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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: April 28, 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. This proposal differs from the amendment proposed at the April 9, 2009 meeting in the following ways:

1. All proposals initially approved for consideration will be forwarded to the Commission Attorney for drafting in Ramseyer format instead of to an ad hoc committee.
2. The ad hoc committee that proposes the ballot language for the approved charter amendments will not be responsible for proposing and implementing an education campaign. This may be done by the Commission as a whole or an ad hoc committee may be formed for this purpose at a later date if the Commission so desires.

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 Article, 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 the commission attorney to properly format the proposal for further consideration. The commission attorney shall present the proposals at the next regularly scheduled meeting following the referral.
 2. The Commission shall then consider the proposal and may propose further amendments if it so desires. 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 may be referred to legal counsel for further review. The Commission may also refer the proposal to appropriate agencies, organizations, or persons for their recommendations regarding the proposal.
 4. Within 20 business 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 the Commission attorney to properly format the proposal. The attorney shall also arrange all proposals in the order to be considered by the Commission. The attorney shall file a report with the Commission detailing the arrangement of the proposals.
 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.

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
Commission Attorney

Cc: Karen Eoff, Commission Secretary