

2009-2010 HAWAII 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].

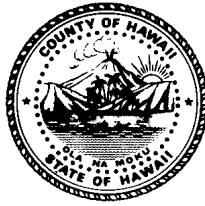
Replacing Existing Charter Provisions in their Entirety

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.

William P. Kenoi
Mayor



Lincoln S.T. Ashida
Corporation Counsel

Katherine A. Garson
Assistant Corporation
Counsel

COUNTY OF HAWAII
OFFICE OF THE CORPORATION COUNSEL

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October 30, 2009

MEMORANDUM

TO: The Honorable Edmund Haitsuka, Chair
And Members of the County of Hawai'i Charter Commission
c/o Hawai'i County Clerk-Council
333 Kilauea Avenue
Ben Franklin Building, 2nd Floor
Hilo, HI 96720

FROM: William V. Brilhante, Jr.
Deputy Corporation Counsel

RE: Office of Mayor's proposed County of Hawai'i's Charter Amendments

Dear Chair Haitsuka and Commission members:

Transmitted herein are proposed changes to the County of Hawai'i Charter proffered by the Administration. The changes are being proposed for the following reasons:

1. Revision to the Department of Research and Development

Within this current economic environment, it has become abundantly clear that economic sustainability, stability and viability for our island community is imperative in order to ensure that the County is able to continue providing core County services and functions to our citizens.

The driving force behind this proposal is for the County to provide leadership, direction and resources to both the public and private sector through a County Department specifically tasked with the power, duties and functions to assist, promote and solidify the economic development and viability of our island.

Accordingly, this proposed amendment would afford the resources currently contained within the Department of Research and Development to be reallocated to the newly created Department of Economic Development, whose primary and core functions would be to ensure economic vitality within the Island of Hawai'i.

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2. Revision to the General Provisions, Section 13-4(g) for Boards and Commissions

The County, as a whole, truly appreciates the time, efforts and dedicated service each Board and Commission member provides. Historically; however, Board and Commission members have been and continue to serve in a voluntary capacity. Accordingly, this proposal will remove any conflict within the Charter regarding Board and Commission members voluntary status with the County.

CHAPTER 8
DEPARTMENT OF [~~RESEARCH AND~~] ECONOMIC DEVELOPMENT

Section 6-8.1. Organization.

There shall be a department of [~~research and~~] economic development consisting of a director and the necessary staff.
(2000, Prop. 2, sec. 1.)

Section 6-8.2. Director.

The director of [~~research and~~] economic development shall be appointed by the mayor, confirmed by the council and may be removed by the mayor. The director shall have had a minimum of five years' related experience.
(1979, Prop. 12; 2000. Prop. 2, sec. 1; 2000, Prop, 7, sec. 4.)

Section 6-8.3 Powers, Duties and Functions.

The director of [~~research and~~] economic development shall:

- (a) Collect and develop data necessary for managerial and legislative decision-making, and program and policy-making.
- (b) Provide staff leadership for public and private development programs, enterprises and plans, including economic, social and cultural proposals, which enhance [~~improvement of the county community.~~] the economic viability and well being of the county community.
- (c) Coordinate informational and regulatory knowledge of all federal and state grant-in-aid participation programs which affect the county.

(2000, Prop. 2, sec. 1.)

Article XIII, General Provisions, Section 13-4(g) is amended to read as follows:

Section 13-4. Boards and Commissions.

- (g) Members shall receive no compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. Necessary expenses may be paid in advance as per diem allowance which shall be established by ordinance. ~~[Members of boards and commissions who do not receive compensation from their employers during the time they are serving on boards and commissions shall be reimbursed by the county for actual work hours lost at the straight time rate of pay of such members in their regular employment but in no case shall be reimbursement exceed five times the state minimum wage hour rate.]~~

(1979, Prop. 10; 1990, Prop. 14, sec. 1; 1996, Ord. No. 96-86, sec.2.)

CHARTER AMENDMENT NO.

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

Section 1. Article III, Hawai'i County Charter, is amended to add a new section as follows with added language underlined:

“Section 13-4. Boards and Commissions.

Except as otherwise provided in this charter, all boards and commissions specifically established by this charter shall be governed by the following provisions:

- (a) The members shall serve staggered terms of five years. Upon the initial appointment of the members of a commission consisting of five members, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. Upon the initial appointment of the members of a commission consisting of seven members, one shall be appointed for a term of one year, one for a term of two years, two for a term of three years, two for a term of four years, and one for a term of five years. Upon the initial appointment of a commission consisting of nine members, one shall be appointed to a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years.
- (b) The members shall be appointed by the mayor, and confirmed by the council, and may be removed upon recommendation by the mayor and the approval of the council.
- (c) No member shall be eligible for a second appointment to the same board or commission prior to the expiration of two years, however, members of any board or commission appointed for a term of two years or less shall be eligible to succeed themselves for an additional full term.
- (d) No member whose term has expired shall continue to serve on such board or commission, except that if no successor has been appointed and confirmed, the member shall continue to serve for ninety days or until a successor is appointed and confirmed, whichever comes first.
- (e) Any vacancy occurring in any board or commission shall be filled for the unexpired term.
- (f) Not more than a bare majority of the members shall belong to the same political party.
- ~~[(g) Members shall receive no compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. Necessary expenses may be paid in advance as per diem allowance which shall be established by ordinance. Members of boards and commissions who do not receive compensation from their employers during the time they are serving on boards and commissions shall be reimbursed by the county for actual work hours lost at the straight time rate of pay of such members in~~

~~their regular employment but in no case shall such reimbursement exceed five times the state minimum wage hour rate.]~~

~~[(h)]~~(g) A chairperson shall be elected from its membership annually.

~~[(i)]~~(h) The affirmative vote of a majority of the entire membership to which a board or commission is entitled shall be necessary to make any action valid; except that in the case of a board or commission which has only advisory functions, the affirmative vote of a majority of those present shall be sufficient to make any action valid.

~~[(j)]~~(i) Each board and commission shall have the power to establish its rules of procedure necessary for the conduct of its business, which rules shall contain the time and place of all regular meetings, and which shall specify that a quorum shall be a majority of the members to which the board or commission is entitled.

~~[(k)]~~(j) Notwithstanding any other provision in this charter, no person shall, by reason of occupation alone, be barred from serving as a member of any board or commission.

~~[(l)]~~(k) The council shall act to confirm or reject any appointment made to a board or commission by the mayor within forty-five days after receiving notice of the appointment from the mayor. If the council does not confirm or reject any such appointment within forty-five days, the appointee shall be deemed to have been confirmed.

~~[(m)]~~(l) The redrawing of council district boundaries during a commission member's term shall not affect a member's eligibility to represent the district to which the member was appointed."

Section 2. Charter material to be repealed is bracketed and stricken. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai'i (2010), the revisor need not include the brackets, bracketed material, or underscoring.

Section 3. The revisor of the charter shall renumber charter article numbers, chapter numbers, section numbers, and cross references thereto pursuant to amendments approved by the electorate that displace existing or newly-enacted charter provisions.

Section 4. This amendment shall take effect upon approval by the electorate.