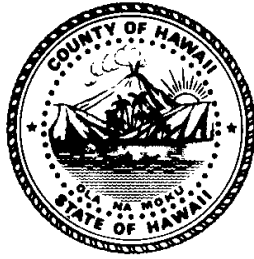


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**2009-2010
HAWAI'I COUNTY
CHARTER COMMISSION**

To: Edmund K. Haitsuka, Chair
and Members of the Hawai'i County Charter Commission

From: Levi K. Hookano, Commission Attorney

Date: December 4, 2009

RE: Proposal for "Housekeeping" Charter Amendment

Dear Chair Haitsuka and Members of the Hawai'i County Charter Commission,

Attached for your consideration is a proposed "housekeeping" charter amendment. This proposed amendment would amend various sections throughout the charter and was reviewed by the legislative research branch of the office of the county clerk. It would do the following:

1. Include proper Hawaiian language diacritical marks;
2. Includes omitted words;
3. Correct spelling errors;
4. Correct grammatical errors; and
5. Correct formatting errors.

For this amendment to be considered by the commission, it would first require a motion to consider the amendment and passage by a 2/3 vote.¹ If successful, a motion to approve the amendment at first reading and a vote for approval or disapproval by a simple majority is required.

If you have any questions regarding this matter, please do not hesitate to contact me.

Levi Hookano
Commission Attorney

COMM. 110

¹ Eight affirmative votes are required for approval since the commission is comprised of eleven members.

2009-2010 HAWAI'I 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.

CHARTER AMENDMENT NO.

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

Section 1. The Preamble, Hawai‘i County Charter, is amended to read as follows, with added language underscored and deleted language bracketed and stricken through:

“WE, THE PEOPLE OF THE COUNTY OF [~~HAWAII~~] HAWAI‘I, in the State of [~~Hawaii~~] Hawai‘i, with due respect for and in support of the laws of the land, do adopt
this
CHARTER OF THE COUNTY OF [~~HAWAII~~] HAWAI‘I
STATE OF [~~HAWAII~~] HAWAI‘I”

Section 2. Article I, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“ARTICLE I INCORPORATION AND GEOGRAPHICAL LIMITS

Section 1-1. Incorporation.

The people of the county of [~~Hawaii~~] Hawai‘i shall be and continue as a body politic and corporate by the name of “County of [~~Hawaii~~] Hawai‘i,” hereinafter in the charter called “county.” By that name it shall have perpetual succession.

Section 1-2. Geographical Limits.

The island of [~~Hawaii~~] Hawai‘i and all other islands within the shores thereof and the waters adjacent thereto shall be the county of [~~Hawaii~~] Hawai‘i.”

Section 3. Article II, section 2-1, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 2-1. Powers of the County.

The county shall have all powers possible under the constitution and laws of the State of [~~Hawaii~~] Hawai‘i, including all powers now or hereafter given by such constitution or laws, and all other powers not prohibited by such constitution or by this charter. The county shall have such powers as fully and completely as though specifically enumerated in this charter, and no enumeration of powers in this charter shall be deemed exclusive or restrictive.”

Section 4. Article III, section 3-8, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 3-8. Actions of the Council.

Every legislative act of the council shall be by ordinance. Non-legislative acts of the council may be by resolution and, except as otherwise provided by law, no resolution shall have the force and effect of law. Every ordinance shall be introduced in writing and in the form required for final adoption. The enacting clause of every ordinance shall be “BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF [~~HAWAII~~] HAWAI‘I” and the enacting clause of every resolution shall be “BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF [~~HAWAII~~] HAWAI‘I.””

Section 5. Article III, section 3-10, Hawai‘i County Charter, is amended by amending subsection (c) to read as follows with added language underscored and deleted language bracketed and stricken through:

“(c) Bills embracing:

- (1) [~~the~~] The fixing of special assessments for the cost of improvements;
- (2) [~~the~~] The appropriation of public funds or authorization of the issuance of general obligation bonds; or
- (3) [~~the~~] The imposition of a duty or penalty on any person, shall pass first reading by a vote taken by ayes and noes, and digests of such bills shall be advertised once in at least two daily newspapers of general circulation in the county, with ayes and noes, at least three days before final reading by the council. Not less than three copies of such bills shall be filed for use and examination by the public in the office of the county clerk at least three days prior to the final reading thereof.”

Section 6. Article III, section 3-17, Hawai‘i County Charter, is amended by amending subsection (b) to read as follows with added language underscored and deleted language bracketed and stricken through:

“(b) The initial reapportionment commission shall consist of seven members, two of whom shall be residents of the combined judicial districts of North and South Hilo, one from the judicial district of Puna, one from the judicial district of [~~Ka‘u~~] Ka‘ū, one from the combined judicial districts of North and South Kona, one from the combined judicial districts of North and South Kohala, and one from the

judicial district of [~~Hamakua~~] Hāmākua. The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4.”

Section 7. Article III, section 3-18, Hawai‘i County Charter, is amended by amending subsection (d) to read as follows with added language underscored and deleted language bracketed and stricken through:

- “(d) The legislative auditor shall conduct or cause to be conducted:
- (1) The annual financial audit of the county, as required in [~~article~~] Article X, Financial Procedures, [~~section~~] Section 10-13, Post-audit.
 - (2) Performance and/or financial audits of the funds, programs, services, and operations of any county agency, executive agency, or program, as set forth by the legislative auditor in an annual audit plan that shall be transmitted to the county council and the mayor and filed with the county clerk as a public record.
 - (3) Follow-up audits and monitoring of responses to audit recommendations by audited entities.”

Section 8. Article IV, section 4-5, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 4-5. Powers and Duties of Agency Heads.

Subject to the provisions of this charter, the administrative heads of each agency or executive agency of the county shall have the power to:

- (a) Appoint and remove a deputy or assistant and a private secretary and such positions shall be exempt from civil service laws and classifications. No such appointment shall be made unless the positions have been created and appropriations therefor have been made by the council.
- (b) Appoint necessary staff for which appropriations have been made by the council.
- (c) Take all personnel actions including the assignment [~~or~~] or reassignment of duties to employees within the salary ordinance; provided, that if such assignment or reassignment of duties shall affect the compensation of the employees, written approval must first be obtained from the mayor and a report thereon must be submitted to the council within thirty days.
- (d) Supervise the performance of duties by all employees.
- (e) Except as otherwise provided by this charter and subject to the approval of the mayor, prescribe such rules as are necessary for the organization and internal administration of the agency.
- (f) Perform such duties as are prescribed by this charter and such other duties as may be assigned by the mayor and managing director.”

Section 9. Article V, chapter 1, section 5-1.4, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 5-1.4. Vacancy in Office.

A vacancy in the office of mayor shall be filled by the managing director, or if the office of managing director is vacant, or during such periods as the managing director is unable to so act, by the finance director until a successor is duly elected and seated.

If the vacancy occurs after the filing deadline for the next regularly scheduled primary election, the managing director shall serve the entire unexpired term.

If the vacancy occurs before the filing deadline for the next regularly scheduled primary election in the middle of the mayoral term, the council shall, through its clerk, immediately issue an election proclamation, announcing that a successor will be elected as prescribed in ~~[section]~~ Section 13-27. The proclamation shall also announce the date for the close of filing of nomination papers for the office, which shall be ten days after the issuance of the election proclamation, or the filing deadline for the primary election, whichever comes later. The election shall be held in accordance with the election laws of the state insofar as otherwise applicable.

The person elected as the successor shall serve out the unexpired term of the person succeeded commencing at ~~[12]~~ twelve o’clock meridian on the first Monday of December following the election.”

Section 10. Article V, chapter 3, section 5-3.1, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 5-3.1. Declaration of Policy.

It is declared to be the policy of the county to promote economy, efficiency and improved service in the transaction of the public business in the legislative and executive branches of the county by:

- ~~[1-]~~ (a) Limiting expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions.
- ~~[2-]~~ (b) Eliminating duplication and overlapping of services, activities, and functions.
- ~~[3-]~~ (c) Consolidating services, activities, and functions of a similar nature.
- ~~[4-]~~ (d) Abolishing services, activities, and functions not necessary to the efficient conduct of government.”

Section 11. Article V, chapter 3, section 5-3.2, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 5-3.2. Cost of Government Commission.

For the purpose of carrying out the policy set forth herein the mayor with the approval of the council shall appoint a cost of government commission consisting of nine members. One member shall be a resident of each council district. The managing director shall be an ex-officio member of the commission. The office of the mayor shall provide administrative and clerical services to the commission.

Each commission shall:

- [1-] (a) Prepare and submit to the mayor a request for an appropriation for the operation of the commission.
- [2-] (b) Study and investigate the organizations and methods of operations of all departments, commissions, boards, offices and other instrumentalities of all branches of the county government and determine what changes, if any, may be desirable to accomplish the policy set forth herein.
- [3-] (c) Be authorized to secure directly from any department, commission, board, office or any other instrumentalities of all branches of the county government or from any individual officer or employee of the county, information, suggestions, estimates, and statistics necessary to carry out its duties.
- [4-] (d) Submit a report of its findings and recommendations to the mayor, managing director and council not later than eleven months after its appointment.”

Section 12. Article VI, chapter 2, section 6-2.2, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-2.2. Director.

The director of public works shall be appointed by the mayor, confirmed by the council and may be removed by the mayor. The director shall be a registered professional engineer. The director shall have had a minimum of five [~~years~~²] years of experience in an administrative capacity.”

Section 13. Article VI, chapter 3, section 6-3.2, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-3.2. Director.

The parks and recreation director 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~~] years of experience in an administrative capacity.”

Section 14. Article VI, chapter 4, section 6-4.3, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-4.3. Fire Chief.

The fire chief shall be appointed by the fire commission and may be removed by the fire commission at its sole discretion. Any motion for removal of the fire chief must contain a statement of reasons, and the fire chief must be allowed to respond to the statement of reasons before being removed. The fire chief shall have had a minimum of five [~~years~~] years of training and experience in fire control, including at least three [~~years~~] years of experience in a responsible administrative capacity.”

Section 15. Article VI, chapter 4, section 6-4.6, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-4.6. Powers, Duties and Functions.

The fire commission shall:

- (a) Adopt rules necessary for the conduct of its business and review rules for the administration of the department.
- (b) Review the annual budget prepared by the fire chief and make recommendations thereon to the mayor, the managing director and the council.
- (c) Review the department’s operations, as deemed necessary, for the purposes of recommending improvements to the fire chief.
- (d) Evaluate at least annually the performance of the fire chief and submit a report to the mayor, the managing director and the council.
- (e) Review personnel actions within the department for conformance with the policies under [~~section~~] Section 6-4.2 of this charter.
- (f) Hear complaints of citizens concerning the department or its personnel and, if necessary, make recommendations to the fire chief on appropriate corrective actions.
- (g) Submit an annual report to the mayor, managing director and the council on its activities.

Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department.”

Section 16. Article VI, chapter 5, section 6-5.2, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-5.2. Appointment and Removal.

The corporation counsel shall be appointed by the mayor, confirmed by the council and may be removed by the mayor with the approval of the council. The corporation counsel shall be an attorney licensed to practice and in good standing before the Supreme Court of the State of [~~Hawaii~~] Hawai‘i.”

Section 17. Article VI, chapter 6, section 6-6.3, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-6.3. Powers, Duties and Functions.

The director of finance shall be the finance officer of the county and shall:

- (a) Assist the mayor in the preparation and execution of the operating budget, operating program and capital budget.
- (b) Collect special assessments as provided by and subject to law.
- (c) Negotiate loans and the issuance and sale of bonds and notes when authorized by the council; maintain records of county indebtedness and have charge of the payment of interest and principal thereon.
- (d) Have custody of all public funds belonging to or under the control of the county, county agency or executive agency, and deposit all such funds in banks or trust companies designated as depositories by resolution of the council, subject to the requirements imposed by law as to surety and payment of interest, which interest shall accrue to the benefit of the public and shall be credited to the proper fund and account.
- (e) Examine all contracts, orders and other documents by which financial obligations are incurred, and every such document shall be subject to [~~director of finances’~~] approval by the director of finance but the director of finance shall not approve unless the director of finance first verifies the appropriation, allotment and availability of funds to meet the obligation concerned and verifies thereto as provided in Section 10-11.
- (f) Prepare and issue warrants, prepare payrolls and pension rolls and disburse all funds in the county treasury. No money shall be paid out of the treasury unless the finance director first [~~(i)~~] verifies the appropriation, allotment and availability of funds to cover the claim concerned and certifies thereto as provided in Section 10-11 and [~~(ii)~~] then determines that such claim is regular in form, correctly computed and constitutes a legal obligation.

- (g) Maintain a general accounting system for the county and require all county agencies and executive agencies to report and remit all receipts to the finance director as often as the finance director deems desirable.
- (h) Each month submit to the mayor and to the council through the mayor a statement of the revenues and expenditures for the preceding month and for the fiscal year up to and including the preceding month. Such statement shall be sufficiently detailed as to appropriations, allotments and funds to show the exact financial condition of the county and of each of its agencies and executive agencies.
- (i) Submit to the council through the mayor at the end of each fiscal year a report of the financial transactions of that year and a complete statement of the financial condition of the county at the end of the year, within ninety days after the end of the year.
- (j) Prepare and maintain a perpetual inventory of all lands, roadways, streets, easements and other land interests owned, leased, rented or controlled by the county.
- (k) Prepare and maintain a perpetual inventory of equipment owned or controlled by the county and materials and supplies in county storerooms, and dispose of property not needed by any agency or executive agency of the county pursuant to policies established by ordinance.
- (l) Where not in conflict with this charter, assume and perform all the duties and functions of the purchasing agent, the treasurer and the auditor of the county as provided by law, and for this purpose the director of finance shall be authorized to appoint a deputy, to assign and reassign such duties to any employee as the director of finance sees fit and to make internal administrative and organizational changes as the finance director sees fit subject to the approval of the mayor.
- (m) Exercise such other powers and perform such other duties as may be prescribed by this charter, by ordinance, by law or by the mayor or managing director.”

Section 18. Article VI, chapter 7, section 6-7.2, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-7.2. Planning Director.

- (a) The planning director shall be appointed by the mayor, confirmed by the council and may be removed by the mayor. The planning director shall have had a minimum of five [~~years~~²] years of training and experience in a responsible planning position, or a degree in planning, engineering, architecture, geography, or another planning-related field and three [~~years~~²] years of experience in a responsible planning position. No less than three [~~years~~²] years of experience shall have been in an administrative capacity.

- (b) The director shall be the chief planning officer of the county and the administrative head of the department and shall:
- (1) Advise the mayor, the windward planning commission, the leeward planning commission and the council on all planning and land use matters.
 - (2) Prepare a general plan, implementation plans and any amendments thereto in accordance with ~~[section]~~ Section 3-15.
 - (3) Prepare proposed zoning and subdivision ordinances, zoning maps and regulations and any amendments thereto.
 - (4) Review the lists of proposed capital improvements contemplated by agencies of the county and recommend the order of their priority.
 - (5) Administer the subdivision and zoning ordinances and regulations adopted thereunder.
 - (6) Render decisions on proposed subdivision plans pursuant to law.
 - (7) Make recommendations on rezoning applications, special exceptions and other similar requests.
 - (8) Render decisions on proposed variances pursuant to law, except that, if any written objections are made to the planning director's actions under this section, said actions shall be subject to review by the board of appeals in accordance with Section ~~[6-10.2*]~~ 6-9.2, unless otherwise provided by law or this charter.
 - (9) Perform such other related duties and functions as may be necessary or required pursuant to law and this charter."

Section 19. Article VI, chapter 7, section 6-7.3, Hawai'i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-7.3. Windward Planning Commission.

- (a) There is established a windward planning commission that shall have jurisdiction over the area consisting of the judicial districts of Puna, South Hilo, North Hilo, ~~[Hamakua]~~ Hāmākua, and ~~[Ka‘u]~~ Ka‘ū.
- (b) There shall be seven members on this commission. The commission shall include one member from each of the judicial districts of Puna, South Hilo, North ~~[Hilo/Hamakua]~~ Hilo/Hāmākua combined, and ~~[Ka‘u]~~ Ka‘ū and three “at-large” members selected from these districts. Not more than two members, appointed from any one judicial district, shall serve on the windward planning commission.
- (c) The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in ~~[section]~~ Section 13-4. Each member representing a district shall be a legal resident and registered voter of that district. In addition, the director of public works and the manager of the department of water supply, or their designated representatives, shall serve as ex-officio members of the windward planning commission, without power to vote.”

Section 20. Article VI, chapter 7, section 6-7.4, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-7.4. Leeward Planning Commission.

- (a) There is established a leeward planning commission that shall have jurisdiction over the area consisting of the judicial districts of North Kohala, South Kohala, North Kona, and South Kona.
- (b) There shall be seven members on this commission. The commission shall include one member from each of the judicial districts of North Kohala, South Kohala, North Kona and South Kona and three “at-large” members selected from these districts. Not more than two members, appointed from any one judicial district, shall serve on the leeward planning commission.
- (c) The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in ~~[section]~~ Section 13-4. Each member representing a district shall be a legal resident and registered voter of that district. In addition, the director of public works and the manager of the department of water supply, or their designated representatives, shall serve as ex-officio members of the leeward planning commission, without power to vote.”

Section 21. Article VI, chapter 7, section 6-7.5, Hawai‘i County Charter, is amended by amending subsection (b) to read as follows with added language underscored and deleted language bracketed and stricken through:

“(b) A uniform body of rules of practice and procedure, except for meeting places and times, shall apply to both commissions. Uniform rules of practice and procedure shall be adopted by a majority vote of the combined membership of the windward planning commission and the leeward planning commission, meeting jointly. The existing rules of practice and procedure of the Hawai‘i ~~[County Planning Commission]~~ county planning commission, except for meeting places, shall apply to both commissions until the new uniform rules of practice and procedure are adopted.

Section 22. Article VI, chapter 7, section 6-7.6, Hawai‘i County Charter, is amended by amending subsection (c) to read as follows with added language underscored and deleted language bracketed and stricken through:

“(c) If there shall exist vacancies on either the windward planning commission or the leeward planning commission not filled by term hold over, the mayor shall appoint the remaining members of the windward planning commission and the leeward planning commission in accordance with ~~[section]~~ Section 13-4, Hawai‘i County Charter (2000).”

Section 23. Article VI, chapter 8, section 6-8.2, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-8.2. Director.

The director of research and 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~~] years of related experience.”

Section 24. Article VI, chapter 8, section 6-8.3, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-8.3. Powers, Duties and Functions.

The director of research and 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~~] and improve the county community.
- (c) Coordinate informational and regulatory knowledge of all federal and state grant-in-aid participation programs which affect the county.”

Section 25. Article VI, chapter 9, section 6-9.2, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-9.2. Board of Appeals.

The board of appeals shall consist of seven members who shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4. Each member shall be a legal resident and a registered voter of the [~~County~~] county. Board membership shall be representative of the community, and, whenever possible, persons with background or expertise in broad areas of planning and construction shall be given preference, although such knowledge is not a prerequisite for membership. The board of appeals shall establish its rules of procedure and shall:

- (a) Hear and determine appeals from final decisions of the planning director or the director of public works regarding matters within their respective jurisdictions.

- (b) Conduct hearings in accordance with Chapter 91, [~~Hawaii~~] Hawai‘i Revised Statutes, and this charter.
- (c) Be part of the planning department for administrative purposes, and said department shall provide necessary clerical and other assistance.”

Section 26. Article VI, chapter 10, section 6-10.1, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-10.1. Organization.

There shall be a department of environmental management consisting of a director, the necessary staff, and an environmental management commission.”

Section 27. Article VI, chapter 10, section 6-10.2, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-10.2. Statement of Policy.

The [~~Department of Environmental Management~~] department of environmental management is established to protect, preserve, and enhance our environment by promoting the wise management of our waste.”

Section 28. Article VI, chapter 10, section 6-10.3, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-10.3. Director.

The director of environmental management 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~~²] years of administrative experience in a related field.”

Section 29. Article VI, chapter 10, section 6-10.5, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 6-10.5. Environmental Management Commission.

There shall be an environmental management commission consisting of nine members who shall be appointed by the mayor and confirmed by the council. One

member shall be a resident of each council district. The terms of the members shall be as prescribed in [§] Section 13-4. The environmental management commission shall advise the department on waste reduction strategies, recycling, litter control, community involvement, and other issues related to the functions of the department, and shall exercise any other powers related to the functions of the department that may be delegated to it by ordinance.”

Section 30. Article VII, chapter 1, section 7-1.2, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 7-1.2. Merit Appeals Board.

The merit appeals board shall consist of five members who shall be appointed by the mayor and confirmed by the council in the manner prescribed in [~~section~~] Section 13-4. Board membership shall be representative of the community, and the members shall all be in sympathy with and believe in the principles of the merit system in public employment.”

Section 31. Article VII, chapter 3, section 7-3.2, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 7-3.2. Liquor Commission.

There shall be a liquor commission consisting of nine members who shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4. One member shall be a resident of each council district. The liquor commission shall:

- (a) Adopt rules and regulations having the force and effect of law for the administration of liquor control in the county and to carry out provisions of the liquor control laws of the [~~state~~] State.
- (b) Grant, renew or refuse applications for licenses [~~of~~] for the manufacture, importation and sale of liquor in the county under applicable laws and regulations.
- (c) Have such other powers and duties as may be provided by law, not in conflict with the provisions of this section.”

Section 32. Article VII, chapter 3, section 7-3.4, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 7-3.4. Director of the Department of Liquor Control.

The director of the department of liquor control shall be appointed by the liquor commission and may be removed by the liquor commission. The director of the department of liquor control shall:

- (a) Be the administrative head of the department.
- (b) Provide clerical and administrative services for the liquor commission and the liquor control adjudication board, including the submission of a budget for the operation of the department.
- (c) Investigate complaints regarding violations of rules and regulations established by the liquor commission and report such violations to the prosecuting ~~[officer]~~ attorney of the county.”

Section 33. Article VIII, section 8-2, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 8-2. Water Board.

The water board shall consist of nine members who shall be appointed by the mayor with the approval of the council in the manner prescribed in Section 13-4. One member shall be a resident of each council district. The manager of the department of water supply, the planning director and the ~~[chief engineer of the county]~~ director of public works or their designated representatives shall serve as ex-officio members of the water board without power to vote. The water board shall:

- (a) Manage, control and operate the waterworks of the county and all property thereof.
- (b) Adopt rules and regulations which shall have the force and effect of law relating to the management, control, operation, preservation and protection of the waterworks of the county.
- (c) Adopt an annual operating and capital budget for the department, subject to the hearing and advertising provisions of Section 10-4.
- (d) Have the power to acquire by eminent domain, purchase, lease or otherwise, and to sell, lease, or otherwise convey real property in the name of the water board.
- (e) Have the authority to issue revenue bonds under the name of the water board.
- (f) Have such other powers and duties as may be provided by law.”

Section 34. Article VIII, section 8-3, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 8-3. Manager and Deputy.

The manager of the department of water supply shall be appointed by the water board and may be removed by the water board. The deputy shall be appointed by the manager with the confirmation of the water board and may be removed by the manager with the approval of the water board. The manager shall be a registered engineer and shall have had a minimum of five [~~years~~] years of experience in an administrative capacity.”

Section 35. Article IX, section 9-2, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 9-2. Qualifications.

The prosecuting attorney shall be an attorney licensed to practice and in good standing before the Supreme Court of the State of [~~Hawaii~~] Hawai‘i. The prosecuting attorney shall be a citizen of the United States of America and shall have been a duly qualified elector of the county for at least one year immediately preceding the election.”

Section 36. Article IX, section 9-5, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 9-5. Vacancy in Office.

A vacancy in the office of prosecuting attorney shall be filled by the first deputy who shall act as prosecuting attorney, or if the position of first deputy is vacant or if the first deputy is unable to so act, the mayor with the confirmation of the council shall fill the vacancy by appointment of a person with the requisite qualifications within thirty days after the occurrence of the vacancy.

The first deputy or the person appointed to fill the vacancy shall serve until a successor is duly elected at the next State or State and County election and seated. The election shall be held in accordance with the election laws of the State insofar as applicable.

The person elected as the successor shall serve out the unexpired term of the person succeeded commencing at [~~12~~] twelve o’clock meridian on the first Monday of December following the election.”

Section 37. Article X, section 10-2, Hawai‘i County Charter, is amended by amending subsection (a) to read as follows with added language underscored and deleted language bracketed and stricken through:

“(a) No later than March 1 of each year, the mayor shall submit to the county council:

- (1) An operating budget for the ensuing year.
- (2) An operating program for the ensuing three fiscal years.
- (3) A capital budget for the ensuing fiscal year.
- (4) A capital program for the ensuing six fiscal years.
- (5) An accompanying message.

The mayor shall submit amendments to the operating budget, operating program, capital budget, and capital program, together with an accompanying message, to the county council within ten [(10)] working days after the close of the state legislature but not later than May 5 of each year.”

Section 38. Article X, section 10-3, Hawai‘i County Charter, is amended by amending subsection (a) to read as follows with added language underscored and deleted language bracketed and stricken through:

- “(a) The operating budget shall present a complete financial plan for the current operations of the county and its agencies and executive agencies in the ensuing fiscal year, showing all funds and reserves. Capital expenditures to be financed from current revenues in the ensuing fiscal year shall be included in the operating budget as well as in the capital budget. Appropriations for such expenditures shall be included in the operating budget. Except as otherwise provided by law, the operating budget shall contain at least the following:
- (1) A simple, clear, general summary of the detailed contents of the operating budget. Such summary shall itemize all new positions being requested.
 - (2) The proposed expenditures, including [~~provision~~] provisions for any estimated cash deficit for the fiscal year currently ending, debt service requirements for the ensuing fiscal year, and all other expenditures for the ensuing fiscal year, capital and otherwise, to be met from current revenues; and the proposed expenditures shall be shown by agencies and programs.
 - (3) A comparative statement of the actual expenditures for the preceding fiscal year, and the estimated expenditures for the fiscal year currently ending and the ensuing fiscal year.
 - (4) The sums recommended for appropriation on the basis of the proposed expenditures, which sums need not be itemized further than by agencies and programs.
 - (5) The estimated revenues shown by estimated cash surplus, if any, for the fiscal year currently ending, proposed tax levies and other sources.
 - (6) A comparative statement of the actual revenues for the preceding fiscal year, and the estimated revenues for the fiscal year currently ending and the ensuing year. The estimated revenues for the ensuing fiscal year shall be at least equal in amount to the proposed expenditures.”

Section 39. Article X, section 10-3, Hawai'i County Charter, is amended by amending subsection (c) to read as follows with added language underscored and deleted language bracketed and stricken through:

“(c) The mayor’s message shall explain the operating budget and capital budget both in fiscal terms and in terms of work to be done. It shall outline the proposed financial policies of the county for the ensuing fiscal year, describe the important features of the operating budget and capital budget and means of financing the budgets. It shall indicate any major changes in financial policies and in expenditures, appropriations and revenues as compared with the fiscal year currently ending, and shall set forth the reasons for the changes. As to the capital budget, the message shall include a list of pending and proposed capital improvements together with the mayor’s comments on such list. It shall itemize and explain each pending capital improvement and each capital improvement proposed to be undertaken within the ensuing fiscal year, showing the estimated cost of each improvement and the pending or proposed method of financing it. The message shall also include such other supporting or explanatory material as the mayor deems desirable.

The mayor’s budget message which accompanies the amendments to the operating budget and to the capital budget shall describe the changes in proposed expenditures and in revenue projections from the budgets which had been submitted on or before March 1, and shall describe the intervening changes in circumstances which justify the changes in the proposed expenditures and projected revenues.”

Section 40. Article X, section 10-5, Hawai'i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 10-5. Operating Budget: Council Action.

After the public hearing, and after the submission of the amendments to the operating budget and to the capital budget, the county council may adopt the operating budget as amended with or without further amendments. First reading shall be after May 5. In amending, it may add new items or increase items in the operating budget. It may decrease or delete items, excepting appropriations required by law and appropriations for debt service. But in all cases the estimated revenues for the ensuing year shall be [~~a~~] at least equal in amount to the proposed expenditures.

The council shall adopt the operating budget on or before [~~the thirtieth day of June~~] June 30. If it fails to do so, the operating budget as submitted and as amended by the mayor shall be deemed adopted by the council as the operating budget for the ensuing fiscal year.

If the mayor disapproves of the bill adopting the operating budget or of any part thereof, the mayor shall return the bill or the portions vetoed with a written statement of

objections to the clerk for further council action within ten calendar days of receipt of the bill.

The adopted operating budget shall be in effect on and after the first day of the fiscal year to which it applies.”

Section 41. Article X, section 10-6, Hawai‘i County Charter, is amended by amending subsection (d) to read as follows with added language underscored and deleted language bracketed and stricken through:

“(d) The council shall adopt the capital budget on or before [~~the thirtieth day of June~~] June 30. If it fails to do so, the amended capital budget submitted by the mayor shall be deemed adopted by the council as the capital budget for the ensuing fiscal year. The adopted capital budget shall be in effect on and after the first day of the fiscal year.

~~[At any time during the fiscal year, the council, by ordinance adopted by the affirmative vote of at least two-thirds of the entire membership, may amend the capital budget for that year. In amending, the council shall request and consider, but need not follow, the recommendations of the mayor as to the proposed amendment.]~~

Section 42. Article X, section 10-6, Hawai‘i County Charter, is amended by adding a new subsection (e) to read as follows with added language underscored and deleted language bracketed and stricken through:

(e) At any time during the fiscal year, the council, by ordinance adopted by the affirmative vote of at least two-thirds of the entire membership, may amend the capital budget for that year. In amending, the council shall request and consider, but need not follow, the recommendations of the mayor as to the proposed amendment.”

Section 43. Article X, section 10-8, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 10-8. Appropriations: Supplemental and Emergency.

When during any fiscal year there are available any funds for appropriation, the mayor shall certify to the county council and the county council may amend or make supplemental appropriations for the year up to the amount of available revenues. Such appropriations may be made by ordinance effective immediately upon adoption.

To meet a public emergency affecting life, health or property, the council, may make emergency appropriations. Such appropriations may be made by ordinance and must be approved by all council members present or by two-thirds of the entire membership. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by ordinance authorize the issuance of emergency notes. These notes may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the first day of the fiscal year next succeeding that in which the emergency appropriation was made. The total of emergency appropriations in any fiscal year shall not exceed one-half of one percent of the total operating appropriations, excluding those for debt service made in the operating budget for that year.”

Section 44. Article X, section 10-14, Hawai‘i County Charter, is amended by amending subsection (c) to read as follows with added language underscored and deleted language bracketed and stricken through:

“(c) All purchases and contracts for materials, supplies, equipment and services shall be made in accordance with [~~Hawaii~~] Hawai‘i Revised Statutes and rules and regulations established by the state procurement policy office thereto. Any such rule or regulation may be modified by the [~~Director of Finance~~] director of finance, in accordance with Chapter 91, [~~HRS~~] Hawai‘i Revised Statutes, provided that such modifications shall be consistent with the requirements of state law.”

Section 45. Article XI, section 11-4, Hawai‘i County Charter, is amended by amending subsection (d) to read as follows with added language underscored and deleted language bracketed and stricken through:

“(d) Within ten working days of receipt of the notice in Section 11-4(b), the clerk shall give notice to the committee that the proposed petition form, ballot title, ballot question, and ballot summary are acceptable or shall propose alternative language.”

Section 46. Article XI, section 11-4, Hawai‘i County Charter, is amended by amending subsection (g) to read as follows with added language underscored and deleted language bracketed and stricken through:

“(g) If the language of the proposed ordinance is found to be within the power of initiative or referendum of the County of Hawai‘i, within five working days of

finalization of the petition form, ballot title, ballot question and ballot summary, the clerk shall:

- (1) Submit them to the council for informational purposes utilizing the council's rules and procedures; and
- (2) Give notice to the committee of:
 - (A) The final petition form, ballot title, ballot question, and ballot summary;
 - (B) The deadline date set by the State of Hawai'i [~~Elections Office~~] office of elections for the submission of the ballot title, ballot question, and ballot summary;
 - (C) The number of signatures required for a certificate of sufficiency; and
 - (D) A timeline that gives dates at which submissions and specific actions shall occur."

Section 47. Article XI, section 11-4, Hawai'i County Charter, is amended by amending subsection (i) to read as follows with added language underscored and deleted language bracketed and stricken through:

- “(i) As soon as a certificate is completed, the clerk shall notify the committee of the contents of the certificate. If a petition is certified sufficient, the clerk shall present the certificate to the county council at the first council meeting where it can be legally [~~agendized~~] placed on the agenda.”

Section 48. Article XI, section 11-4, Hawai'i County Charter, is amended by amending subsections (l) and (m) to read as follows with added language underscored and deleted language bracketed and stricken through:

- “(l) If a majority of the committee does not choose to amend a petition or collect additional signatures, the clerk shall present the certificate to the county council at the first council meeting where it can be legally [~~agendized~~] placed on the agenda. A petition is approved for consideration through council action upon the clerk's certificate of sufficiency.
- (m) The clerk shall present the certificate to the council at the earliest meeting at which the certificate can be legally [~~agendized~~] placed on the agenda. The council shall review the latest clerk's certificate, upon the committee's request, and shall approve or reject the certificate or may substitute its own determination of sufficiency of the petition by resolution. The review actions of the council shall be final but shall not preclude the filing of a new petition for the same purposes.”

Section 49. Article XI, section 11-4, Hawai‘i County Charter, is amended by amending subsection (p) to read as follows with added language underscored and deleted language bracketed and stricken through:

- (p) The clerk shall publish the ballot title, ballot question, ballot summary and arguments for and against the measure in the Sunday paper of two Hawai‘i Island daily papers with the largest circulation, for the three Sundays preceding the election. The committee shall be given the opportunity to write the argument in favor of the measure. If a group of five qualified voters of [Hawai‘i County] the county give notice to the clerk that they wish to write the arguments against the measure, the clerk shall publish their arguments. Both sets of arguments shall be published in the same papers, on the same page, on the same days, utilizing the same size print. The names and addresses of the committee and the opposing group as they appear on the general county register for the County of Hawai‘i shall appear in the publication.”

Section 50. Article XI, section 11-5, Hawai‘i County Charter, is amended by amending subsection (d) to read as follows with added language underscored and deleted language bracketed and stricken through:

- “(d) Signatures are invalid and petitions insufficient:
- (1) If signers are not given an opportunity to read the full text of the proposed ordinance under an initiative petition, or the designation and description of the ordinance in question under a referendum petition, and if the full text of a proposed ordinance or ordinance under question is not contained in or attached to each signature paper or set of signature papers of an initiative or referendum petition, respectively, throughout circulation.
 - (2) If written statements, [~~(~~executed by the circulators for each set of signature papers~~)~~], are not attached to the papers at the time of filing of a petition with the clerk. Each written statement shall attest that: a particular individual personally circulated an identifiable set of signed petitions; each signed petition bears a stated number of signatures; each signature on a petition was affixed in the petition circulator’s presence; each signature is the genuine signature of the person whose name it purports to be; and the full text of the proposed measure was made available to petition signers.”

Section 51. Section 49. Article XI, section 11-7, Hawai‘i County Charter, is amended by amending subsection (d) to read as follows with added language underscored and deleted language bracketed and stricken through:

“(d) Ordinances passed using Article XI, Initiative and Referendum, shall not be repealed or amended for at least three years from the date of election approval, except by a two-thirds vote of the Hawai‘i [~~County Council~~] county council.”

Section 52. Article XII, chapter 1, section 12-1.3, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 12-1.3. Signatures.

Signers of a recall petition shall print their [~~names~~] name and add their signature, their residence address, and the date of signing on said petition. To each such petition paper there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper was made in the circulator’s presence and is believed to be the genuine signature of the person whose name it purports to be, and that each signer understood the nature of the recall petition.”

Section 53. Article XII, chapter 1, section 12-1.4, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 12-1.4. Filing and Certification.

All papers comprising a recall petition shall be assembled and filed with the county clerk as one instrument within thirty [~~(30)~~] days after the filing with the clerk of the affidavit stating the name and office of the officer sought to be removed. Within thirty working days from the filing of such petition, the clerk shall determine if the petition contains sufficient signatures and prepare a certificate showing the result of the examination. If the clerk shall certify that the petition is insufficient, the clerk shall set forth in the certificate the particulars in which the petition is defective and shall return a copy of the certificate to the person designated in such petition to receive it.”

Section 54. Article XII, chapter 1, section 12-1.5, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 12-1.5. Supplemental Petitions.

In the event the initial petition contained insufficient signatures, such recall petition may be supported by supplemental signatures of voters signed in the manner required in Section 12-1.3 of this article appended to petitions issued, signed, and filed as required for the original petition at any time within ten days after the date of the certificate of insufficiency by the clerk. The clerk shall, within five working days after

such supplemental petitions are filed, make a like examination of them, and if the certificate shall show the same to be still insufficient, the clerk shall return it in the manner described in Section 12-1.4 of this article to the person [~~designed~~] designated in such petition to receive the same, and no new petition for the recall of the officer sought to be removed shall be filed within one year thereafter.”

Section 55. Article XII, chapter 1, section 12-1.6, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 12-1.6. Recall Election.

If a recall petition or supplemental petition shall be certified by the clerk to be sufficient, the clerk shall at once submit the same with the certificate to the council and shall notify the officer sought to be recalled of such action. If the official whose removal is sought does not resign within ten [~~(10)~~] days after such notice, the council shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than sixty [~~(60)~~] nor more than ninety [~~(90)~~] days after the petition has been presented to the council, or at the same time as any other special election held within such period, the council shall call a special recall election to be held within the time aforesaid. If less than fifty percent of the total number of persons who registered in the last general election shall vote at such election to recall an official elected at-large, or by voters of the entire county, as the case may be, or in the case of a recall of a district council member, if less than fifty percent of the total number of persons who registered in the district in the last general election shall vote at such recall election, the officer sought to be recalled shall not be deemed recalled.”

Section 56. Article XII, chapter 1, section 12-1.9, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 12-1.9. Immunity to Recall.

The question of the removal of any officer shall not be submitted to the voters until such person has served six [~~(6)~~] months of the term during which the officer is sought to be recalled, nor, in the case of an officer retained in a recall election, until one year after that election.”

Section 57. Article XIII, section 13-1, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 13-1. Definitions. [As used in this charter:]

As used in this charter:

- (a) “Agency” means any office, department, board, commission or other governmental unit of the county.
- (b) “Executive Agency” means any agency or department of the executive branch of the county government.
- (c) “Employee” means any person, except an officer, employed by the county or any agency thereof but the term shall not include an independent contractor.
- (d) “Officer” includes the following:
 - (1) Mayor and members of the council.
 - (2) Any person elected or appointed as administrative head of any agency of the county or appointed as a member of any board or commission provided for in this charter.
 - (3) Any person appointed by a board or commission as the administrative head of any agency of the county.
 - (4) Deputy, assistant or division chief appointed by the administrative head of any agency of the county.
 - (5) Assistant or deputies of the corporation counsel and [~~prosecution~~] prosecuting attorney.
- (e) “State” means the State of [~~Hawaii~~] Hawai‘i.
- (f) “Vacancy” shall have the following meaning: Any elective office shall become vacant on the happening of any one of the following events before expiration of the term:
 - (1) Death.
 - (2) Resignation.
 - (3) Upon the determination by the county clerk that the officer was not a duly qualified elector of the county, and, if required, not a duly qualified elector of the district of which the officer was elected immediately preceding the election or appointment.
 - (4) Ceasing to be a resident voter of the county as determined by the county clerk and in the case of an officer elected to a seat requiring residency in a district, ceasing to be a resident voter of that district as determined by the county clerk.
 - (5) Absence from the county, unless on county authorized business, for a period of three consecutive months, without good cause.
 - (6) Removal by recall as provided by this charter.
 - (7) Removal by impeachment proceedings for malfeasance, misfeasance, nonfeasance, or maladministration in office as provided by this charter.
 - (8) Upon the determination by three impartial, licensed physicians selected by the council that the officer is mentally or physically infirm or disabled and will be unable to discharge the officer’s duties for the remainder of the term. Such action shall be initiated by a majority vote of the entire council.

- (9) Upon filing nomination papers for another elective office if the term of the office sought begins before the end of the term of the office held.
- (10) Upon the conviction of any felony in any jurisdiction.
- (g) If any of the above events occurs after the election, but prior to the commencement of the term, the office is vacant at the time the term commences.”

Section 58. Article XIII, section 13-5, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 13-5. Oaths of Office.

Before entering upon the duties of their office, each officer elected or appointed shall subscribe to the oath or affirmation before some person duly qualified to administer oaths: “I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States of America, and the Constitution of the State of [~~Hawaii~~] Hawai‘i, and that I will faithfully discharge my duties as ... to the best of my ability.””

Section 59. Article XIII, section 13-7, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 13-7. Rules and Regulations.

Except as otherwise provided in this charter, all rules and regulations having the force and effect of law adopted by any board, commission or administrative head of a department shall be approved by [~~the~~] the mayor before going into effect. The provisions of this section shall be applicable to service rates or fees, license fees and other charges.”

Section 60. Article XIII, section 13-11, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 13-11. Penalties.

The council may, by ordinance, provide for the punishment of violations of any provisions of this charter, of ordinances, or of rules and regulations, by civil fines, either administratively or judicially imposed, or criminal prosecution, or both. No criminal penalty shall exceed the amount of two thousand dollars fine or one [~~year’s~~] year of imprisonment, or both. Criminal prosecution shall be as provided by law for the prosecution of misdemeanors.”

Section 61. Article XIII, section 13-20, Hawai'i County Charter, is amended by amending subsection (c) to read as follows with added language underscored and deleted language bracketed and stricken through:

- “(c) The time and place of all regular meetings of the council, board or commission shall be provided in the rules adopted for the conduct of its business. Except as otherwise provided in this charter, a special meeting may be called by the presiding officer of the council, board or commission when the date, time and place of such special meeting are announced prior to adjournment of a regular meeting; otherwise a special meeting can be called only upon the publication of a notice of such meeting in at least two daily newspapers of general circulation in this county at least twenty-four hours in advance of such meeting. If the requirement with respect to publication of notice cannot be met because of insufficient time, the meeting notice shall be made by broadcasting a minimum of three announcements in the English language over [~~FCC~~] Federal Communications Commission licensed public radio stations in this county or television stations with local audience. Such announcements shall be broadcast at least twenty-four hours in advance of such meeting. To assure the widest possible coverage, the meeting notice shall be released to radio stations in this county and the announcements shall be programmed to be heard between the hours of 7:00 [~~A.M.~~] a.m. to 5:00 [~~P.M.~~] p.m. In addition to the above requirements, notice of such special meeting shall be conspicuously posted on the bulletin board of the [~~Hawaii~~] Hawai'i [~~County Building~~] county building. A brief resume of the principal business to be taken up at such meeting shall be stated in the posted notice as well as in the notice released to the news media.”

Section 62. Article XIII, section 13-20, Hawai'i County Charter, is amended by amending subsection (e) to read as follows with added language underscored and deleted language bracketed and stricken through:

- “(e) News gatherer's sources, privileged. No legislative or administrative body, or any other [~~County~~] county body having the power to issue subpoenas shall adjudge in contempt any publisher, editor, or reporter, who is or was connected with or employed by a newspaper, press association, wire service, or a radio or television station, for refusing to disclose, in any [~~County~~] county action, hearing, investigation, inquest, or inquiry, the source of any information procured while connected or employed by the newspaper, press association, wire service, or station for publication in a newspaper or for news or news commentary purposes on radio or television.”

Section 63. Article XIII, section 13-24, Hawai'i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 13-24. Waiver of Charter Provisions.

If any provision of this charter jeopardizes the receipt by the county of any federal grant-in-aid or other federal allotment of money, such provision may, insofar as such fund is jeopardized, be waived by the council upon recommendation of the mayor. Waiver shall be accomplished by ordinance adopted as prescribed in Section 3-11 except that a duly advertised public hearing shall be held between first and second readings. Such waiver shall continue in effect only for the period of time required by the specific grant-in-aid or allotment.”

Section 64. Article XIV, section 14-4, Hawai'i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 14-4. Conduct of Employees.

Officers and employees of the county while discharging their duties and dealing with the public shall adhere to the following precepts:

- (a) All public property and equipment are to be treated as a public trust and are not to be used in a proprietary manner or for [~~the~~] personal purposes without proper consent.
- (b) No person in a supervisory capacity shall engage in personal or business relationships with subordinates which might intimidate said subordinates in the discharge of their official duties.
- (c) All persons shall be treated in a courteous, fair and impartial manner.”

Section 65. Article XIV, section 14-5, Hawai'i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 14-5. Board of Ethics.

There shall be a board of ethics appointed by the mayor with the approval of the council. It shall consist of five members who shall be residents of the county. Each shall serve for a term of five years. Upon the initial appointment of members pursuant to this charter, 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. The [~~committee~~] board shall establish its rules of procedure. Without limitation of its functions, the [~~committee~~] board shall:

- (a) Interpret the code of ethics for both county officials and the public and on its own may initiate and render opinions with respect thereto.
- (b) Render advisory opinions to county officers and employees with respect to the code of ethics pursuant to written requests by officers and employees.
- (c) Receive and initiate complaints of violations of the code of ethics and transmit such complaints to the council or the appropriate appointing authority, along with any pertinent advisory opinions thereto.
- (d) Hold hearings or conduct investigations concerning application of the code of ethics and make public such violations of the code that come to its attention.
- (e) Publish advisory opinions with such deletions as may be necessary to prevent disclosure of identity of persons involved where such opinions are rendered pursuant to subsection (b) above.
- (f) Propose revisions to the code of ethics where not inconsistent with this charter.”

Section 66. Article XIV, section 14-6, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 14-6. Penalties.

The failure to comply with the provisions of [~~section~~] Sections 14-2 to 14-4, inclusive, shall constitute a cause for suspension, removal from office or employment, or such other penalty as the council may prescribe by ordinance. Nothing herein shall preclude any other remedy available against the officer or employee of the county as provided by law.”

Section 67. Article XV, section 15-3, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 15-3. Mandatory Charter Reviews.

The charter shall be reviewed in 1989 and every tenth year thereafter. Not later than [~~the fifteenth day of~~] January 15 of the charter review year, the mayor with the confirmation of the council, shall appoint a charter commission composed of eleven members to study and review the operation of the government of the county under this charter. Commission members, no more than a majority of whom shall belong to the same political party, shall be representative of the various geographical areas of Puna, [~~Ka‘u~~] Ka‘u, Kona, Kohala, [~~Hamakua~~] Hāmākua, and Hilo. The council shall appropriate funds to enable the commission to carry out its duties, including the hiring of necessary staff.

The commission shall hold at least one public hearing in each of the geographical areas. The commission may propose amendments to the existing charter or a draft of a new charter which shall be submitted to the county clerk. Upon receipt of the amendments or charter in the form as proposed by the commission, the county clerk shall provide for the submission of such amendments or charter to the electors of the county at either a special election as determined by the commission or at the first general election following the charter review year. The commission shall prepare the language of the question to be submitted to the voters for each of the amendments it proposes.

The commission shall publish not less than forty-five days before any election, at least once in at least two daily newspapers of general circulation within the county, a brief digest of the amendments or charter and the purpose thereof and a notice to the electorate that copies of the amendments or charter are available at the office of the county clerk.

Members of the commission shall hold office until the amendments or charter is ratified or rejected.

If the majority of the voters voting upon a charter amendment votes in favor of it or a new charter, if a new charter is proposed, the amendment or new charter shall become effective at the time fixed in the amendment or charter.”

Section 68. Article XVI, section 16-4, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 16-4. Status of Agencies and Transfer of Functions.

When this charter takes full effect:

- (a) All offices, departments, boards and commissions, the status of which are not specifically changed or abolished by this charter, are hereby recognized, continued and established and shall have such powers, duties and functions as provided by law or ordinance. Members of the various boards and commissions, excluding the [~~Hawaii Redevelopment Agency~~] Hawai‘i redevelopment agency, holding office at the effective date of this charter shall continue in office unless they resign or until their terms of office shall expire, at which time new members shall be appointed in accordance with this charter.
- (b) The [~~Public Works Board of Appeals~~] public works board of appeals and the [~~Board of Appeals under the Planning Department~~] board of appeals under the planning department shall stand abolished and their functions transferred to the extent provided in Section [~~5-6.3*~~] 6-9.2.
- (c) Each county civil service employee affected by the status of agencies and transfer of functions under this charter shall be assigned to other agencies or executive agencies in the county without any loss in pay, provided the employee had held the position for at least one year prior to the full effective date of this charter. When an employee’s position which has been so affected becomes vacant, that position shall stand abolished unless

- the position is permanently created in the table of organization of the agency or executive agency concerned.
- (d) Nothing in this charter shall be deemed to affect the civil service status of incumbent department heads or deputies in government service prior to the adoption of this charter, and they shall continue to exercise and discharge the powers and duties of their respective offices until such time as the offices become vacant and successors shall have qualified in accordance with this charter or laws and ordinances enacted pursuant thereto.
 - (e) Every non-civil service officer, deputy, assistant or bureau head affected by the status of agencies and transfer of functions under this charter may be absorbed into a permanent civil service position in the same division or other agencies or executive agencies as a consequence of the reorganization provisions of this charter without loss of vacation or sick leave allowance, service credit or other rights and privileges and without the necessity of examination; provided, that such officer, deputy, assistant or bureau head possess the minimum qualifications for the position to which transferred or appointed. The method and procedure for such appointment or transfer shall be established by resolution or ordinance. The provision of this subsection relating to civil service status shall not apply to any officer, deputy, assistant or bureau head who is appointed as a deputy or assistant to the administrative head of any agency under this charter.
 - (f) Non-civil service employees or officers who are not transferred or appointed and whose employment are terminated as a consequence of the reorganization provisions of the charter shall have the right to have their names placed on appropriate re-employment lists and shall be deemed eligible for certification to positions in the class in which last occupied or in a related class in the same or lower grade for which the qualification requirements are met; provided, that written applications for re-employment with the department of human resources are filed within thirty [~~(30)~~] days after the termination of employment. Such certifications shall expire three [~~(3)~~] years after the effective date of this charter.”

Section 69. Article XVI, section 16-7, Hawai‘i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 16-7. Department Heads Continued in Office.

Notwithstanding any provision to the contrary, each department head, [~~(including elected department heads and department heads appointed by boards or commissions)~~], holding office when this charter takes full effect shall continue in office until a successor takes office or until removed pursuant to the provisions of this charter.”

Section 70. Article XVI, section 16-10, Hawai'i County Charter, is amended to read as follows with added language underscored and deleted language bracketed and stricken through:

“Section 16-10. Hawaii Redevelopment Agency.

The [~~Hawaii~~] Hawai'i redevelopment agency shall be abolished, and its powers, functions, rules and regulations transferred to the planning director, on January 1, 2001.”

Section 71. 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 72. 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 73. This amendment shall take effect upon approval by the electorate.