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

September 9, 2010

TO: Kenneth Goodenow, County Clerk

FROM: Karen Eoff
Charter Commission Secretary

SUBJECT: Transmitting Final Ballot Questions and Summary Language

Attached please find the Final Ballot Questions and Summary Language for the 19 proposed Charter Amendments to be voted on by the electorate in the November 2010 General Election.

Two typographical errors were discovered in the previous document sent to you:

Proposal 12 – In the title “Environmental” was mis-spelled.
Proposal 13 – Should have referred to section 9-3 (rather than 99-3).

The corrected language is what was voted on by the Commissioners as stated in Mr. Hookano’s Communication 258.

Thank you,

A handwritten signature in cursive script that reads 'Karen Eoff'.

Karen Eoff
Charter Commission Secretary

Attachment: Communication 256.15

**FINAL BALLOT LANGUAGE
AND SUMMARY LANGUAGE
FOR PROPOSED CHARTER AMENDMENTS
Adopted by the 2009-2010 Hawai'i County Charter Commission**

PROPOSAL # 1

RELATING TO THE ESTABLISHMENT OF AN OPEN SPACE FUND: Shall the Charter of the County of Hawai'i be amended by (1) establishing a public access, open space and natural resources preservation fund to set aside a minimum of one percent of real property tax revenues; (2) allowing 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?

In 2006, Hawai'i County voters approved an ordinance to place 2% of the county property tax revenues into the public access, open space, and natural resources preservation fund. Ordinances can be changed by the county council with a majority vote. 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, and property entitlements for outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of natural resources, significant habitat or eco-systems, including buffer zones; preservation of forests, beaches, coastal areas, natural beauty and agricultural lands; and protection of watershed lands to preserve water quality and water supply.

PROPOSAL #2

RELATING TO RECALL: 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 total valid votes cast for the office subject to the recall petition in the last election; (2) change the number of signatures required to recall a district council member to twenty-five percent of the total valid votes cast for the district office subject to the recall petition in the last election; (3) require signers of a recall petition to also provide the month and day of their birth and the last four digits of their social security number; (4) provide more time for the gathering of signatures; and (5) give the county clerk five more days to verify a supplemental petition?

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. 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. In addition, the amendment will provide more time for the gathering of signatures and give the county clerk five more days to verify a supplemental petition.

PROPOSAL #3

RELATING TO CHARTER AMENDMENT PETITIONS: Shall the Charter of the County of Hawai'i be amended to (1) change the number of signatures required for a charter amendment petition to 20% of the total ballots cast in the last general election; (2) require signers of a charter amendment petition to also provide the month and day of their birth and the last four digits of their social security number; and (3) give the county clerk additional time to verify such a petition?

The public can request a change (amendment) to the 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. This amendment would also 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.

PROPOSAL #4

RELATING TO CIVIL SERVICE LAWS: Shall the Charter of the County of Hawai‘i 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?

State law is controlling when it comes to civil service laws. To avoid confusion and conflicts, this amendment removes any mention of civil service law from the Charter.

PROPOSAL #5

RELATING TO THE REAPPORTIONMENT COMMISSION: 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; (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 Hawai‘i and west Hawai‘i after completing a draft of the plan; and (6) requiring the commission to adhere to the redistricting criteria in the Charter?

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. Following the 2011 Redistricting Commission, 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.

PROPOSAL #6

RELATING TO PRESERVATION OF NATURAL AND CULTURAL RESOURCES: 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?

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.

PROPOSAL #7

RELATING TO GRAMMAR, SPELLING, AND FORMATTING OF THE CHARTER: Shall the Charter of the County of Hawai‘i be amended by correcting various grammatical, spelling, and formatting errors throughout the Charter?

This proposal would correct spelling, grammar, and formatting mistakes in the Charter.

PROPOSAL #8

RELATING TO THE DEPARTMENT OF WATER SUPPLY: Shall the Charter of the County of Hawai‘i 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?

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) Currently Article VIII (Department of Water Supply) mistakenly calls the director of public works the “chief engineer.” This proposal would correct the error.

PROPOSAL #9

RELATING TO DATA SYSTEMS: Shall the Charter of the County of Hawai'i 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?

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 the managing director.

PROPOSAL #10

RELATING TO THE FIRE DEPARTMENT: Shall the Charter of the County of Hawai'i be amended to move the fire department from Article VI, under the managing director, to Article VII, under the direction of the fire commission?

In 2000, the fire 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.

PROPOSAL #11

RELATING TO THE DUTIES OF THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT: 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?

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.

PROPOSAL #12

RELATING TO THE QUALIFICATIONS OF THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT: Shall the Charter of the County of Hawai'i be amended to require the director of the department of environmental management to possess an engineering degree or a degree in a related field?

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.

PROPOSAL #13

RELATING TO THE DUTIES OF THE PROSECUTING ATTORNEY: Shall the Charter of the County of Hawai'i be amended by adding new subsections to Article IX, section 9-3, 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?

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.

PROPOSAL #14

RELATING TO TERMS OF MERIT APPEALS BOARD MEMBERSHIP: Shall the Charter of the County of Hawai'i 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?

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."

PROPOSAL #15

RELATING TO REMOVAL OF DIRECTORS SERVING UNDER COMMISSIONS:

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?

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 the opportunity 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. Currently the chief of police is already afforded these protections, and this proposal would make the other provisions consistent with the police practice.

PROPOSAL #16

RELATING TO APPOINTMENT OF CHARTER COMMISSION MEMBERS: 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?

A charter commission is appointed every ten years to review the 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 members 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.

PROPOSAL #17

RELATING TO MEMBERSHIP ON BOARDS AND COMMISSIONS: 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?

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.

PROPOSAL #18

RELATING TO ELECTRONIC POSTING OF SPECIAL MEETING NOTICES: 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?

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.

PROPOSAL #19

RELATING TO PUBLICATION OF NOTICES VIA AN ELECTRONIC MEDIUM: 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?

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