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

March 31, 2010

TO: Honorable Edmund Haitzuka, Chair
and Members of the Hawai'i County Charter Commission

FROM: Karen Eoff
Charter Commission Secretary

SUBJECT: Summary of Proposed Charter Amendments that Passed 2nd Reading

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

Below is a list of the proposed Charter Amendments that passed 2nd reading. Also attached is a brief description of each proposal to help facilitate the discussion of Communication 136, the recommendations to consolidate proposed amendments:

- CA-1 DEPARTMENT OF WATER SUPPLY
- CA-2 DATA SYSTEMS
- CA-3 FIRE DEPARTMENT
- CA-4 CIVIL SERVICE LAWS
- CA-5 MERIT APPEALS BOARD
- CA-6 REMOVAL OF DIRECTORS SERVING UNDER COMMISSIONS
- CA-7 RECALL PROCEDURES (Draft 3)
- CA-9 SPECIAL MEETING NOTICE REQUIREMENT (Draft 2)
- CA-10 DEPT. OF ENVIRONMENTAL MANAGEMENT, POWERS, DUTIES, FUNCTIONS
- CA-11 DEPT OF ENVIRONMENTAL MANAGEMENT, REQUIREMENTS OF DIRECTOR
- CA-12 INITIATION OF AMENDMENTS OR REVISIONS (Draft 3)
- CA-13 MANDATORY CHARTER REVIEW
- CA-15 LAND FUND (Draft 3)
- CA-17 REAPPORTIONMENT TO REDISTRICTING (Draft 2)
- CA-23 ELECTRONIC NOTICE WITH NEWSPAPER PUBLICATIONS
- CA-26 CONSERVATION OF NATURAL AND CULTURAL RESOURCES
- CA-29 PROSECUTING ATTORNEY POWERS
- CA-36 HOUSEKEEPING AMENDMENTS
- CA-38 VOLUNTARY STATUS OF BOARD AND COMMISSION MEMBERS (Draft 2)

COMM. 136.3

CA-1 DEPARTMENT OF WATER SUPPLY

Amends Article VIII, Department of Water Supply, Sections 8-1 through 8-3, Hawai‘i County Charter. Replaces all references to “manager” with “manager-chief engineer.” Additionally replaces “chief engineer” with “director of public works” in Section 8-2.

CA-2 DATA SYSTEMS

Moves Chapter 2, Data Systems, from Article V, Executive Branch-The Mayor and Staff Agencies, to Article VI, Executive Branch-The Managing Director and Agencies Under the Managing Director, Hawai‘i County Charter, and appropriately renumbers affected sections. Also renames Data Systems to Department of Information Technology.

CA-3 FIRE DEPARTMENT

Moves Chapter 4, Hawai‘i Fire Department, from Article VI, Executive Branch-The Managing Director and Agencies Under the Managing Director, to Article VII, Executive Branch-Departments or Agencies Under Commissions, Hawai‘i County Charter, and appropriately renumbers all affected sections.

CA-4 CIVIL SERVICE LAWS

Amends Article III, Section 3-6; Article IV, Section 4-5; Article V, Section 5-3.1; Article VI, Section 6-3.4; Article VI, Section 6-9.1; Article VII, Sections 7-1.5 and 7-2.5; Article XIII, Sections 13-3 and 13-9 of the Charter relating to Civil Service laws that are under the jurisdiction of the State of Hawai‘i.

CA-5 MERIT APPEALS BOARD

Amends Article VII, Section 7-1.2. The Merit Appeals board is a five member board. The amendment provides for staggered terms.

CA-6 REMOVAL OF DIRECTORS SERVING UNDER COMMISSIONS

Amends Article VII, Chapter 1, Section 7-1.3; Article VII, Chapter 3, Section 7-3.4; Article VI, Chapter 4, Section 6-4.; and Article VIII, Section 8-3. Amends provisions governing the appointment and removal of administrative heads appointed by Boards and Commissions.

CA-7 RECALL PROCEDURES - (Draft 3)

Amends Article XII, Chapter 1, Sections 12-1.1, 12-1.3, 12-1.5, 12-1.6. Changes County's recall procedure by (1) amending the information required from signers of a recall petition; (2) amending the requirement that the number of signatures required be 25% percent of the valid votes cast, rather than 25% of the total number of persons who registered in the last election; (3) allowing the clerk more time to review supplemental petitions; (4) amending the number of votes required for an official to be successfully recalled and (5) increase the amount of time for signatures to be collected for a recall petition.

CA-9 SPECIAL MEETING NOTICE REQUIREMENT (Draft 2)

Amends Article XIII, Section 13-20, subsection (c). Adds language to require electronic notice of special meetings be linked on the appropriate council, board or commission webpage, if possible.

CA-10 DEPT. OF ENVIRONMENTAL MANAGEMENT, POWERS, DUTIES, FUNCTIONS

Amends Article VI, Section 6-10.4. Expands the powers, duties, and functions of the department to include exercising other functions prescribed by ordinance or the mayor. Currently the department only exercises other functions as prescribed by ordinance.

CA-11 DEPT OF ENVIRONMENTAL MANAGEMENT, REQUIREMENTS OF DIRECTOR

Amends Article VI, Section 6-10.3. Requires the director of the department of environmental management to have had a minimum of five years of administrative experience in a related field AND possess a degree in a related field.

CA-12 INITIATION OF AMENDMENTS OR REVISIONS (Draft 3)

Amends Article XV, Section 15-1 of the Hawai'i county charter by amending the required information to be collected from a person signing a petition in support of a charter amendment and increases the amount of time the county clerk has to examine the petition for sufficiency from twenty working days to thirty working days.

CA-13 MANDATORY CHARTER REVIEW

Amends Article XV, Section 15-3. This proposes to increase the amount of time the charter commission has to complete its work. Currently the commission is appointed by the 15th of January of a charter review year; this amendment changes the date to the 1st day of July prior to the charter review year giving commissioners more time to thoroughly review the charter.

CA-15 LAND FUND (Draft 3)

Adds a new section to Article X of the Hawai'i county charter which establishes a public access, open space, and natural resources preservation fund. Requires a minimum of 1% of real property tax revenues be deposited into the fund, allows for voluntary contributions to the fund and describes the purpose of the fund.

CA-17 REAPPORTIONMENT TO REDISTRICTING (Draft 2)

Amends Article III, Section 3-17 of the Hawai'i county charter. The amendment changes the name of the Reapportionment Commission to "Redistricting Commission" to make the name consistent with the practice of redrawing district lines. Additionally, provisions are being added so that the commission shall adhere to the four redistricting criteria instead of being "guided" by them. Public hearing requirements are being added as a required report to the mayor and council about the commission's activities and progress. Last, the commission is to be appointed and confirmed by July 1 prior to the census year to give the commission more time to complete their work with the exception of the 2011 commission.

CA-23 ELECTRONIC NOTICE WITH NEWSPAPER PUBLICATIONS

Amends Sections 3-10(c)(3), 3-10(h), 6-7.5(a)(4), 10-4, 11-4(p), 13-20(c), 15-2, and 15-3. Whenever a public notice is required by charter or by ordinance to be published in a daily newspaper, the public notice shall also be distributed via an electronic medium, such as the Internet, within the same time frame as newspaper publication.

CA-26 CONSERVATION OF NATURAL AND CULTURAL RESOURCES

Adds a new section to Article XIII, General Provisions. The purpose of this amendment is to memorialize the county's responsibility under the state constitution to ensure development of the natural resources of the county is done in a manner consistent with their conservation and to add cultural resources to this responsibility.

CA-29 PROSECUTING ATTORNEY POWERS

Amends Article IX, Section 9-3. The proposed amendment would give the prosecuting attorney additional discretionary powers relating to crime research, prevention and education.

CA-36 HOUSEKEEPING AMENDMENTS

Amends various sections of the charter and 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

CA-38 VOLUNTARY STATUS OF BOARD AND COMMISSION MEMBERS (Draft 2)

Amends Article XIII, Section 13-4, relating to Boards and Commissions. Amendment retains item (g) and amends the amount a board or commission member may receive as compensation.