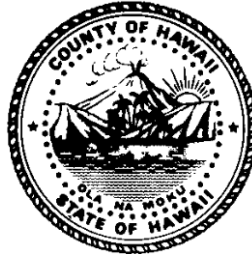


Douglass Shipman Adams
Chairperson

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

9:30 A.M. April 25, 2019

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

10th Session

ORDER OF BUSINESS

ROLL CALL

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

APPROVAL OF MINUTES

1. [March 8, 2019](#) - Regular Meeting Minutes
2. [March 25, 2019](#) – Public Hearing Minutes (Kohala)
3. [March 29, 2019](#) – Public Hearing Minutes (Ka‘ū)
4. [April 1, 2019](#) – Public Hearing Minutes (Puna)
5. [April 2, 2019](#) – Public Hearing Minutes (Hāmākua)
6. [April 3, 2019](#) – Public Hearing Minutes (Kona)
7. [April 4, 2019](#) – Public Hearing Minutes (Hilo)

COMMUNICATIONS

1. [Comm. No. 6.1](#): Discussion – First Reading Report; Second and Final Reading; Timeline and Protocols; submitted by Chair Adams
2. [Comm. No. 15](#): Discussion - Articles I-XVI of Hawai‘i County Charter (2018 Edition)
3. [Comm. No. 41.2](#): Informational Material Relating to CA-24; submitted by Commissioner Leithead Todd

4. [Comm. No. 41.3](#): Position Description for Fire Captain - Relating to CA-24; submitted by Commissioner Leithead Todd
5. [Comm. No. 46](#): Discussion – Calling of Special Election for Charter Commission Proposals; submitted by Chair Adams

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. 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.

Postponed: March 8, 2019

There is a motion on the floor, made by Commissioner Galimba and seconded by Commissioner Zelko-Schlueter, to pass CA-19 on Initial Approval.

NEW BUSINESS

1. [Comm. No. 35.19](#): Transmitting CA-18, Draft 2, for **First Reading**; 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 and add permissible uses of the fund; as submitted by Commissioner Rice.
2. [Comm. No. 37.1](#): Transmitting CA-20 for **First Reading**; 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.

3. [Comm. No. 38.1](#): Transmitting CA-21 for **First Reading**; 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.
4. [Comm. No. 39.1](#): Transmitting CA-22 for **First Reading**; 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.
5. [Comm. No. 40.1](#): Transmitting CA-23 for **First Reading**; 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.
6. [Comm. No. 41.1](#): Transmitting CA-24 for **First Reading**; 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.
7. [Comm. No. 42.1](#): Transmitting CA-25 for **First Reading**; 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.
8. [Comm. No. 43.1](#): Transmitting CA-26, Draft 2, for **First Reading**; 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 and add that the required amount of years of administrative experience to be eligible for appointment as Director be related to the powers, duties, and functions of the Department of Public Works; as submitted by Commissioner Adams.
9. [Comm. No. 44.11](#): Transmitting CA-27, Draft 2, for **First Reading**; 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; as submitted by Commissioner Roehrig.

10. [Comm. No. 45](#): Transmitting CA-28 for **Initial Approval**; Proposal to amend Section 13-4, Boards and Commissions, and Section 15-3, Mandatory Charter Reviews, to remove language providing that membership of boards and commissions may not contain more than a bare majority of persons belonging to the same political party; as submitted by Commissioner Galimba.
11. [Comm. No. 47](#): Transmitting CA-29 for **Initial Approval**; Proposal to amend Section 10-6, Capital Budget and Capital Program: Scope; Council Action, by adding language providing that prioritization of capital improvements is to be based on criteria in alignment with the County General Plan, County Community Development Plans, and other pertinent functional plans; as submitted by Commissioner Galimba.
12. [Comm. No. 48](#): Transmitting CA-30 for **Initial Approval**; Proposal to amend Section 14-5, Board of Ethics, by adding language providing that the Board of Ethics may impose civil fines for violations of the Code of Ethics, as prescribed by ordinance of the County Council, that the board may transmit formal opinions regarding potential violations of the Code of Ethics to the appropriate appointing authority, and clarifying that the board's rules of procedure shall have the force and effect of law; as submitted by Commissioner Adams.
13. [Comm. No. 49](#): Transmitting CA-31 for **Initial Approval**; Proposal to amend Section 13-4, Boards and Commissions, by revising provisions for the nomination and confirmation of members to boards and commissions that are specifically established by the Hawai'i County Charter; as submitted by Commissioner Adams.

REPORTS

None

REFERRALS FOR EXECUTIVE SESSION

1. Discussion and review of Executive Session minutes of October 12, 2018, December 14, 2018, and March 8, 2019. The Commission anticipates a motion and vote to approve each set of executive session minutes during open session.

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, May 10, 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 April 23, 2019. If a response is received after April 23, 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 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.** 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 as part of the First Reading Report, go to:

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

and open the folder titled: "Proposals for First Reading Report"

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.