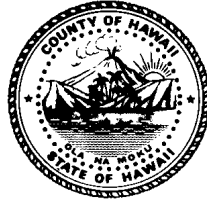


William P. Kenoi
Mayor



BJ Leithead Todd
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PLANNING DEPARTMENT

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Testimony of Planning Director Bobby Jean Leithead Todd Charter Commission Meeting of December 18, 2009

Testimony in opposition to the proposed amendment:

Charter Amendment Proposal CA-24 regarding proposed amendments to Article XIII, Section 13-4 of the Charter selection process for boards and commissions.

This proposal would change the current process for nomination of members of boards and commissions and essentially allow council members to nominate members. The mayor's role in this process is reduced to doing a criminal background check. This is a significant change and essentially allows the council to come up with a name or names and then confirm the same between administrative and legislative functions that is currently set up in the charter. names they came up with. This eliminates any true checks and balances and crosses a line

The proposed amendments would only leave the mayor nominating the members of the merit appeals board, the pension board, the liquor adjudication board, the board of ethics and the board of appeals.

The proposal would have council members nominate the members of the windward planning commission, the leeward planning commission, the liquor commission, the water board, the county reapportionment commission, the cost of government commission, the fire commission, the environmental management commission, the police commission, the charter commission and the salary commission.

In the event that the action committees are added to the charter, then since there is no definition of what comprises a "board or commission", it is possible that depending on the area covered by the CDP, different council members would have the ability to nominate all the members of the CDP action committee. For example in the case of the Kona CDP, this would mean that council members Greenwell and Ford (or their replacements) would do the nominations. For Ka`u, councilmember Enriques (or his replacement) would nominate all the members. councilmember Hoffman (or his replacement) would nominate both the South and North Kohala action committees, while council members Yoshimoto, Enriques and Naeole-Beason would nominate

the members of the Puna action committee. If a CDP is ever funded for South Hilo, then council members Yagong, Ikeda, Yoshimoto, and Onishi (or their replacements) would do the nominating.

Although the intent of the amendment is to provide greater council “input” in the selection of members of board and commission there is nothing that currently prohibits them from submitting names to the mayor for his consideration, a practice that a number of council members have done in the past. The actual result of the proposed amendment is that instead of “input”, the proposal substitutes the council members for the mayor in the nominating process for most boards and commissions and the council is doing the appointing instead of the mayor.

The proposal is also complicated by the difference between council districts and judicial districts and is inconsistent with the language and intent of other sections of the charter, including Section 13-4 which still has language having the mayor appoint members and those members “confirmed” by the council. For example the reapportionment commission shall consist of seven members, one from the combined judicial districts of North and South Hilo (District 1, 2, 3, and 4), one from the judicial district of Puna (District 3, 5, and 6), one from the combined judicial districts of North and South Kona (District 7 and 8), one from the combined judicial districts of North and South Kohala (District 9), and one from the judicial district of Hamakua (District 1).