

2009-2010 HAWAI'I COUNTY CHARTER COMMISSION  
CHARTER AMENDMENT PROPOSAL FORM

1. GENERAL INFORMATION

Name of Commission Member: \_\_\_\_\_

2. If applicable, list the charter provision(s) to be deleted or amended:

3. Provide a brief description of the purpose of the proposed charter amendment; include a description of the issue the proposal would address:

4. If the proposal is based on a provision(s) in the charter or law of another jurisdiction, name the jurisdiction and, if possible, attach a copy of the relevant provision(s).

5. If the proposal is based on any written materials you have, please attach a copy with a citation to its source.

See reverse side

6. Attach the text of the proposed charter amendment in Ramseyer format (see below).

Ramseyer Format, if proposing:

Amendments to Existing Charter Provisions

Any language being proposed to be added to the Charter shall be underscored.

Any language being proposed to be deleted from the Charter shall be [bracketed].

Replacing Existing Charter Provisions in their Entirety

Clearly indicate the article(s), chapter(s), and/or section(s) of the Charter to be proposed to be deleted, and provide the text of any provisions proposed to replace the deleted material.

New Charter Provisions

Provide the text of the new provision(s) and, if possible, indicate where in the Charter the new material should be inserted.

## CHARTER AMENDMENT NO.

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article III, section 3-10, Hawai‘i County Charter, is amended by amending subsection (c) to read as follows, with added language underscored and deleted language bracketed and stricken through:

- “(c) Bills embracing:
- (1) ~~[the]~~ The fixing of special assessments for the cost of improvements;
  - (2) ~~[the]~~ The appropriation of public funds or authorization of the issuance of general obligation bonds; or
  - (3) ~~[the]~~ The imposition of a duty or penalty on any person, shall pass first reading by a vote taken by ayes and noes, and digests of such bills shall be advertised once in at least two daily newspapers of general circulation in the county~~[-]~~ and shall also be distributed via an electronic medium, such as the Internet, with ayes and noes, at least three days before final reading by the council. Not less than three copies of such bills shall be filed for use and examination by the public in the office of the county clerk at least three days prior to the final reading thereof.”

Section 2. Article III, section 3-10, Hawai‘i County Charter, is amended by amending subsection (h) to read as follows, with added language underscored and deleted language bracketed and stricken through:

- “(h) After enactment, ordinances shall be published once in at least two daily newspapers of general circulation in the county~~[-]~~ and shall also be distributed via an electronic medium, such as the Internet. Such publication shall be by title only and shall specify the ayes and noes.”

Section 3. Article VI, section 6-7.5, Hawai‘i County Charter, is amended by amending subsection (a) to read as follows, with added language underscored and deleted language bracketed and stricken through:

- “(a) Both commissions shall:
- (1) Advise the mayor, council and the planning director on planning and land use matters pursuant to law and this charter.
  - (2) Review the general plan, its amendments and other plans and modifications thereof and transmit such plans with recommendations thereon through the mayor to the council for consideration and action.
  - (3) Review proposed subdivision and zoning ordinances and amendments thereto and transmit such ordinances with recommendations thereon through the mayor to the council for consideration and action.
  - (4) Conduct public hearings in every case prior to action on any matter upon

which the commission is required by law or this charter to act. Notice of the time and place of the hearing shall be published at least ten days prior to such hearing in at least two daily newspapers of general circulation in the county[-] and shall also be distributed via an electronic medium, such as the Internet.

- (5) Perform such other related duties and functions as may be necessary or required pursuant to law and this charter.

Section 4. Article X, section 10-4, Hawai‘i County Charter, is amended to read as follows, with added language underscored and deleted language bracketed and stricken through:

**“Section 10-4. Operating Budget and Capital Budget: Notice and Hearing.**

The council shall hold a public hearing on the operating budget and capital budget at any time after March 1, but prior to the first reading on the budget bills. At this hearing all persons interested shall have an opportunity to be heard. At least one week before the hearing, the county council shall publish in at least two daily newspapers of general circulation in the county as well as via an electronic medium, such as the Internet, the general summaries of the operating budget and capital budget and a notice setting forth the time and place for public hearing thereon and for their consideration by the council. The council shall also allow public testimony at any meeting at which the operating budget or capital budget, or amendments thereto, are considered.”

Section 5. Article XI, section 11-4, Hawai‘i County Charter, is amended by amending subsection (p) to read as follows, with added language underscored and deleted language bracketed and stricken through:

**Section 11-4. Initiative and Referendum Process**

- “(p) The clerk shall publish the ballot title, ballot question, ballot summary and arguments for and against the measure in the Sunday paper of two Hawai‘i Island daily papers with the largest circulation, for the three Sundays preceding the election. The ballot title, ballot question, ballot summary and arguments for and against the measure shall also be distributed via an electronic medium, such as the Internet at least three weeks prior to the election. The committee shall be given the opportunity to write the argument in favor of the measure. If a group of five qualified voters of Hawai‘i County give notice to the clerk that they wish to write the arguments against the measure, the clerk shall publish their arguments. Both sets of arguments shall be published in the same papers, on the same page, on the same days, utilizing the same size print. The names and addresses of the committee and the opposing group as they appear on the general county register for the County of Hawai‘i shall appear in the publication.”

Section 6. Article XIII, section 13-20, Hawai‘i County Charter, is amended by amending subsection (c) to read as follows, with added language underscored and deleted language bracketed and stricken through:

- (c) The time and place of all regular meetings of the council, board or commission

shall be provided in the rules adopted for the conduct of its business. Except as otherwise provided in this charter, a special meeting may be called by the presiding officer of the council, board or commission when the date, time and place of such special meeting are announced prior to adjournment of a regular meeting; otherwise a special meeting can be called only upon the publication of a notice of such meeting in at least two daily newspapers of general circulation in this county at least twenty-four hours in advance of such meeting as well as via an electronic medium, such as the Internet. If the requirement with respect to publication of notice cannot be met because of insufficient time, the meeting notice shall be made by broadcasting a minimum of three announcements in the English language over FCC licensed public radio stations in this county or television stations with local audience. Such announcements shall be broadcast at least twenty-four hours in advance of such meeting. To assure the widest possible coverage, the meeting notice shall be released to radio stations in this county and the announcements shall be programmed to be heard between the hours of 7:00 A.M. to 5:00 P.M. In addition to the above requirements, notice of such special meeting shall be conspicuously posted on the bulletin board of the Hawai'i County Building. A brief resume of the principal business to be taken up at such meeting shall be stated in the posted notice as well as in the notice released to the news media.”

Section 7. Article XV, section 15-2, Hawai'i County Charter, is amended to read as follows, with added language underscored and deleted language bracketed and stricken through:

**“Section 15-2. Elections to be Called.**

Upon adoption of an ordinance proposing amendments or revisions of this charter, or upon the determination by the clerk that a petition for proposed amendments or revisions of this charter contains the required number of signatures, the council shall by resolution provide that the proposed amendments or revisions be submitted to the electors of the county for approval at the next general election. Any such resolution shall provide for the publication of the full text of the proposed amendments or revisions in a daily newspaper of general circulation in the county at least forty-five days prior to submission to the electors of the county~~[-]~~ as well as via an electronic medium, such as the Internet.”

Section 8. Article XV, section 15-3, Hawai'i County Charter, is amended to read as follows, with added language underscored and deleted language bracketed and stricken through:

**Section 15-3. Mandatory Charter Reviews.**

The charter shall be reviewed in 1989 and every tenth year thereafter. Not later than the fifteenth day of January of the charter review year, the mayor with the confirmation of the council, shall appoint a charter commission composed of eleven members to study and review the operation of the government of the county under this charter. Commission members, no more than a majority of whom shall belong to the same political party, shall be representative of the various geographical areas of Puna, Ka'u, Kona, Kohala,

[~~Hamakua~~] Hāmakua, and Hilo. The council shall appropriate funds to enable the commission to carry out its duties, including the hiring of necessary staff.

The commission shall hold at least one public hearing in each of the geographical areas. The commission may propose amendments to the existing charter or a draft of a new charter which shall be submitted to the county clerk. Upon receipt of the amendments or charter in the form as proposed by the commission, the county clerk shall provide for the submission of such amendments or charter to the electors of the county at either a special election as determined by the commission or at the first general election following the charter review year. The commission shall prepare the language of the question to be submitted to the voters for each of the amendments it proposes. The commission shall publish not less than forty-five days before any election, at least once in at least two daily newspapers of general circulation within the county, as well as via an electronic medium, such as the Internet, a brief digest of the amendments or charter and the purpose thereof and a notice to the electorate that copies of the amendments or charter are available at the office of the county clerk.

Members of the commission shall hold office until the amendments or charter is ratified or rejected.

If the majority of the voters voting upon a charter amendment votes in favor of it or a new charter, if a new charter is proposed, the amendment or new charter shall become effective at the time fixed in the amendment or charter.”

Section 9. This amendment shall take effect upon approval by the electorate.