

September 30,2009

To: The Charter Commission

From: Debbie Hecht 808-989-3222 [hecht.deb@gmail.com](mailto:hecht.deb@gmail.com)

We ask you to consider this charter amendment to make the process of appointments to Boards and commissions more open and transparent. In the past, appointments have been made to boards or commissions where highly qualified people were passed over for an appointment. Different administrations have also been accused of using appointments as political pay back. We want to balance this process and to provide a better check and balance for this system.

We have required that the council members nominate people to be appointed and have feedback by the Mayor. Then the Council would have to vote on the matter, which would provide a public comment time. We believe that the council members will know the people who are involved in their community better than the Mayor. Right now, the power for appointment lies entirely with the executive branch of government. This process provides input from the Executive branch and the Legislative branch and provides a forum at the council for public input. In this way there is collaboration and input between both branches of government and the public.

In an effort to be promote transparency, we have required that all commissions have a website which should include information about the commission.

Mahalo for your consideration,  
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#### Section 13-4. Boards and Commissions.

Except as otherwise provided in this charter, all boards and commissions specifically established by this  
The following provisions shall govern charter:

- (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.~~

##### Nominations and Appointments:

1. In the case of a countywide nine-member commission or board, the council member from the district that has the vacancy shall nominate at least one person from their district. The Mayor shall do a background check of each person, and transmit a report of findings with recommendations to the council within 45 days. The nomination shall be placed on the council agenda at the first meeting that the matter can be legally agendized. The County Council, without delay shall vote upon this nomination.

2. In the case of an area specific board, (such as the Community Development Plan Board, Leeward or Windward Planning Commission etc), the council member(s) who are serving in the district which is affected by this board or commission, shall nominate the board or commission members. The Mayor shall do a background check of each person, and transmit a report of findings with recommendations to the council within 45 days. The nomination shall be placed on the council agenda at the first meeting that the matter can be legally agendized. The County Council, without delay shall vote upon this nomination

3. Commission or Board members may be removed upon recommendation by the mayor and the approval by a majority of the council; or by recommendation of the majority of the council and agreement of the Mayor.

- (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 them 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 that 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) A chairperson shall be elected from its membership annually.
- (i) 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) 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) The county shall maintain a website for each board and commission on which shall be posted the authority and powers of the commission, duties, terms of office, the qualifications and criteria for selecting members, the name of the contact person for the board or commission and other relevant information concerning the board or commission. Before taking office, the new member shall provide biographical information which shall be posted on the website.
- (k1) 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-m) 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-n)~~ 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.”

(Ed. note: Amended 1990 Gen. Elec.; subsection (m) added 2000 Charter Amend. 16, and Amended 2006 Gen. Elec.)