

MEMORANDUM

Date: August 10, 2010

To: Karen Eoff, Secretary, Charter Commission

From: Casey Jarman, Chair, Education Ad Hoc Committee

Re: Report Containing Proposed Language for the Educational Brochure

Attached is a Report from the Education Ad Hoc Committee containing proposed language for the Educational Brochure. The Report includes the proposal from the League of Women Voters. You will notice that for each of the proposed amendments, there are four categories of information. “(B)” is Levi’s proposed ballot language. “(C)” is the concise summary from some of our earlier documents. “(LWV)” is the League’s proposed language. “(EC)” is the Committee’s proposed language.

Please forward this information to all the members of the Commission and have copies available for members of the public who may attend the meeting and want to follow along. Let me know if you have any questions. Thank you.

CA-1 RELATING TO THE DEPARTMENT OF WATER SUPPLY

(B) Shall the charter of the County of Hawaii be amended to (1) rename the head of the department of water supply to manager-chief engineer; and (2) correct the title of the director of public works?

(CS) This proposal was brought forward by the department of water supply. It would rename the head of the department from “manager” to “manager-chief engineer.” The commission found that the change in title reflects the qualifications required for the position.

(LWV) There are two parts to this proposal. (1) The water department head must be a registered engineer. Changing the title from “manager” to “manager-chief engineer” would reflect this requirement. (2) The head of public works does not have to be an engineer and currently is given the title “director of public works.” Article VIII (Department of Water Supply) mistakenly calls the director of public works the “chief engineer.” This proposal would correct the error.

(EC) There are two parts to this proposal. (1) The water department head must be a registered engineer. Changing the title from “manager” to “manager-chief engineer” would reflect this requirement. (2) The head of public works does not have to be an engineer and currently is given the title “director of public works.” Currently Article VIII (Department of Water Supply) mistakenly calls the director of public works the “chief engineer.” This proposal would correct the error.

CA-2 RELATING TO DATA SYSTEMS

(B) Shall the charter of the County of Hawaii be amended to (1) rename the data systems department to the department of information technology and; (2) move the department from Article V, under the mayor and staff agencies, to Article VI, under the managing director? (“to”, line 2?)

(CS) This proposal was originally brought forward to correct an inadvertent error in previous editions of the charter. The data systems department needs to be moved from Article V of the charter to Article VI under the supervision of the managing director. During the course of discussions with the administration it was found to be desirable to change the name from data systems to “department of information technology” to more accurately reflect the function of the department. The duties and scope of the department remain unchanged.

(LWV) This proposal changes the name “Department of Data Systems” to “Department of Information Technology.” The new name would give a better idea of the department’s main jobs, which are operating the county’s information systems and giving technical support and advice. The department’s duties stay the same. The department is supervised by the managing director, not by the mayor. Therefore, it belongs in Article VI under managing director.

(EC) This proposal changes the name “Department of Data Systems” to “Department of Information Technology.” The new name would give a better idea of the department’s main jobs, which are operating the county’s information systems and

giving technical support and advice. The department's duties stay the same. Because the department is supervised by the managing director, not by the mayor, it would be moved to Article VI which identifies the departments that fall under managing director.

CA-3 RELATING TO THE FIRE DEPARTMENT

(B) Shall the charter of the County of Hawaii be amended to move the fire department from Article VI, under the managing director, to Article VII, under the direction of the fire commission?

(CS) *This proposal would correct an inadvertent error in previous editions of the charter. When the provisions provided below were first approved by the electorate it was placed in Article VI of the charter. The fire department however should be placed in Article VII because it is a department that services under a board or commission. No substantive changes have been made to the existing provisions of this chapter.*

(LWV) In 2000, the fire department commission was created. The sections describing the fire department should have been moved to the article in the charter covering departments serving under a board or commission. This proposal corrects the placement. The fire department's operations or management will not change.

(EC) In 2000, the fire department commission was created. At that time, the sections describing the fire department were not moved to the article in the charter covering departments serving under a board or commission. This proposal corrects the placement. The fire department's operations and management will not change.

CA-4 RELATING TO CIVIL SERVICE LAWS

(B) Shall the charter of the County of Hawaii be amended to (1) remove various references to civil service laws; (2) delete section 7-1.5, relating to position classification plan; compensation, in its entirety; (3) delete section 7-2.5, relating to dismissal, suspension, demotion, or grievance, in its entirety; (4) add a new subsection to section 13-3 relating to civil service and exemptions; and (5) delete section 13-9, relating to non-civil service status and classification, in its entirety?

(CS) *This proposal was brought forth by the director of human resources. It deletes several references to civil service laws from the charter. The reason for this change is because the state law is controlling when it comes to civil service laws. Thus any references to civil service laws may be trumped by state provisions. To avoid any confusion or perceived conflicts, all references in the charter are proposed to be removed.*

(LWV) The state overrules the county when it comes to civil service laws. To avoid conflicts, any mention of civil service law would be removed from the county charter.

(EC) Civil service laws are governed by state law. To avoid confusion and conflicts, this amendment removes any mention of civil service law from the county charter.

CA-5 RELATING TO TERMS OF MERIT APPEALS BOARD MEMBERSHIP

(B) Shall the charter of the County of Hawaii be amended to systematically stagger the terms of the membership of the merit appeals board upon the expiration of the member's term set to expire on December 31, 2010 so that no more than a single board member's term will expire in any given year?

(CS) This proposal was brought forth by the director of human resources and seeks to stagger the terms of the merit appeals board membership. It provides the process for the transition.

(LWV) This proposal creates staggered terms for the five members of the merit appeals board. The appointment process will not change. The proposed change is that every year, only one member's term will expire. The proposal describes the steps to achieve the change. The new process would meet current charter requirements under "Boards and Commissions."

(EC) (No change)

CA-6 RELATING TO REMOVAL OF DIRECTORS SERVING UNDER COMMISSIONS

(B) Shall the charter of the County of Hawai'i be amended to (1) require the merit appeals board, liquor commission, and water board to issue a statement of reasons for the removal of their respective department heads; and (2) allow the director of human resources, director of liquor control, fire chief, and manager of the department of water supply an opportunity to respond to the statement of reasons for removal at a hearing of the board or commission prior to a vote to remove the respective department head?

(CS) This proposal was also brought forth by the director of human resources. It would require additional steps to remove directors who serve under commissions. These steps would require a statement of reasons for the removal as well as a hearing by the commission where the director sought to be removed has an opportunity to respond to the reasons for removal. The directors affected are the director of human resources, director of liquor control, the fire chief, and the director of water supply. Under the 2008 edition of the charter the chief of police is already afforded these protections and this proposal would make the other provisions consistent with the police practice.

(LWV) At present, certain directors who serve under boards or commissions can be removed without stated reasons or a hearing. This proposal would add more steps to the process of removal. A public statement of the reasons for removal must be made, and the affected director must be allowed to respond at a commission hearing. The directors affected by this proposed amendment will be the directors of human resources, liquor control, water supply and the fire chief. The police chief, serving under the police commission, is already covered by these requirements.

(EC) No change.

CA-7 RELATING TO RECALL

(B) Shall the charter of the County of Hawai'i be amended to (1) change the number of signatures required to recall an official elected at-large or by voters of the entire county to twenty-five percent of the _____; (2) change the number of signatures required to recall district to twenty-five percent of the _____; (3) require signers of a recall petition, and give the county clerk more time to verify a petition? (MISSING WORDS) Ballot language not certain on August 4, 2010
(CS) ??

(LWV) PENDING MISSING INFORMATION

The public can vote to remove an elected official from office ("recall"). To put a recall to a vote, a recall petition must have a minimum number of valid signatures. This proposal would lower the number of signatures required on a recall petition.

Presently, the requirement is 25% of all registered voters in the county or district, depending on office. This proposal changes the requirement to 25% of total ballots cast (?) in the last election for that office.(?)

This proposal would also require petition signers to give their four-digit social security number and their birthdate (day and month) in addition to their residence address and their signature. Furthermore, the county will have more time -- 30 days instead of 20 days -- to verify signatures.

(EC) The public can vote to remove an elected official from office ("recall"). To put a recall to a vote, a recall petition must have a minimum number of valid signatures. This proposal would lower the number of signatures required on a recall petition.

Presently, the requirement is 25% of all registered voters in the county or district, depending on office. This proposal changes the requirement to 25% of valid votes cast for the office in the last general election.

This proposal would also require petition signers to give the last four digits of their social security number and the day and month of their birth in addition to their residence address and their signature. Furthermore, the county will have more time -- 30 days instead of 20 days -- to verify signatures.

CA-9 RELATING TO ELECTRONIC POSTING OF SPECIAL MEETING NOTICES

(B) Shall the charter of the County of Hawai'i be amended to require, when possible, electronic posting of special meeting notices of the council, boards, and commissions?
(CS) *This proposal would add a requirement of posting notices of special meetings in an electronic format. This would be in addition to all other requirements for posting a notice of a special meeting. During the discussions of the commission it was found that at times, it may not be practicable to post an electronic notice of a special meeting in the event there is a loss of power. If the electronic posting was mandated for every special meeting, a loss of power at time of posting would prohibit the meeting from being held. Therefore, the language requires the electronic posting only if it is possible to do so.*

(LWV) Notice of a special meeting must be posted 24 hours in advance. This proposal adds that an announcement of a special meeting be linked on the appropriate council, board or commission webpage. The proposal does not change the required posting of a special meeting, but does recommend the electronic posting, if possible.

(EC) No change.

CA-10 RELATING TO THE DUTIES OF THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT

(B) Shall the charter of the County of Hawai'i be amended to allow the mayor to prescribe other duties as directed for the director of environmental management?

(CS) This proposal was brought forth by the director of environmental management. The commission found that it is desirable for the director of environmental management to have some flexibility in carrying out their duties by permitting some direction from the mayor as prescribed in addition to the charter's other requirements or those prescribed by ordinance.

(LWV) The charter defines the director of environmental management's job as managing solid waste, wastewater and recycling. The county council may assign additional duties. This proposal would allow the mayor to give direction as well.

(EC) The charter defines the director of environmental management's job as managing solid waste, wastewater and recycling. Currently, the county council may assign additional duties by ordinance. This proposal would allow the mayor to assign additional duties as well.

CA-11 RELATING TO THE QUALIFICATIONS OF THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT

(B) Shall the charter of the County of Hawai'i be amended to require the director of the department of environmental management possess an engineering degree or a degree in a related field? (missing word?)

(CS) This proposal was brought forth by the director of environmental management. It would require the director of the department of environmental management to possess certain educational qualifications. The commission determined that the environmental issues of the county are complex and that setting minimum educational qualifications for the director of that department are desirable.

(LWV) The director of environmental management now must have five years of administrative experience in a related field. This proposal would also require an engineering degree or a degree in a related field.

(EC) No change.

CA-12 RELATING TO CHARTER AMENDMENT PETITIONS

Shall the charter of the County of Hawai'i be amended by changing the number of signatures required for a charter amendment petition to _____ and require additional information from signers of a petition and give the county clerk additional time to verify such a petition?

(Proposed ballot language not certain as of Aug. 1, 2010)

(LWV) PENDING MISSING INFORMATION

The public can request a change (amendment) to the county charter by petition. If enough registered voters ask (petition) for the change, the proposed amendment will be put to a vote in the next general election.

This proposal would lower the number of signatures required to put an amendment to a vote. Presently, 20% of all registered voters in the county must sign the petition. This proposal would change the number to 20% of total ballots cast (?) in the last mayoral (?) election.

This amendment will require petition signers to give their four-digit social security number and their birthdate (day and month) along with residence address and signature. Furthermore, the county will have more time – 30 days instead of 20 -- to verify signatures.

(EC) The public can request a change (amendment) to the county charter by petition. If enough registered voters ask (petition) for the change, the proposed amendment will be put to a vote in the next general election.

This proposal would lower the number of signatures required to put an amendment to a vote. Presently, 20% of all registered voters in the county must sign the petition. This proposal would change the number to 20% of the total votes cast in the last general election.

This amendment would require petition signers to give the last four digits of their social security number and the day and month of their birth, along with residence address and signature. Furthermore, the county will have more time – 30 days instead of 20 -- to verify signatures.

CA-13 RELATING TO APPOINTMENT OF CHARTER COMMISSION MEMBERS

(B) Shall the charter of the County of Hawai'i be amended by requiring the members of the charter commission be appointed by July 1 of the year prior to a charter review year?

(CS) *This proposal would change the appointment date of the members of the charter commission. The commission found that it was initially very pressed for time in fulfilling their duties. Currently, the commission must be in place by January 15 of a charter review year. This proposal would require the commission to be in place by July 1 of the year prior to a charter review year. The state law would still require that the commission submit a report to the county council within a year of its appointment. The benefit of this proposal would be at the tail end during the public education portion.*

(LWV) A charter commission is appointed every ten years to review the county charter. Presently, members are appointed by January 15 of the charter review year and hold office until amendments are approved or rejected by a vote of the people. This proposal would require the commission to be appointed earlier – by July 1 of the year prior to a charter review year.

(EC) A charter commission is appointed every ten years to review the county charter. Presently, members are appointed by January 15 of the charter review year and hold office until amendments are approved or rejected by a vote of the people. This proposal would require the commission to be appointed earlier – by July 1 of the year prior to a charter review year to give them additional time to complete their work.

CA-15 RELATING TO THE ESTABLISHMENT OF AN OPEN SPACE FUND

(B) Shall the charter of the County of Hawai'i be amended by (1) establishing an open space and natural resources preservation fund to set aside a minimum of one percent of real property tax revenues; (2) appropriating additional revenue from grants and private contributions, voluntary contributions specified on the real property tax bill, proceeds from the sale of general obligation bonds, other council appropriations, and any other source of revenue; (3) specifying that this fund shall be used solely to purchase or otherwise acquire lands or property entitlements in the county for public outdoor recreation and education, and to pay the principal, interest and premium due on bonds issued for this fund; (4) requiring any balance remaining in the fund at the end of the fiscal year shall not lapse; and (5) authorizing the county council to establish by ordinance procedures for the administration and expenditure of moneys in this fund?

(CS) *This proposal would memorialize certain aspects of the current open space fund in the county charter. The commission found that this was by far one of the more controversial proposals considered by the commission. Overall the commission found that it is desirable for the county to have an open space fund. The proposal below is entirely new charter language which would establish the open space fund and the provisions of what it may be used for. Additionally, it sets a minimum payment of one percent of the certified real property tax revenues, including penalty and interest, to be paid into the fund in addition to other sources of revenue. This proposal does not conflict with the current open space ordinance and will not go into effect until July 1, 2011, when the current moratorium of payments into the fund sunsets.*

(LWV)

In 2008, Hawai`i County voters approved an ordinance to buy open space with 2% of the county property tax revenues. Ordinances can be changed by the county council with a majority vote. In 2009, the mayor and council stopped payments (“moratorium”) into the open space fund until July 1, 2011.

This proposal would put an open space fund in the charter, which cannot be changed except by a vote of the people. It further requires a MINIMUM of 1% of property tax revenue be directed into an open space fund. A higher figure may be set by ordinance, but the figure cannot fall below 1%.

There is no conflict between this proposal and the current ordinance. When the moratorium ends, the funding level will change back to the 2% set by the ordinance, unless the council votes for a change.

This proposal permits the use of additional monies such as grants, donations, and the county borrowings. It limits the use of money in the fund to the purchase and acquisition of lands and property for outdoor recreation and education.

(EC) In 2008, Hawai`i County voters approved an ordinance to buy open space with 2% of the county property tax revenues. Ordinances can be changed by the county council with a majority vote. In 2009, the mayor and council stopped payments (“moratorium”) into the open space fund until July 1, 2011.

This proposal would put an open space preservation fund in the charter, which cannot be changed except by a charter amendment. It further requires a MINIMUM of 1% of property tax revenue be directed into an open space fund. The figure can be changed by ordinance, but it cannot fall below 1%. There is no conflict between this proposal and the current ordinance.

This proposal authorizes the use of additional monies such as grants, donations, and the county borrowings. It limits the use of money in the fund to the purchase and acquisition of lands and property for outdoor recreation and education.

CA-17 RELATING TO THE REAPPORTIONMENT COMMISSION

(B) Shall the charter of the County of Hawai`i be amended by (1) renaming the reapportionment commission to the redistricting commission; (2) requiring the commission members be appointed by July 1 of the year prior to a redistricting year; (3) requiring the commission to file a report with the redistricting plan to explain the commission’s reasoning for the plan and how the plan complies with redistricting criteria; and (4) requiring the commission to hold at least one public hearing in each council district prior to completing a draft of the plan; (5) requiring the commission to hold at least one public hearing in both east Hawaii and west Hawaii after completing a draft of the plan; and (6) requiring the commission to adhere to the redistricting criteria in the charter? **(word in line 2, possibly line 4?)**

(CS) This proposal would rename the reapportionment commission to the “redistricting commission” and adherence to the redistricting criteria. The commission found that the reapportionment commission should be renamed to the redistricting commission to better reflect the actual duties of the commission. The redrawing of district lines is more accurately referred to as redistricting and not reapportionment although the terms are sometimes used synonymously. Additionally, the commission found that it is desirable for the redistricting commission to be appointed much earlier so that the commissioners can get up to speed on their duties and their legal obligations while serving on the commission. This provision however does not go into effect for the 2011 commission. Also, a report of the redistricting commission must be filed with the county clerk with a clear explanation of the reasons for their redistricting plan and how their plan complies with the requirements of charter section 3-17(g). Public hearing requirements were also added because the commission determined that public input on such a plan is highly desirable. Lastly, the commission determined that more weight should be given to the criteria of section 3-17(g); therefore the redistricting commission shall now adhere to the criteria instead of merely being guided by them.

(LWV) This proposal would change the name from “reapportionment commission” to “redistricting commission.” The new name would reflect the commission’s main duty, which is to redraw political district lines based on population changes.

Commission members would be appointed by July of the year before the redistricting year instead of in January of the redistricting year

This proposal requires public hearings both before and after finishing the draft plan.

The present charter presents redistricting criteria as guidelines. This proposal requires the commission to follow those criteria, which are: (1) No district shall be drawn to unduly favor or penalize a person or political faction; (2) Insofar as possible, districts should be contiguous and compact; (3) District lines shall, where possible, follow permanent and easily recognizable features; (4) Districts shall have approximately equal resident populations as required by applicable constitutional provisions.

(EC) This proposal would change the name from “reapportionment commission” to “redistricting commission.” “Reapportionment” more generally refers to determining how many seats in Congress will be granted to a state. The new name would more accurately reflect the commission’s responsibility, which is to redraw political district lines based on population changes.

Commission members would be appointed by July of the year before the redistricting year instead of in January of the redistricting year

This proposal requires public hearings both before and after finishing the draft plan.

The present charter presents criteria for drawing district lines as guidelines. This proposal makes those criteria mandatory. They are: (1) No district shall be drawn to unduly favor or penalize a person or political faction; (2) Insofar as possible, districts should be contiguous and compact; (3) District lines shall, where possible, follow permanent and easily recognizable features; (4) Districts shall have approximately equal resident populations as required by applicable constitutional provisions.

CA-23 RELATING TO PUBLICATION OF NOTICES VIA AN ELECTRONIC MEDIUM

(B) Shall the charter of the County of Hawai`i be amended by requiring notices published in the newspaper to also be distributed via an electronic medium, such as the Internet?

(CS) This proposal would require notification via an electronic medium, such as the internet, whenever newspaper notifications are required. The commission found that electronic communication is becoming increasingly common. As such, the county should take advantage of technology for distributing information. The requirement to issue notifications via the newspaper was retained because many citizens depend on print sources for information.

(LWV) This proposal would require notice via an electronic medium such as the internet whenever newspaper notification is required.

(EC) No change.

CA-26 RELATING TO PRESERVATION OF NATURAL AND CULTURAL RESOURCES

(B) Shall the charter of the County of Hawai`i be amended by adding a new section to Article XIII to recognize that the county shall conserve and protect Hawai`i's natural beauty and all natural and cultural resources and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the county?

(CS) This proposal is to memorialize the county's duty to conserve its natural and cultural resources. The commission found that it would be beneficial to reinforce the county's duty to conserve these resources for future generations. The commission also found that this should not be construed to mean that these resources cannot be utilized, but that they be utilized responsibly.

(LWV) This proposal would add a new section to the charter. It would read: "For the benefit of present and future generations, the county shall conserve and protect Hawai`i's natural beauty and all natural and cultural resources, including but not limited to land, water, air, minerals, energy sources, wahi pana, surf spots, historic sites, and historic structures, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the county. All public natural and cultural resources are held

in trust by the county for the benefit of the people.”

(EC) This proposal, which is based on a state constitutional provision, would put in the Charter an obligation on the county government to take into consideration the conservation and protection of Hawai`i’s natural beauty and its natural and cultural resources when making decisions. The state provision does not include cultural resources, wahi pana, surf spots, historic sites and historic structures. The proposal recognizes the county’s public trust responsibility for all publicly owned natural resources and explicitly adds cultural resources as public trust resources.

CA-29 RELATING TO THE DUTIES OF THE PROSECUTING ATTORNEY

(B) Shall the charter of the County of Hawai`i be amended by adding new subsections to Article IX, section 99-3 to permit the prosecuting attorney to (1) research, evaluate, and make recommendations regarding crime, crime prevention, and the criminal justice system to the governor, the legislature, the judiciary, the county council, the mayor, the Hawai`i police department, and other criminal justice agencies, or the general public; (2) provide crime prevention training programs for law enforcement agencies, citizens, businesses, and civic groups; (3) develop public education programs to provide the general public information that will assist citizens to prevent crime and to avoid being victims of crime; and (4) receive and expend financial grants, donations and other funds as permitted by law for crime research, prevention, and education?

(CS) This proposal was brought forth by the prosecuting attorney. It would allow the prosecuting attorney more flexibility in providing education relating to crime prevention and research. The commission found that these provisions would benefit the county by giving the prosecuting attorney the authority to provide educational opportunities to county agencies and private citizens.

(LWV) The prosecuting attorney prosecutes county and state criminal cases. This proposal expands the duties of the prosecuting attorney to include public education on crime prevention and research. It also allows the prosecuting attorney’s office to accept donations and grants to fund these education projects.

(EC) The prosecuting attorney prosecutes county and state criminal cases. This proposal expands the duties of the prosecuting attorney to include public education on crime prevention and research. It also allows the prosecuting attorney’s office to accept donations and grants to fund these educational projects.

CA-36 RELATING TO GRAMMAR, SPELLING, AND FORMATTING OF THE CHARTER

(B) Shall the charter of the County of Hawai`i be amended by correcting various grammatical, spelling, and formatting errors throughout the charter?

(CS) This proposal is a housekeeping proposal. The commission found that there are numerous instances of formatting and spelling errors in the charter and that it is desirable to have a clean document with consistent formatting. Since the charter can only be amended by a vote of the people and due to the importance of the charter, the commission is seeking to make the charter the cleanest document possible. This proposal addresses only spelling and formatting issues in the charter and does not propose any substantive changes to the charter.

(LWV) This proposal would correct spelling, grammar, and formatting mistakes in the charter. It would not make any changes that cause a difference in meaning.

(EC) This proposal would correct spelling, grammar, and formatting mistakes in the charter.

CA-38 RELATING TO MEMBERSHIP ON BOARDS AND COMMISSIONS

(B) Shall the charter of the County of Hawai`i be amended by (1) providing that members of boards and commissions who do not receive compensation from their employers during the time they are serving on boards and commissions may be reimbursed by the county for actual work hours lost at the straight time rate of pay of such members in their regular employment; and (2) lowering such reimbursement to two times the state minimum wage hour rate?

(CS) This proposal was brought forth by the managing director and corporation counsel. The commission found that most members of the county's boards and commissions serve on a voluntary basis even though the charter provides that some form of compensation can be made. The commission also found that the county should have some discretion on how and when compensation can be given. Therefore, this proposal would provide a discretionary review on whether compensation should be paid, and reduces the maximum amount from five times the state minimum wage to two times the state minimum wage.

(LWV) Currently, most members of the county's boards and commissions in Hawai`i County serve on a volunteer basis. The charter provides for the county to pay members if their employers do not pay them for actual work hours lost. Although most members do not request hourly reimbursement, the current charter says they "shall" be reimbursed. Under this proposal, the county "may," but is not required, to pay. It lowers the rate of such compensation from five times the minimum wage to two times the minimum wage.

(EC) No change.