from the First Council District shall preside at such meeting[, provided that the mayor shall not have a vote]. The council shall also elect a vice-chair who shall act as the presiding officer in the event of the chair's absence or disability. The council shall appoint a presiding officer pro tempore from its own members in the event of the absence or disability of both the chair and vice-chair.

2. The council shall meet regularly at least twice in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor, the chair or [of] five or more members and, whenever practical, upon no less than seventy-two (72) hours effective notice to each member.

3. The council shall determine its own rules and order of business, provided that all members shall have an equal, inalienable, independent right to propose to the council what they believe it should consider without need for a second, and shall provide for keeping a public journal of its proceedings.

4. Voting and all motions shall be in accordance with the rules of the council and shall be recorded in the journal of the council, provided, however, a roll call vote must be taken if requested by any one council member. Five members of the council shall constitute a quorum, but a smaller number may convene from time to time and compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. Unless otherwise provided for herein, no action of the council shall be valid or binding unless adopted by a vote of five or more members of the council.”

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4. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that a new section be added to the Charter, establishing a reapportionment commission, as follows:

“Section 3-9. County Reapportionment Commission. 1. There shall be a county reapportionment commission responsible for establishing the boundaries of the council districts.

2. The initial reapportionment commission shall consist of nine members, one from each of the state House of Representatives districts; except that the Thirteenth House District shall have three members including a resident of Maui, a resident of Moloka`i, and a resident of Lana`i. The members shall be appointed by the mayor with the approval of the council.

3. Each subsequent reapportionment commission shall consist of nine members appointed by the mayor with the approval of the council, and shall include members from each council district.

4. The year of 2011 and every tenth year thereafter shall be reapportionment years. The reapportionment commission shall be appointed and confirmed by March 1 of the reapportionment year, and shall file a reapportionment plan with the county clerk by December 31 of the reapportionment year that shall be applicable to the next election at which council members are elected to regular terms. The reapportionment commission shall be dissolved after the filing of the reapportionment plan.

5. The county clerk shall furnish all necessary technical and secretarial services for the reapportionment commission. The council shall appropriate necessary funds to enable the commission to carry out its duties.

6. The reapportionment commission shall be guided by the following criteria in establishing the boundaries of the council districts:

a. No district shall be drawn to unduly favor or penalize a person or political faction;

b. Except in the case of districts encompassing more than one island, districts should be contiguous and compact when possible;

c. Where possible, district lines shall follow permanent and easily recognized features, such as streets, streams and clear geographical features, and, when practicable, shall coincide with census tract boundaries;

d. Districts shall have approximately equal resident populations; and

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e. No single district shall include both any part of the island of Lana'i and any part of Moloka'i and consideration shall be given to provide the voters of the islands of Lana'i and Moloka'i effective representation.

7. The district boundaries as established by the reapportionment commission shall be in effect at the first regularly scheduled council election following the filing of the reapportionment plan and for any subsequent council election. The district boundaries in effect prior to the filing of the reapportionment plan shall remain in effect during the duration of the term of all council members elected or appointed to represent such districts until the expiration of the full term of such council members, including any election held to fill an unexpired term under section 3-4.

8. Any registered voter may petition the proper court to compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or the court may take such other action to effectuate the purpose of this section as it may deem appropriate. Any petition must be filed within fifteen (15) calendar days after the filing of the reapportionment plan."

5. That material to be repealed is bracketed and new material is underscored;
and

6. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

7. That the County Clerk prepare the necessary ballot for presentation to the voters at the 2010 General Election; and

8. That the ballot question relating to the amendment be set forth as follows:

Should at-large elections for Maui County Council members be abolished and replaced with elections for members from each of nine election districts, with the district boundaries to be determined by a County Reapportionment Commission according to established criteria?

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9. That, upon approval of the majority of the voters as indicated by the number of votes cast and upon official certification of such result, the amendment proposed herein take effect; and

10. That certified copies of this resolution be transmitted to the Mayor, the County Clerk, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY

Department of the Corporation Counsel
County of Maui

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