

EDMUND HAITSIKA
Chairman

DAVID FUERTES
Vice Chair



DAPHNE HONMA
CASEY JARMAN
GUY KAULUKUKUI
JAMAE KAWAUCHI
JOSEPH KEALOHA
ALAPAKI NAHALE-A
SUSIE OSBORNE
TODD SHUMWAY
SCOTT UNGER

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

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

From: Levi K. Hookano, Attorney

Date: February 2, 2010

Re: Transmitting CA-2, Draft 2
CA-5, Draft 2
CA-7, Draft 2
CA-9, Draft 2
CA-11, Draft 2

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

Attached are the draft 2 versions of CA-2, CA-5, CA-7, CA-9, and CA-11 as they were amended during the January 21, 2010 meeting of the charter commission. For the commission's information, CA-2, CA-5 and CA-11 have all passed second reading at the last commission meeting so they do not appear on the agenda for discussion, except perhaps during the discussion of Communication 136.

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

A handwritten signature in black ink, appearing to read 'Levi K. Hookano'.

Levi K. Hookano
Commission Attorney

Cc: Karen Eoff, Commission Secretary

COMM. 182

CHARTER AMENDMENT NO.

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

Section 1. Article V, chapter 2, Hawai‘i County Charter, is repealed. All subsequent chapters shall be appropriately re-numbered.

Section 2. Article VI, Hawai‘i County Charter, is amended by adding a new chapter to read as follows:

“CHAPTER 11 DEPARTMENT OF INFORMATION TECHNOLOGY

Section 6-11.1. Organization.

There shall be a department of information technology consisting of the director of information technology and necessary staff.

Section 6-11.2. Appointment and Removal.

The director of information technology shall be appointed by the mayor, confirmed by the council and may be removed by the mayor.

Section 6-11.3. Qualifications.

The director of information technology shall have had a minimum of five years of experience in the field of electronic data processing, telecommunications networking, and development, implementation and operation of business-oriented applications, at least three years of which shall have been in an administrative and managerial capacity in a computer system environment at least comparable to that of the county’s system.

Section 6-11.4. Powers, Duties and Functions.

The director of information technology shall:

- (a) Operate the central data processing system, and coordinate and oversee the operations of departmental data processing systems, except for those systems maintained by the department of water supply.
- (b) Provide technical expertise in data processing and telecommunication to applicable departments and agencies of the county.
- (c) Assist in the development of management information.
- (d) Advise the mayor on matters relating to data processing and telecommunication.
- (e) Perform such other duties as may be required by law.”

Section 3. This amendment shall take effect upon its approval by the electorate.

CHARTER AMENDMENT NO.

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

Section 1. 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:

“ARTICLE VII EXECUTIVE BRANCH-DEPARTMENTS OR AGENCIES UNDER COMMISSIONS

CHAPTER 1 DEPARTMENT OF HUMAN RESOURCES

Section 7-1.2. Merit Appeals Board.

- (a) 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 13-4~~].
- (1) The new board member who will replace the board member whose term expires on December 31, 2010 shall serve a four year term ending on December 31, 2014.
- (2) Of the two new board members who will replace the board members whose terms expire on December 31, 2012, one shall serve a three year term ending on December 31, 2015 and the other shall serve a four year term ending on December 31, 2016.
- (3) Of the two new board members who will replace the board members whose terms expire on December 31, 2013, one shall serve a four year term ending on December 31, 2017, and the other shall serve a five year term ending on December 31, 2018.
- Thereafter, board members shall serve five year terms in the manner prescribed in section 13-4.
- (b) 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 2. This amendment shall take effect upon its approval by the electorate.

CHARTER AMENDMENT NO.

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

Section 1. Article XII, , Chapter 1, sections 12-1.1(a) and (b), Hawai'i County Charter, are amended to read as follows, with added language underscored and deleted language bracketed and stricken through:

“ARTICLE XII REMOVAL OF ELECTED OFFICERS

CHAPTER 1 RECALL

Section 12-1.1. Recall Procedure.

- (a) A petition demanding recall of an elected official at-large, or by voters of the entire county, as the case may be, shall be signed by qualified voters equal to or greater than twenty-five percent of the total [~~number of persons who registered~~] valid votes cast in the last general election.
- (b) A petition demanding recall of a district council member shall be signed by qualified voters equal to or greater than twenty-five percent of the total [~~number of persons who registered~~] valid votes cast in the district in the last general election.”

Section 2. 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:

“Section 12-1.2. Petitions.

Signers of a recall petition shall print their [~~names and their signature, their residence address, and the date of signing on said petition~~] name, which shall be reasonably similar to their name as it appears on the general county register for the County of Hawai'i, and add their signature, residence address, month and day of their birth date, and the last four digits of their social security number 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 of the person whose name it purports to be, and that each signer understood the nature of the recall petition.”

Section 3. 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:

“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~~] one hundred twenty days in the case of recall of the mayor and ninety days in the case of recall of a council member 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 4. 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:

“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 12-3 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~~] ten 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 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 5. 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:

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~~] valid votes cast 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~~] valid votes cast 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 6. This amendment shall take effect upon approval by the electorate.

CHARTER AMENDMENT NO.

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

Section 1. 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:

“Section 13-20. Records and Meetings Open to The Public.

(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 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. to 5:00 P.M. In addition to the above requirements, notice of such special meeting shall be conspicuously posted on the bulletin board of the Hawai'i County Building and, if possible, an electronic notice shall be linked on the appropriate council, board or commission webpage. 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 2. This amendment shall take effect upon approval by the electorate.

CHARTER AMENDMENT NO.

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

Section 1. 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:

“Section 6-10.3.

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] year's administrative experience in a related field and an engineering degree or a degree in a related field.”

Section 2. This amendment shall take effect upon approval by the electorate.