

**Proposal No. 6 – Separate Attorneys for Council & Boards and Commissions**  
Create Legislative Attorney and Independent Counsel For Separate Legal Advice, Counsel and  
Representation For County Council and Boards and Commissions

*TEXT OF THE AMENDMENT* (New material underscored, deleted material bracketed)

**ARTICLE 3**

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**Section 3- . Office of legislative attorney.** There shall be an office of the legislative attorney consisting of the legislative attorney and the necessary staff. The legislative attorney shall be appointed and may be removed by the council. The legislative attorney shall be an attorney licensed to practice law and in good standing before the Supreme Court of the State and shall have engaged in the practice of law for at least three years. The legislative attorney shall be the chief legal advisor and legal representative of the County Council and all of its officers and employees in matters related to their official duties and shall represent the County Council in all legal proceedings in which its interest is different than that represented by the department of the corporation counsel. Legal process against the County Council or its officers shall be served upon the county attorney or any of the deputies.

**ARTICLE 8**

**CHAPTER 2**

**DEPARTMENT OF THE CORPORATION COUNSEL**

**Section 8-2.1. Organization.** There shall be a department of the corporation counsel consisting of the corporation counsel and the necessary staff.

**Section 8-2.2. Corporation Counsel.** The corporation counsel shall be appointed by the mayor with the approval of the council and may be removed by the mayor with the approval of the council. The corporation counsel shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law for at least three years. (Amended 1992)

**Section 8-2.3. Powers, Duties, and Functions.** The corporation counsel shall:

1. Appoint such deputy corporation counsel and necessary staff as shall be authorized by the council. Deputy corporation counsel shall be exempt from civil service and shall serve at the pleasure of the corporation counsel.
2. Be the chief legal advisor and legal representative of the County of Maui; ~~[of the council]~~ the mayor, and all departments, ~~[and all boards and commissions;]~~ and of all officers and employees in matters relating to their official duties except as otherwise provided in this charter.
3. Represent the county in all legal proceedings except as otherwise provided in this charter.
4. Perform such other duties and functions as may be incident to the department or required by law. (Amended 2002)

**Section 8-2.4. Service of Legal Process.** Legal process against the county shall be served upon the corporation counsel or any of the deputies.

**CHAPTER**

**Section 8- . Office of Independent Counsel.** There shall be an office of the independent counsel

consisting of the independent counsel and the necessary staff. The independent counsel shall be appointed and may be removed by the council. The independent counsel shall be an attorney licensed to practice and in good standing before the Supreme Court of the State and shall have engaged in the practice of law for at least three years. The independent counsel shall be the chief legal advisor and legal representative of all county boards and commissions and all of their officers and employees in matters related to their official board and commission duties and shall represent all boards and commissions in all legal proceedings in which their interest is different than that represented by the department of the corporation counsel.

QUESTION TO VOTERS:

“Shall the functions of the Department of Corporation Counsel be divided so that the Maui County Council and county boards and commissions have independent legal advice and are represented separately when the interest of the Maui County Council or the interest of a county board or commission is different than that represented by Department of Corporation Counsel?”