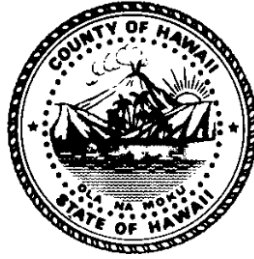


Douglass Shipman Adams
Chairperson

Jennifer Zelko-Schlueter
Vice Chairperson



William Carthage Bergin
Michelle Galimba
Paul K. Hamano
Kevin D. Hopkins
Bobby Jean Leithead Todd
Sarah H. Rice
Christopher John Imiloa Roehrig
Marcia A.K. Saquing
Donna Mae Springer

**2018-2020
HAWAI'I COUNTY
CHARTER COMMISSION**

MEETING AGENDA

1:30 P.M. December 14, 2018

25 Aupuni Street, Hilo, Hawai'i 96720
Hawai'i County Building, Room 1401, Council Chambers

6th Session

ORDER OF BUSINESS

ROLL CALL

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

APPROVAL OF MINUTES

[November 9, 2018](#) - Regular Meeting Minutes

COMMUNICATIONS

1. [Comm. No. 1.10](#): Response from Fire Chief Rosario; Qualifications for Fire Chief
2. [Comm. No. 7.8](#): Response to request for proposed amendments/recommendations – Police Commission
3. [Comm. No. 10.1](#): Response from Elections Program Administrator Pat Nakamoto – Article XII - Recall of Elected Officers
4. [Comm. No. 11.1](#): Section 13(1)(f)(9) – Definition of Vacancy – Legal Analysis; from Legal Analyst J Yoshimoto
5. [Comm. No. 12.1](#): Discussion; Schedule and Location of Required Island-Wide Public Hearings

6. [Comm. No. 15](#): Discussion - Articles I-XVI of Hawai'i County Charter (2016 Edition)
7. [Comm. No. 17.1](#): Response from Department of Research and Development; County's Response to Climate Change; as Related to CA-3
8. [Comm. No. 18.1](#): Response from Department of Research and Development; Proposal to Amend Section 6-8.3; Powers, Duties, and Functions; as Related to CA-4
9. [Comm. No. 22](#): Discussion; Newly-Enacted Charter Amendments as Initiated by Ordinance No. 18-30 and Ordinance No. 18-76
10. [Comm. No. 22.1](#): Response from Finance Director Deanna Sako – Requirement for Fiscal Impact Statements for all Proposed Amendments to the County Charter

UNFINISHED BUSINESS

1. [Comm. No. 3](#): Formation of Ad Hoc Committees

The Commission may establish one or more Ad Hoc Committees to investigate matters within its prescribed duties that have been disclosed on the agenda, made available for public testimony, and deliberated upon by the commission. Any such formation will require that the scope of the investigation and each member's authority be clearly defined, and membership be limited to no less than two and no more than five commissioners.

2. [Comm. No. 17](#): Transmitting CA-3 for **Initial Approval**; Proposal to add a new section to the County Charter to establish a Climate Change and Resiliency Commission and a new section relating to Greenhouse Gas Emissions Reporting and Reduction; as submitted by Commissioner Galimba.

Postponed: November 9, 2018

There is a motion on the floor, made by Commissioner Galimba and seconded by Commissioner Roerhig, to pass CA-3 on Initial Approval and forward for First Reading.

3. [Comm. No. 18](#): Transmitting CA-4 for **Initial Approval**; Proposal to amend Section 6-8.3, Relating to the Powers, Duties, and Functions of the Director of the Department of Research and Development, as submitted by Commissioner Galimba.

Postponed: November 9, 2018

There is a motion on the floor, made by Commissioner Galimba and seconded by Commissioner Zelko-Schlueter, to pass CA-4 on Initial Approval and forward for First Reading.

4. [Comm. No. 19](#): Transmitting CA-5 for **Initial Approval**; Proposal to change each instance of “legislative auditor” to “county auditor” as appearing in Section 3-18, as submitted by Commissioner Saquing.

Postponed: November 9, 2018

5. [Comm. No. 20](#): Transmitting CA-6 for **Initial Approval**; Proposal to expressly authorize the Police Commission the authority to discipline the Chief of Police (Section 7-2.3) and the Fire Commission the authority to discipline the Fire Chief (Section 7-4.3), as submitted by Commissioner Saquing.

Postponed: November 9, 2018

6. [Comm. No. 21](#): Transmitting CA-7 for **Initial Approval**; Proposal to amend Section 10-15 and Section 10-16, by repealing and replacing provisions for the Public Access, Open Space, and Natural Resources Preservation Fund and Maintenance Fund, respectively, as submitted by Commissioner Hamano.

Postponed: November 9, 2018

There is a motion on the floor, made by Commissioner Hamano and seconded by Commissioner Roerhig, to pass CA-7 on Initial Approval and forward for First Reading.

NEW BUSINESS

1. [Comm. No. 14.1](#): Transmitting CA-2, Draft 2, for **First Reading**; Proposal to amend Section 3-7 to provide that the County Council hold an equal number of its regular meetings in East and West Hawai‘i, as submitted by Chair Adams.
2. [Comm. No. 23](#): Transmitting CA-8 for **Initial Approval**; Proposal to amend Section 3-2 to provide that the terms of Council Members be changed from four consecutive two-year terms to two consecutive four-year terms, as submitted by Commissioner Rice.
3. [Comm. No. 24](#): Transmitting CA-9 for **Initial Approval**; Proposal to amend Section 10-15 to provide that funds from the Public Access, Open Space, and Natural Resources Preservation Fund be used to fund a staff position dedicated to administering the provisions of Section 10-15 and Section 10-16 (Public Access, Open Space, and Natural Resources Preservation Maintenance Fund); as submitted by Commissioner Galimba.

4. [Comm. No. 25](#): Transmitting CA-10 for **Initial Approval**; Proposal to amend Section 13-28 to provide that prior to taking effect, any salary adjustment approved by the Salary Commission be approved by the County Council and Mayor without modification, as submitted by Commissioner Hopkins.

REPORTS

1. [Comm. No. 3.2.1](#): Ad Hoc Committee Report – Section 3-2; Composition and Terms of Council Members; Findings and Recommendations; as submitted by Commissioners Rice (Chair), Bergin, Hopkins, and Leithead Todd.

REFERRALS FOR EXECUTIVE SESSION

1. [Comm. No. 26](#): Discussion: Protocols for Commissioners to meet outside of a regular meeting with groups or individuals to discuss Commission business.

The Charter Commission anticipates convening an executive meeting regarding the above matters, pursuant to Section 92-5(a)(4) of the Hawai‘i Revised Statutes, for the purpose of consulting with the Commission’s attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities. A two-thirds vote of the members present is necessary to hold an executive meeting; provided the affirmative vote constitutes a majority of the members to which the board is entitled, pursuant to Section 92-4 of the Hawai‘i Revised Statutes, and Rule I(d) of the 2018-2020 Hawai‘i County Charter Commission Rules of Procedure.

AGENDA ITEMS FOR NEXT REGULARLY SCHEDULED MEETING

1. Suggestions from Commissioners on future agenda items

ANNOUNCEMENTS

1. Next regular meeting (subject to change)

DATE: Friday, January 11, 2019

TIME: 1:30 p.m.

PLACE: Building A (Council Chambers), West Hawai‘i Civic Center,
Kailua Kona

ADJOURNMENT

If you need an auxiliary aid/service or other accommodation due to a disability, contact Shannon Magnuson at (808) 961- 8836 or at charter.commission@hawaiicounty.gov. as soon as possible, preferably by December 12, 2018. If a response is received after December 12, 2018, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled.

Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Public testimony via courtesy site is available at the Kona Council Office, West Hawai'i Civic Center; 75-5044 Ane Keohokālole Highway, Building A, Kailua-Kona, Hawai'i. If for technical or other unanticipated reasons the video connection cannot be made and/or is disrupted, the scheduled meeting will continue.

Submitting Testimony: Those wishing to testify in person must register with the Commission Secretary. Those submitting written testimony at the meeting should bring **fourteen (14)** copies for distribution. Testimony may also be submitted (1) by mail to Shannon Magnuson, Office of the County Clerk, 25 Aupuni Street, Room 1402, Hilo, Hawai'i 96720; or (2) by e-mail to charter.commission@hawaiicounty.gov. **Please submit separate testimony for each item.** Copies will be distributed at the meeting only if they are received **before 12:00 noon on the business day prior to the meeting.** All oral and written testimony will be made a part of the public record.

PROPOSAL STATUS

To view proposals that have passed first reading that will be held for further action until after the required public hearings are held, please go to:

<http://records.hawaiicounty.gov/weblink/Browse.aspx?dbid=1&startid=94005>

and open the folder titled: "Proposals for Public Hearing"

NOTICE TO LOBBYISTS

If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist (Article 15, Section 2-91.3(b), Hawai'i County Code). A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." (Article 15, Section 2-91.3(a)(6), Hawai'i County Code.)

Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 25 Aupuni Street, Hilo, Hawai'i 96720.

BOARD PACKET

Pursuant to Hawai'i Revised Statutes, Section 92-7.5, the board packet provided to members of the Hawai'i County Charter Commission for this meeting is available for public inspection during regular business hours at the Office of the County Clerk, 25 Aupuni St., Room 1402, Hilo, Hawai'i, 96720.