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**2009-2010
HAWAI‘I COUNTY
CHARTER COMMISSION**

To: Members of the Hawai‘i County Charter Commission

From: Levi Hookano, Legal Counsel

Re: Proposed Amendment to the 2009-2010 Rules of Procedure: Provides the Procedure by which Charter Amendments may be Proposed, Approved, and Adopted by the Charter Commission.

Date: March 30, 2009

Members of the Hawai‘i County Charter Commission,

Below are proposed amendments to the 2009-2010 Rules of Procedure. These amendments provide for the procedure of proposing amendments to the County Charter. Words to be added are underscored. Words to be deleted are bracketed.

ARTICLE IX, PROPOSED AMENDMENTS TO THE CHARTER, is hereby amended as follows:

- a. Form. All charter amendment proposals shall be prepared and submitted on the CA-1 Form (attached as Exhibit A) with all applicable portions completed by a Commission member.
- b. Deadline to Propose Amendments. In order to ensure ample time to consider all proposed amendments, proposed amendments must be submitted to the Commission by October 31, 2009. Any proposed amendments submitted after October 31, 2009 may be considered only upon a 2/3 vote of the entire Commission. Regardless of the foregoing, the Commission will not accept any proposed amendments submitted within 30 days of the Commission’s first scheduled public hearing on the proposed charter amendments.
- c. Proposals for a charter amendment shall require two readings, as specified by this section, to be adopted and transmitted to the electorate. If the proposal does not receive a favorable vote at either of the two readings, the proposal shall be deemed lost. The

following procedures shall be followed in the consideration, approval, and adoption of proposals for a charter amendment:

1. Proposal is submitted for consideration by the Commission on Form CA-1. If the proposal is accepted by the Commission for consideration, the proposal shall be referred to an ad hoc committee to properly format the proposal for further consideration. The ad hoc committee shall issue a report on the proposals at the next regularly scheduled meeting following the referral.
2. At a meeting subsequent to the ad hoc committee report, the Commission shall approve or disapprove of the ad hoc committee's report. If the proposal is disapproved at this step, the proposal shall be deemed lost and shall not be considered again except upon a vote to reconsider. This step shall be considered the first reading of the proposal.
3. Upon approval of a proposal by the Commission at first reading, the proposal shall then be referred to the Commission's legal counsel for review. The Commission may also refer the proposal to appropriate agencies, organizations, or persons for their recommendations regarding the proposal.
4. Within 20 days of receiving the proposal for review, legal counsel, and any agency, organization, or person that received the proposal, shall submit a report to the Commission with any recommendations or comments. The Commission may then accept or reject the recommendations.
5. Upon consideration of any recommendations or comments by legal counsel, and any agency, organization, or person that received the proposal, the Commission shall then refer the proposal back to an ad hoc committee for further consideration of the format and style of the proposal and for proper arrangement and order of all proposals to be further considered by the Commission. The ad hoc committee shall report its findings to the Commission by a deadline set by the Commission. Any Commission action on the ad hoc committee report shall apply only to the format and arrangement of the proposals, and not to the substance of the proposal itself.
6. Once all proposals to amend the Charter have gone through the above process, the Commission shall review all proposals on its merits, paying attention to the manner in which each proposal relates to the Charter as a whole. This shall be considered the second and final reading of a proposal. If a proposal is substantively amended at this step, the proposal shall be held over until the next meeting for further consideration.
7. Once all proposals have been thoroughly considered by the Commission, those that have received final approval shall be submitted to an ad hoc committee for proposing the form in which the approved charter amendments shall be submitted to the electorate, including the proposed ballot language. The committee shall not be authorized to propose that the electorate must approve the amendments as a single package. The committee shall also be responsible for proposing and

implementing a public education program to acquaint the electorate with the proposed amendments.

Thank you for your consideration of the above proposed changes to the Rules of Procedure. If you have any questions, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "Levi Hookano", with a long horizontal flourish extending to the right.

Levi Hookano