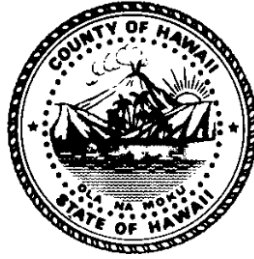


Douglass Shipman Adams
Chairperson

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

11:00 A.M. March 8, 2019

West Hawai‘i Civic Center
75-5044 Ane Keohokālole Highway
Building A, Kailua-Kona, Hawai‘i,

9th Session

ORDER OF BUSINESS

ROLL CALL

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

APPROVAL OF MINUTES

[February 8, 2019](#) - Regular Meeting Minutes

COMMUNICATIONS

1. [Comm. No. 7.9](#) – Response to request for proposed amendments/recommendations – Board of Ethics
2. [Comm. No. 12.2](#): Proposed Schedule for Six Island-Wide Public Hearings; Dates, Times, and Locations
3. [Comm. No. 15](#): Discussion - Articles I-XVI of Hawai‘i County Charter (2018 Edition)

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. 35](#): Transmitting CA-18, as amended, for **Initial Approval**; Proposal to amend Section 10-16, Public Access, Open Space, and Natural Resources Preservation Maintenance Fund, to transfer administrative duties to the Department of Finance, add permissible uses of the fund, and establish a base amount that must be reserved for awards to stewardship organizations; as submitted by Commissioner Rice.

Postponed: February 8, 2019

There is a motion on the floor, made by Commissioner Rice and seconded by Commissioner Zelko-Schlueter, to pass CA-18, as amended, on Initial Approval.

NEW BUSINESS

1. [Comm. No. 28.1](#): Transmitting CA-12, for **First Reading**; Proposal to amend Section 3-7 by adding disciplinary measures for council members who behave in a disorderly or contemptuous manner at council meetings, or, when a council member fails to attend three or more regular meetings of the council without being excused by the council chair; as submitted by Commissioner Leithead Todd.
2. [Comm. No. 31.1](#): Transmitting CA-14 for **First Reading**; Proposal to amend Sections 6-4.3 and 6-4.4, to update language for the Qualifications and the Powers, Duties and Functions of the Director of Information Technology; as submitted by Commissioner Adams.
3. [Comm. No. 32.1](#): Transmitting CA-15 for **First Reading**; Proposal to amend Section 6-4.4, Powers, Duties and Functions of the Director of Information Technology, to reflect the current status of operations; as submitted by Commissioner Adams.
4. [Comm. No. 34.2](#): Transmitting CA-17 for **First Reading**; Proposal to add a new section to Article X, Financial Procedures, to establish a Disaster and Emergency Fund; as submitted by Commissioner Leithead Todd.

5. [Comm. No. 36](#): Transmitting CA-19 for **Initial Approval**; Proposal to add a new section to Article X, Financial Procedures, to prohibit the County from applying a minimum real property tax rate and unless otherwise provided for by ordinance, require that real property taxes be levied based on the assessed value of the parcel and any improvements thereto; as submitted by Commissioner Hopkins.
6. [Comm. No. 37](#): Transmitting CA-20 for **Initial Approval**; Proposal to amend Section 15-3, Mandatory Charter Reviews, to add protocol and procedures for the Charter Commission, including the date by which the Charter Commission must be empaneled, based on the provisions of Chapter 50 of the Hawai‘i Revised Statutes; as submitted by Commissioner Adams.
7. [Comm. No. 38](#): Transmitting CA-21 for **Initial Approval**; Proposal to amend Section 11-5, subsection (c), Initiative and Referendum Petitions; Forms and Sufficiency, by replacing the word “appeal” with “repeal” as a correction of terms; as submitted by Commissioner Adams.
8. [Comm. No. 39](#): Transmitting CA-22 for **Initial Approval**; Proposal to amend Section 12-1.3, Signatures – Recall of an Elected Official, by removing the requirement that a signer of a petition to recall an elected County official include the last four digits of his or her social security number; as submitted by Commissioner Adams.
9. [Comm. No. 40](#): Transmitting CA-23 for **Initial Approval**; Proposal to amend Section 6-5.2, Appointment and Removal – Corporation Counsel, by adding that an attorney must be licensed to practice law for at least five years and have at least three years of experience in an administrative capacity before being eligible for appointment as the Corporation Counsel; as submitted by Commissioner Adams.
10. [Comm. No. 41](#): Transmitting CA-24 for **Initial Approval**; Proposal to amend Sections 7-4.2 through 7-4.4 and Section 7-4.6, all relating to the powers, duties, and functions of the Fire Chief and the Fire Commission, by amending the prerequisites for eligibility to be appointed as the Fire Chief and to add “water safety” to the duties and functions of the Hawai‘i Fire Department as a recognition of current practices; as submitted by Commissioner Adams.
11. [Comm. No. 42](#): Transmitting CA-25 for **Initial Approval**; Proposal to amend Section 6-7.5 and repeal Section 6-7.6, relating to the Duties and Functions of the Windward and Leeward Planning Commissions, to delete transitional provisions utilized during the move from a single planning commission to a Leeward Planning Commission and a Windward Planning Commission; as submitted by Commissioner Adams.
12. [Comm. No. 43](#): Transmitting CA-26 for **Initial Approval**; Proposal to amend Section 6-2.2, relating to Qualifications for the Director of the Department of Public Works, to remove the requirement that the Director be a registered professional engineer; as submitted by Commissioner Adams.

13. [Comm. No. 44](#): Transmitting CA-27 for **Initial Approval**; Proposal to amend Section 10-15, Public Access, Open Space and Natural Resources Preservation Fund, to add language to place an emphasis on the acquisition of easements and that the County may exercise eminent domain to acquire properties and easements for the purposes of this fund; as submitted by Commissioner Roehrig.

REPORTS

REFERRALS FOR EXECUTIVE SESSION

None

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, April 12, 2019
TIME: 1:30 p.m.
PLACE: Hilo Council Chambers, 25 Aupuni St., Room 1401, Hilo, Hawai‘i

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 March 6, 2019. If a response is received after March 6, 2019, 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 Hilo Council Chambers, Hawai‘i County Building; 25 Aupuni St., Room 1401, Hilo, 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.** All oral and written testimony will be made a part of the public record. Written testimony will be presented to Commission members as soon as practicable

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.