

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI

200 South High Street

Wailuku, Hawaii 96793

INTEROFFICE CORRESPONDENCE

February 19, 2002

MEMO TO: Priscilla Mikell, Deputy Director
Housing and Human Concerns

FROM: Gregory J. Garneau, Deputy Corporation Counsel *GG*

SUBJECT: GRANT REVIEW COMMITTEE APPOINTMENTS

This memorandum is sent in response to your request for advice in writing as to whether the term of the Chairperson for the Grants Review Committee may be extended past March 31, 2002, due to the grants evaluation process.

As I indicated during our telephone conversation of February 8, 2002, M.C.C. §3.36.020B provides as follows:

The committee shall be comprised of nine members, each of whom shall be nominated by the mayor and confirmed by the council. Section 13-2 of the revised charter of the County of Maui shall apply to the committee in the same manner as said provisions apply to boards and commissions recognized by the revised charter.

In turn, Section 13-2, subsection 6, of the revised charter provides in part:

No member of any board of commission shall serve beyond the time when his or her term expires unless the member is specifically reappointed.

and under subsection 1,

Unless otherwise provided, the members of all boards or commissions shall serve for staggered terms of five years beginning on April 1st and ending on March 31st five years thereafter.

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There is no mechanism in the County ordinance or charter to extend the Chairperson's appointment from March 31st to the end of April 2002. Because she has served for four years, she is not eligible to succeed herself for an additional term. (See revised charter, section 13-2, paragraph 6.)

With regards to your last question as to whether the Chairperson could continue to serve in an unofficial capacity, once her term expires her input would be the same as any other member of the public. She could offer public testimony, but would be excluded from sitting with the committee members, would not have a voice on matters under committee discussion, and could not vote. Her presence would not be part of the committee's quorum nor could she be included in executive sessions of the committee. Given this, we recommend that the committee make a strong effort to recruit new members.

Of course, through March 31, 2002, the Chairperson will continue to perform all of the official functions of her position including offering her senior knowledge and input regarding matters now pending the committee's review.

Approved for transmittal



JAMES B. TAKAVESU
Corporation Counsel

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