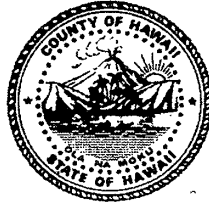


From the office of -  
Council Member  
District 3 - Hilo and Puna



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**SUSAN L.K. LEE LOY**  
25 Aupuni Street, Hilo, Hawai'i 96720

TO: Valerie T. Poindexter, Chair  
and Members of the Hawai'i County Council

FROM: *ML* Sue Lee Loy, Council Member

DATE: February 16, 2018

SUBJECT: Proposed Amendment to Bill No. 98; An Ordinance to Initiate an Amendment to Article XIII, Section 13-28 of the Hawai'i County Charter (2016 Edition), Relating to the Salary Commission.

Please find attached a proposed amendment to Bill No. 98.

The proposed amendment is illustrated below in Ramseyer format with respect to the contents of Bill No. 98; material to be deleted is bracketed and stricken and material to be added is underscored.

For illustrative purposes, a copy of the Draft 2 of the bill, that would result if these proposed amendments are adopted, is attached with the amendments incorporated therein.

SECTION 1 of Bill No. 98 is amended by amending Section 13-28 to read as follows:

**"Section 13-28. Compensation; Salary Commission.**

- (a) The salary of all county elected officials and appointed directors and deputy directors of departments and executive agencies shall be established by a salary commission which shall consist of nine members appointed by the mayor with the approval of the council, in the manner prescribed in Section 13-4(b). The members may be removed in the manner prescribed in Section 13-4(b).
- (b) One member shall be a resident of each council district. In addition, the director of human resources and deputy director of human resources shall serve as ex-officio members of the commission in an advisory capacity.
- (c) The commission shall establish its rules of procedure, which shall provide that it meet at least annually, and adopt rules and regulations having the force and effect of law.
- (d) The commission shall review and compensate all county elected officials and appointed directors and deputy directors so that their total salaries and benefits have a reasonable relationship to compensation in the public and private sectors. The salary commission shall consult with those boards and commissions which have appointing authority for department heads.

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Ref. Date 2-20-18

- (e) At least thirty days prior to the approval of any salary adjustment, the salary commission shall:
- (1) Publish at least once in at least two daily newspapers of general circulation in the county a detailed account of its proposal, or proposals, including specific increases or decreases in both actual dollar amounts and percentages;
  - (2) Hold at least one public hearing in either east Hawai'i [~~and one in~~] or west Hawai'i[~~;~~], provided that any public hearing shall be conducted using video conference technology to allow for public participation from both east and west Hawai'i; and
  - (3) Submit copies of a detailed report of the commission's findings and conclusions used to develop its proposal, or proposals, to the office of the county clerk and the office of the mayor for public inspection.
- The public notice required pursuant to this subsection shall include notification that the report of the commission's findings and conclusions is available for public inspection at the aforementioned locations.
- (f) Any adjustment that increases or decreases any salary by more than ten percent shall require an affirmative vote of two-thirds of the entire membership of the salary commission."

SL/ps  
Att.

**AN ORDINANCE TO INITIATE AN AMENDMENT TO ARTICLE XIII, SECTION 13-28 OF THE HAWAI'I COUNTY CHARTER (2016 EDITION), RELATING TO THE SALARY COMMISSION.**

**BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:**

**SECTION 1.** Article XIII, section 13-28 of the Hawai'i County Charter (2016 Edition), is amended to read as follows:

**“Section 13-28. Compensation; Salary Commission.**

- (a) The salary of all county elected officials and appointed directors and deputy directors of departments and executive agencies shall be established by a salary commission which shall consist of nine members appointed by the mayor with the approval of the council, in the manner prescribed in Section 13-4(b). The members may be removed in the manner prescribed in Section 13-4(b).
- (b) One member shall be a resident of each council district. In addition, the director of human resources and deputy director of human resources shall serve as ex-officio members of the commission in an advisory capacity.
- (c) The commission shall establish its rules of procedure, which shall provide that it meet at least annually, and adopt rules and regulations having the force and effect of law.
- (d) The commission shall review and compensate all county elected officials and appointed directors and deputy directors so that their total salaries and benefits have a reasonable relationship to compensation in the public and private sectors. The salary commission shall consult with those boards and commissions which have appointing authority for department heads.
- (e) At least thirty days prior to the approval of any salary adjustment, the salary commission shall:
  - (1) Publish at least once in at least two daily newspapers of general circulation in the county a detailed account of its proposal, or proposals, including specific increases or decreases in both actual dollar amounts and percentages;
  - (2) Hold at least one public hearing in either east Hawai'i or west Hawai'i, provided that any public hearing shall be conducted using video conference technology to allow for public participation from both east and west Hawai'i; and
  - (3) Submit copies of a detailed report of the commission's findings and conclusions used to develop its proposal, or proposals, to the office of the county clerk and the office of the mayor for public inspection.  
The public notice required pursuant to this subsection shall include notification that the report of the commission's findings and conclusions is available for public inspection at the aforementioned locations.
- (f) Any adjustment that increases or decreases any salary by more than ten percent shall require an affirmative vote of two-thirds of the entire membership of the salary commission.”

**SECTION 2.** New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai'i, the reviser need not include the underscoring.

**SECTION 3.** If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

**SECTION 4.** Upon adoption of this ordinance, this council, by appropriate resolution, shall provide that this amendment be submitted to the electorate of Hawai'i County for approval in the 2018 general election.

**SECTION 5.** The charter amendment proposed in this ordinance shall take effect upon its approval by a majority of voters voting on this legislation in the 2018 general election, as duly certified.