

September 9, 2009

Aloha Charter Commission Members:

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Mahalo for being wiling to serve on this very important commission, to serve the people of our county. I hope you will consider the changes I am proposing. I would be happy to submit these proposed changes in more finished form.

I have wondered about the process of appointments to boards and commissions, there is no published criteria for these appointments. Right now the Mayor appoints ALL members of Boards and commissions. Since these are island wide commissions, (except in the case of the Planning commissions), shouldn't the council members appoint reputable members from their districts, where they know the active and well-informed community members? Then the Mayor could do background checks and approve of these appointments in front of the council. In an effort to be transparent, and to inform citizens what types of skills are necessary to join a board or commission, should the criteria for selection of their members be posted on each commission's website? Shouldn't citizens be entitled to see the names, short biographies and qualifications of members who are making decisions on our behalf? If you agree, this would require a change to **Article XIII- Commissions and Boards**.

At the first meeting of the Charter Commission, Mayor Kenoi said (from the minutes of your first meeting): " And all of you will decide whether council people should have the consideration of four year terms. Maybe they need to be "at large" and everyone should campaign island- wide. Maybe you guys will decide that we shouldn't have a Mayor system of government, and maybe we might want to have a City Manager system." What if council terms are increased to 4-years? What check and balance do we have on an out of control or non-responsive government if we do not have elections for 4 years? **Article XII of the Charter- Recall** is the logical check and balance and could be changed to make it easier to recall elected officials. How vacancies would be filled is another part that needs to be changed. The existing provisions in the charter to fill vacancies can be viewed under **Vacancies- Section 5.1 for the Mayor, Section 3.4 for the Council and Section 9.5 for the prosecuting attorney.**

In order to see how difficult it would be to recall an elected official today look at Article XII: Recall of the charter. To recall a council member, citizens must obtain valid signatures of 25% of the number of registered voters in the district within 30 days. To recall the Mayor citizens must collect 25% of all registered voters in the county within 30 days. There were approximately 99,000 registered voters to vote in the 2008 election. IF you succeed in this quick and onerous process to recall a council member, you will not have accomplished much, because the section on vacancies says the county council will appoint a successor. IF there is a vacancy in the office of Mayor, the managing director, who is appointed by the Mayor, takes the County office. The first deputy, who is appointed by the

prosecuting attorney, would fill a vacancy in the office of the prosecuting attorney. This could strengthen the existing majority of the council and have very little effect in the offices of the Mayor or prosecuting attorney. Since these elected officials are supposed to represent the people, shouldn't we be allowed to have an election to replace them if we recall them? A well-written charter amendment on recall that provides for elections to fill vacancies would provide a dose of accountability and transparency and a much-needed check and balance on our county government. I have read some of the changes that you have made to Article XII, but I hope you will also consider taking it a few steps further to provide for elections to fill the vacancies created if an elected official is recalled.

Many of these changes in the recall procedure should also be adapted to **Article XII- Impeachment**, especially a provision to hold an election to fill the vacancy of an impeached elected official.

In Honolulu County, voters approved a charter amendment to set aside 1% of property tax revenues each year and created the Clean Water and Natural Lands and Affordable Housing Fund. Half of these monies go to each program. I believe that a **NEW charter amendment to set aside 2% of property taxes each year, that would create the Open Space and Natural Resources Preservation fund, as a special fund**, should be a charter amendment. THAT way, only voters could change it and we would not be involved in the political wrangling at each budget time. Citizens could be assured that the funding would be available, as they voted, to attract matching funds at the state and federal level to save the Big Island's great places. Voters approved setting aside 2% of our property taxes in 2008 by 63%. Let's put it on the ballot again, and let the voters decide one more time.

Another important way to ensure transparency and accountability is by audits by the office of the **Legislative Auditor- Section 3.18-**. Voters changed the legislative auditor to an independent auditor in the 2008 election. In 2009, during budget hearings, the county council tried to gut part of this department's budget. This needs to be changed, so that the Auditor's budget is a percentage of the overall county's budget. How can the auditor be independent if the council can control the funding? To see the impressive work of the Legislative Auditor's reports on Recycling, the Public Works department, County vehicles, and an evaluation of the animal control program go to: <http://www.hawaii-county.com/la/reports.html>

In the 2008 election, voters approved a charter amendment brought forward by the League of Women Voters on Initiative and Referendum. The part of the charter that governs **Article XV- Charter Amendment or Revision** could be changed to implement the same procedures and process for citizens to propose charter amendments, so that citizens could write or amend laws. Citizens should have an easy to understand process to change the laws that govern the county. I am not proposing that the process be too easy, but the process should be easy to follow and fair for both the county and citizens.

I hope that you will consider these changes. I would happy to submit me them in legislative form. Please call with questions or comments. Again, Mahalo for the time you are devoting to this very important commission.

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