



LEAGUE OF WOMEN VOTERS®
of Hawai'i County
*Empowering Voters and
Defending Democracy!*

VOTER INFORMATION BULLETIN

A nonpartisan guide to the proposed Hawai'i County Charter Amendments on the Ballot of the November 3, 2020 General Election prepared by the League of Women Voters of Hawai'i County.

What's
Inside?

Guide to the Hawai'i County Charter Amendments

- **Ballot Language and Summaries Prepared by the Hawai'i County Charter Commission.**
- **Fiscal Impact Statements Prepared by the Hawai'i County Department of Finance.**
- **Pro and Con Statements Prepared by the League of Women Voters of Hawai'i County.**
- **Link to the proposed language changes in the Hawai'i County Charter:**

<http://records.hawaiicounty.gov/weblink/1/doc/107804/Page1.aspx>

WHAT DOES YOUR VOTE MEAN? A “YES” vote means that you are **IN FAVOR** of the amendment and the Charter of the County of Hawai'i will be changed as proposed. A “NO” vote means that you are **AGAINST** the amendment and the Charter of the County of Hawai'i will not be changed as proposed.

#1: RELATING TO TECHNICAL, LINGUISTIC, AND GRAMMATICAL REVISIONS OF THE CHARTER: Shall the Charter of the County of Hawai'i be amended by making various technical, linguistic, and grammatical revisions throughout the Charter?

Charter Commission Summary: *This proposal would correct certain technical, linguistic, and grammatical issues in the Charter.*

The following is not included in the ballot language, but explains the changes being proposed in this amendment:

-Relating to District Residency Requirement

Language: Clarifies language about the district residency requirements for members of county council, boards, and commissions throughout the Charter of the County of Hawai'i.

-Relating to the Office of the Legislative Auditor:

Changes the Office of the "Legislative" Auditor to "County" Auditor.

-Relating to the Department of Information

Technology Qualifications and Duties:

Updates language by replacing the terms "data processing, telecommunications, and computer system" with "information technology."

-Relating to Initiative and Referendum Petitions:

Replaces the word "appeal" with "repeal" to contextually correct the statement.

-Relating to the Use of Social Security Numbers

on Petitions: Removes the requirement that the last four digits of an elector's social security number appear on petitions.

-Relating to the Planning Department: Removes obsolete language referring to the Hawai'i County Planning Commission and removes the transitional provisions of the Windward and Leeward Planning Commissions.

Fiscal impact prepared by the Hawai'i County

Department of Finance: Minimal. One part of the amendment would change the name of the auditor's office, requiring letterhead, business cards and other documents to be updated with the new name. Since most of the items to be updated are electronic or printed in house the cost should be minimal.

SOME SUPPORTERS SAY:

- Making these changes in the charter clarifies meaning, enhances understanding, or provides protection against legal challenges, but doesn't change the meaning of the provision.

SOME OPPONENTS SAY:

- Correcting spelling and shifting words around wastes

time, since the existing wording has not caused problems in the past.

#2: RELATING TO COUNCIL MEETING LOCATIONS: Shall the Charter of the County of Hawai'i be amended to require that the Hawai'i County Council hold an equal number of its regularly scheduled meetings in East Hawai'i and West Hawai'i?

Charter Commission Summary: *This proposal was brought forward to acknowledge and systematize the council's practice of holding an equal number of regularly scheduled meetings in East Hawai'i and West Hawai'i. Current charter language requires only quarterly meetings in the Kona judicial districts. The commission finds that establishing this basic equivalence of council meeting locations between East Hawai'i and West Hawai'i is in the best interests of county governance.*

Fiscal impact prepared by the Hawai'i County

Department of Finance: None. Council meetings, prior to COVID-19, were already being held in this manner. The budget already contains these costs so there would not be any additional costs or impact on the budget.

SOME SUPPORTERS SAY:

- This proposal aligns the charter with current practice.
- Meeting equivalency gives the public greater opportunity for in-person presence, both in monitoring council action and presenting testimony.
- Meeting equivalency results in less travel and overnighting for council members.

SOME OPPONENTS SAY:

- Technology already enables the public to view council meetings and to offer testimony from multiple island sites.
- Department heads should not have to transport records and staff from their offices at the county seat, taking time from their administration.
- Current language allows the council flexibility to schedule meetings to meet emergencies and changing conditions.

#3: RELATING TO THE DEPARTMENT OF RESEARCH AND DEVELOPMENT: Shall the Charter of the County of Hawai'i be amended by clarifying the Department of Research and Development's powers, duties, and functions?

Charter Commission Summary: *This proposal would strengthen both the approach of the Department of Research and Development to*

encourage collaboration with various governmental stakeholders and the department's explicit focus on holistic, interdependent issues. In addition, the proposal would delete a section that is a remnant of the federal formula grant programs established in the 1960s. The Commission finds that advances in grant research and management technologies facilitate the decentralization of the department's functions included in previous charters.

Fiscal impact prepared by the Hawai'i County

Department of Finance: None. The new language reflects what the Department of Research and Development is doing now, so no additional costs are expected.

SOME SUPPORTERS SAY:

- The proposal makes explicit the duties of the Director of the Department of Research and Development to focus on collaborating and coordinating with federal and state agencies and the private sector to advance public and private development programs and enterprise plans.
- The powers, duties, and functions of the director are expanded to include a focus on environmental and economic sustainability and resilience.
- The proposal also removes obsolete language from the 1960's requiring the director to coordinate information about federal and state grants-in-aid participation programs.

SOME OPPONENTS SAY: [No arguments against the proposal were found in the minutes of the Hawai'i County Charter Commission.]

#4: RELATING TO AUTHORITY OF POLICE AND FIRE COMMISSIONS: Shall the Charter of the County of Hawai'i be amended to authorize the Police Commission to discipline the Police Chief and the Fire Commission to discipline the Fire Chief?

Charter Commission Summary: This proposal would clarify that the authority to discipline the Chief of Police rests with the Police Commission, and the authority to discipline the Fire Chief rests with the Fire Commission. The Commission finds that previous charters provide authority for the Police Commission and Fire Commission to appoint and remove the respective chief, but have been unnecessarily silent on the commissions' authority to discipline the chiefs. The corporation counsel supports the clarification of this explicit authority in the charter.

Fiscal impact prepared by the Hawai'i County

Department of Finance: None

SOME SUPPORTERS SAY:

- The authority of the Police Commission and Fire Commission to remove their respective chiefs should also include the authority to discipline them. The power to discipline would give the commissions more options to resolve conflicts within the departments before situations escalate to removing the chiefs, and would improve the commissions' abilities to fulfill their oversight duties.

SOME OPPONENTS SAY:

- The change could lead to prolonged investigations of internal matters of the fire and police administrations.

#5: RELATING TO TERMS OF COUNCIL MEMBERS: Shall the Charter of the County of Hawai'i be amended to change the terms of office for Council Members to four years from the current two years, starting with the 2022 County Council term, with no current member serving more than eight consecutive years?

Charter Commission Summary: This proposal would change the duration of the terms of council members to four years from the current two years, with the number of consecutive terms not to exceed two. The proposal also would establish a provision to enable the transition from the current term system to the proposed system, starting with elections in 2022. The commission finds that county governance will be strengthened by this modification without inappropriately affecting voters' access to their county legislators.

Fiscal impact prepared by the Hawai'i County

Department of Finance: This proposed charter amendment does not eliminate the 2-year election cycle for other elected officials, so there are no expected cost savings related to elections. There could be a savings in Unemployment Benefits as staff hired by Council members could be retained for four years instead of two years. After the 2018 election, approximately \$60,000 was paid out in unemployment benefits related to the change in County Council staff.

SOME SUPPORTERS SAY:

- A four-year term is more cost effective and efficient. Instead of raising money and campaigning for office during the second year of their term, council members would be able to spend more time working for constituents, learning about the issues and how county government operates, and passing legislation.
- A four-year term would provide more continuity in terms of serving a district and developing policies. Council members would have more

time to build relationships with their constituents and other council members, and tackle complicated or controversial legislation that might take several years to negotiate.

- The total number of consecutive years a council member could serve would still be eight years, i.e. two four-year terms.

SOME OPPONENTS SAY:

- Voters would continue to have the opportunity to hold council members accountable through an election every two years, which avoids the expensive and time-consuming process to remove a council member from office through recall or impeachment.

- It is important for council members to pay attention to their duties and their districts. Requiring council members to campaign for office every two years provides an opportunity for council members to meet, listen, and respond to constituents, especially in rural communities.

- Electing council members every two years creates more opportunities to engage the public in debate about important issues facing the county. It might also increase citizen participation in the election as well as increase the number of candidates running for office.

#6: RELATING TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND: Shall the Charter of the County of Hawai'i be amended to allow monies in the Public Access, Open Space, and Natural Resources Preservation Fund to pay salary, wages, and benefits for staff dedicated to supporting the Public Access, Open Space, and Natural Resources Preservation and Maintenance Funds?

Charter Commission Summary: This proposal would allow monies in the public access, open space, and natural resources preservation fund to pay salary, wages, and benefits for staff dedicated to supporting the purposes of the fund and the public access, open space, and natural resources preservation maintenance fund. The commission finds that allowing the fund to be used only for purchase or acquisition of lands and easements in the County of Hawai'i and to pay the principal, interest, and premium due with respect to bonds issued for the purpose of the fund, as previous charters do, does not adequately support an adaptable and responsive administration of the fund.

Fiscal impact prepared by the Hawai'i County Department of Finance: This proposal could reduce expenditures in the General Fund to cover staff time spent working on authorized activities. The entry level

salary for a Property Management Technician, that may be assigned this type of work, is \$3,185 per month or \$ 38,220 per year. Only actual time spent working on allowed activities would be charged to the fund. This proposal could reduce the amount available for the purchase of additional parcels in accordance with this section if funds are used for salaries and wages.

SOME PROPONENTS SAY:

- The effectiveness of the Public Access, Open Space, and Natural Resources Preservation and Maintenance Funds (PONC and Maintenance Funds) would improve by paying for staff specifically assigned to support the purposes of the program, which include acquiring more properties, securing more matching funds, awarding more nonprofit stewardship grants, and reducing the back-log on the property acquisitions list.

- Paying for staff from the PONC Fund would save Hawai'i County money drawn from the general fund, and would mean that PONC staff would not be dependent on the general fund for support during a fiscal crisis.

- The Hawai'i County Department of Finance would continue to have the flexibility to optimize how staff is assigned to support the PONC and Maintenance Funds.

SOME OPPONENTS SAY:

- The term "staff" is ambiguous and doesn't guarantee that a dedicated full-time person would administer the PONC and Maintenance Funds.

- "Staff" could mean that more than one person would be paid a salary, wages, and benefits from the PONC Fund, which could deplete the fund faster, and compromise the purpose of the program to preserve the land and easements.

- Hawai'i County should comply with Article 42 of the Hawai'i County Code: Public Access, Open Space, and Natural Resources Preservation, Section 2-218, and provide adequate staff so that the PONC and Maintenance Funds can be used to acquire more properties and easements.

#7: RELATING TO THE DISCIPLINE OF COUNCIL MEMBERS: Shall the Charter of the County of Hawai'i be amended to allow the County Council to discipline its members through temporary suspension without pay for disorderly or contemptuous behavior or failure to attend three or more council meetings without being excused by the Chair of the County Council?

Charter Commission Summary: This proposal would add an option for the council to police its

members through temporary suspension without pay for disorderly or contemptuous behavior or failure to attend three or more regularly scheduled Council meetings without being excused by the council chair. The commission finds that the council needs a limited mechanism that assists with the established methods of legislating.

Fiscal impact prepared by the Hawai'i County

Department of Finance: Minimal. If this section is utilized, expenditures would be reduced by \$269 per day for Council members and \$296 per day for the Council Chair, based on current salaries set by the Salary Commission.

SOME SUPPORTERS SAY:

- Attending meetings and behaving respectfully are ways to ensure that council members live up to the responsibilities of the office, and the business of the council can proceed without interruptions.
- Council members are paid by taxpayers to represent them by attending meetings.
- This provision does not remove a council member from office. Sanctioning a council member will require an affirmative vote at a public hearing by three-fourths of council members, reducing the possibility that a disciplinary action will be perceived as unfair.
- Increasing accountability will boost public confidence in the council.

SOME OPPONENTS SAY:

- Removing a council member by court action or recall petition is already provided for in the charter.
- Removing a council member is a decision that should be made by the voters by not reelecting him or her.
- Adding this amendment has the appearance of a response to one particular person.

8: RELATING TO THE DEPARTMENT OF INFORMATION TECHNOLOGY: Shall the Charter of the County of Hawai'i be amended by removing the Department of Information Technology oversight of the information systems maintained by the Office of the Prosecuting Attorney and the Police Department?

Charter Commission Summary: This proposal was brought forth by the Prosecuting Attorney and supported by the department of information technology. The proposal would exempt the information technology systems of the office of the prosecuting attorney and the police department from oversight by the department of information

technology. Previous charters have provided for department of information technology oversight of the operations of information technology systems of all county departments and agencies, except for the department of water supply. The information technology systems of the office of the prosecuting attorney and the police department are currently operated by those departments due to the law enforcement functions of those systems. The commission acknowledges the differences inherent in the law enforcement information technology systems from those found in the other county departments. This proposal will assist in more coherent oversight by the department of information technology of the remaining departmental systems.

Fiscal impact prepared by the Hawai'i County

Department of Finance: None. Office of the Prosecuting Attorney and the Police Department currently provide their own information technology services so there should be no increase in cost.

SOME SUPPORTERS SAY:

- For many years, both the office of the prosecuting attorney and the police department have operated independently from the department of information technology. This provision merely establishes in the charter what is already happening.
- Due to the need for greater security, the law enforcement responsibilities of both the office of the prosecuting attorney and the police department require different systems, software, and hardware than other county departments and agencies, making the integration of purchases and training by the department of information technology unnecessary.
- Because the technology systems and needs of the office of the prosecuting attorney and the department of police differ when compared to the other county departments and agencies, there is no need for oversight from the department of information technology.

SOME OPPONENTS SAY: [No arguments against the proposal were found in the minutes of the Hawai'i County Charter Commission.]

#9: RELATING TO THE ESTABLISHMENT OF A DISASTER AND EMERGENCY FUND: Shall the Charter of the County of Hawaii be amended by establishing a Disaster and Emergency Fund for specific and limited purposes, to be funded by an annual appropriation of a minimum of one percent of real property tax revenues?

Charter Commission Summary: This proposal would establish in the charter a disaster and emergency fund, monies for which would be provided by a minimum of one per cent of the certified real

estate tax revenues annually, state and federal grants, the federal emergency management agency, private sources and other sources of revenue. The proposal enables the accumulation of at least \$20 million in the fund. The fund shall be used only for the following purposes in the event of a natural or human-caused disaster or emergency: repair of county facilities and infrastructure; cleaning of county property; providing for immediate response to deal with public health and safety risks; matching federal, state or private grants-in-aid to restore public property; paying for county operational expenses in certain circumstances; acquiring property to mitigate potential disasters or emergencies; and administrative expenses. The fund would be administered by the director of finance. The commission finds that the current fund in the county code does not provide an adequate measure of protection for county infrastructure and residents, and needs to be upgraded as a top priority of county government.

Fiscal impact prepared by the Hawai'i County

Department of Finance: Expenditures would increase by approximately \$3 million per year for an undetermined number of years. Currently \$250,000 is contributed to the Disaster and Emergency fund annually as required by Hawai'i County Code. Based on fiscal year 2021 budgeted real property tax revenue, the total transfer to the Disaster and Emergency fund would be \$3.3 million per year if this amendment was adopted. The actual transfer would be based on actual real property tax revenue collected. It will take approximately five years to reach the \$20 million accumulation called for in the amendment if expenditures are not made from the fund in times of disaster.

Currently the Disaster and Emergency Fund has a fund balance of \$6.5 million. This balance has steadily increased since formed in fiscal year 2006 and the balance has exceeded \$5 million since fiscal year 2014. The fund continues to increase each year even in times of disasters as all reimbursements received from the Federal Emergency Management Agency (FEMA) are returned to the fund to replace the expenditures out of the fund.

If passed, this amendment would require revenues to be increased or expenditures to be decreased to keep the budget balanced. This amendment would bring mandated appropriations to 3.25% of real property tax revenue or approximately \$10.8 million annually.

We have received assistance from the State and Federal government in the past to help in times of disaster. Potential future impacts could include less

State aid as we could be asked to utilize our own resources first.

SOME SUPPORTERS SAY:

- The proposed Disaster and Emergency (D&E) Fund makes sense. Due to climate change, disasters will be more frequent and bigger. Having an adequate reserve reduces the need to seek and obtain funding to address emergencies or disasters at the worst possible time.
- The reserve will be built up over time, but funds will be available for use before the \$20 million minimum is reached.
- The present disaster fund established by county code is insufficient and will not meet projected needs. This proposal will establish and adequately fund the D&E Fund in the Charter of Hawai'i County.
- A D&E Fund reduces the possibility that policy-makers will consider raiding other specific-use funds, such as the Public Access, Open Space, and Natural Resources Preservation Commission (PONC), when a disaster occurs.
- The County could have a healthier balance sheet that might translate into better bond ratings, which reduces the County's borrowing costs.

SOME OPPONENTS SAY:

- The proposal limits D&E Fund expenditures to prescribed activities, including county operational expenses, and acquisition, repair, or restoration of county physical property. No support is proposed for impacted individuals, families, or businesses.
- Dedicating one percent of property tax revenues to the D&E Fund until it reaches the targeted \$20 million will leave less revenue to fund other county expenditures, including those for police, fire, county government operations, and the funding of employee health and retirement benefits.
- When funds are used, the one percent slice of property tax revenues starts again until the fund once again reaches \$20 million. This fund rebuilding begins the year after a disaster occurs, a time when property has been damaged and businesses are rebuilding. County tax revenues might be lower.
- This proposal should include provisions to increase transparency about how disaster funds are spent.
- The \$20 million cap is not enough. Based on the number and size of recent disasters in Hawai'i, \$30 million is closer to the real need.

#10: RELATING TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION MAINTENANCE FUND: Shall the Charter of the County of Hawai'i be amended to provide the Department of Finance full management responsibilities for the Public Access, Open Space, and Natural Resources Preservation Maintenance fund and to expand the purposes for which the fund may be expended?

Charter Commission Summary:

This proposal would change the responsibility for administering the maintenance fund from the Department of Parks and Recreation to the Department of Finance. In addition, expenditures directly related to the purpose of public safety maintenance and preservation of lands and easements acquired by the public access, open space, and natural resources preservation fund would include building and installing toilet facilities, maintenance equipment storage sheds, weather protection structures, and creating trails and paths for land access. This proposal further refines the procedures by which stewardship grants are applied for and processed, to include requiring a detailed business plan and returning unexpended funds to the maintenance fund within 30 days of the final report. The commission finds that placing the maintenance fund in the department of finance and expanding the purposes for which the maintenance fund may be expended is in the best interest of the public access, open space, and natural resources preservation program.

Fiscal impact prepared by the Hawai'i County

Department of Finance: The transfer of responsibilities from the Department of Parks and Recreation to the Finance Department should not have a significant impact on expenditures. As interest in the stewardship grants continues to grow and the projects become more complex, there could be a need for additional staff time and resources in the future. The amendment adds more allowable uses, which could impact the amount available for stewardship grants in the future.

SOME SUPPORTERS SAY:

- Increases efficiency and improves accountability by centralizing the operations and administration of the Public Access, Open Space, and Natural Resources Preservation Maintenance Fund (PONC Maintenance Fund) within the Hawai'i County Department of Finance, and tightens requirements and oversight of the nonprofit stewardship grants program.
- The proposed changes in the permitted uses of the PONC Maintenance Fund are based on recommendations from the nonprofit stewardship organizations, and would increase the public use and enjoyment of the preserved lands and easements.
- Nonprofit stewardship organizations participating in the PONC stewardship grants program would be allowed to compensate an officer, board member, or employee for work identified in their approved business plans, which would provide more consistent, reliable, and sustainable support for the stewardship programs. The proposed change would also benefit rural and economically depressed communities on the Big Island, and ensure that those

who have local knowledge and expertise remain engaged in the stewardship of the preserved lands.

SOME OPPONENTS SAY:

- Permitting the nonprofit stewardship organizations to compensate volunteers would increase PONC expenditures and could potentially deplete the PONC Maintenance Fund, which is needed to buy materials, equipment, and supplies to preserve and maintain the safety of the acquired lands and easements.
- The expanded permitted uses of the PONC Maintenance Fund should include more protections to ensure that inappropriate structures are not built on sites with very sensitive cultural and natural resources.
- A fundamental structure and organization of the PONC and Maintenance Funds should be established in the Charter of the County of Hawai'i. Details that go beyond this framework should be included in the Hawai'i County Code, which provides a more timely and responsive way to make amendments through the ordinance process with the approval of the Mayor and County Council.

#11: RELATING TO MANDATORY CHARTER REVIEWS: Shall the Charter of the County of Hawai'i be amended to align the process by which the County Charter Commission conducts its review of the Hawai'i County Charter with the current requirements of State law?

Charter Commission Summary: *This proposal would more clearly define the process by which the county charter commission conducts its decennial review of the Hawai'i County Charter. The commission finds that the charter review process identified in Hawai'i Revised Statutes (HRS), Chapter 50 and previous Hawai'i County Charters was potentially ambiguous. Consequently, the proposal would augment current charter review procedures by more closely aligning the commission's charter review timeline and process with the HRS structure established for initial charter development. In addition, the commission finds that appointing the commission in July of the year prior to the charter review year does not provide additional time for the commission's work, due to a state requirement that the review be accomplished within one year. As a result, the proposal would have the commission be appointed in January of the charter review year, which would allow for the completion of the commission's review and development of ballot language in time for the electors of the county to vote on any proposed amendments during the general election of the year following the charter review year.*

Fiscal impact prepared by the Hawai'i County Department of Finance: Minimal. The Charter Commission would be appointed approximately 6 months later but would be limited to one year to prepare their proposed amendments, which may or may not impact the number of meetings held compared to previous Charter Commissions. Costs for each meeting are minimal and limited primarily to mileage payments for the members to get to the meetings.

The amendment also requires review and the option for proposing alternatives by the County Council. This process could increase the length of future Council meetings in the year of the charter review. The costs to stream and record the meetings are a set rate per year, however, the cost to provide the captioning is \$145 per hour.

SOME SUPPORTERS SAY:

- This proposal establishes in the Hawai'i County Charter protocols and procedures, based on Chapter 50 of the Hawai'i Revised Statutes, to clarify ambiguous language in the Charter of the County of Hawai'i relating to the charter revision timeline and process, and provides a structure for the Charter Commission to conduct its work.

SOME OPPONENTS SAY:

- The deadlines established for the Hawai'i County Charter Commission to propose charter amendments might not provide adequate time for: (a) the public to respond to proposed charter amendments; (b) the County Council to respond and offer alternative amendments; and (c) voters to learn about the proposed amendments before election day.

#12: RELATING TO CORPORATION COUNSEL: Shall the Charter of the County of Hawai'i be amended to require that qualifications to serve as the Corporation Counsel include being licensed to practice law for at least five years and having at least three years of supervisory experience?

Charter Commission Summary: *This proposal would provide additional qualification requirements associated with legal and administrative experience. This proposal was brought forth by the Corporation Counsel. The commission finds that the Corporation Counsel should have the acumen to handle the myriad of legal issues that the county handles on a daily basis, and the skills to manage, supervise, and operate a governmental legal department. Further, the durations of experience for legal and administrative functions exercised by the corporation counsel noted in the proposal are reasonable minimum qualifications.*

Fiscal impact prepared by the Hawai'i County Department of Finance: None. The additional experience requirements are not expected to require an increase in salary that is set by the Salary Commission.

SOME SUPPORTERS SAY:

- Expanding and defining the minimum qualifications for the Corporation Counsel provide guidelines that are consistent with similar positions in the private sector.
- The updated job requirements for Corporation Counsel better reflect the importance of the position's administrative duties.
- Using nonspecific wording (such as "responsible administrative capacity") provides County Council members some flexibility when assessing the administrative experience of candidates for Corporation Counsel.

SOME OPPONENTS SAY:

- Delineating Corporation Counsel job qualifications may limit the ability of the Mayor to appoint a candidate deemed to be appropriate.
- Using an ambiguous term, such as "responsible administrative capacity," does not provide useful guidance.
- Meeting the requirement for supervisory experience might exclude otherwise well-qualified candidates.

#13: RELATING TO THE HAWAII FIRE DEPARTMENT: Shall the Charter of the County of Hawai'i be amended to modify Fire Department functions, Fire Chief qualifications, and Fire Commission powers and duties?

Charter Commission Summary: *This proposal would add water safety as a core function of the fire department, provide for additional minimum qualification requirements for fire chief selection, and clarify fire commission powers, duties, and functions. The proposals were brought forth by the fire chief and fire commission. The commission finds that the addition of the water safety as a core function of the fire department provides clarity within the county for this important safety function. The addition of minimum education and experience requirements substantially equivalent to a bachelor's degree, ensures appropriate capacity to manage, supervise, and operate an organization responsible for first response capabilities throughout the island and off its shores. The refinements to the fire commission's powers, duties, and functions in the charter removes vague language pertaining to the fire commission's oversight responsibilities.*

Fiscal impact prepared by the Hawai'i County Department of Finance: None. Water safety is

currently under the Fire Department and included in their budget. This change is not expected to impact expenditures. The additional experience requirements are not expected to require an increase in salary that is set by the Salary Commission.

SOME SUPPORTERS SAY:

- Adding water safety as a core function of the Fire Department is of critical importance, particularly since the loss of the Coast Guard operations on the island.
- This proposal aligns the charter language with current practice, as the Hawai'i County Fire Department already focuses on water safety, providing training and equipment.
- The qualification of education and experience equivalent to a bachelor's degree for the Fire Chief is in line with requirements for some department heads.
- Permitting the Fire Commission to waive residency requirements widens the applicant pool.

SOME OPPONENTS SAY:

- The qualification of education and experience equivalent to a bachelor's degree is excessive.
- The qualification for the police chief, for example, is only five years of law enforcement work and three years in an administrative capacity.
- The education requirement should be more specific, stating that the applicant for fire chief must have at least a four-year degree in a related field.
- Permitting the Fire Commission to waive residency requirements means that Hawai'i County residents lose their advantage for possible hire.

#14: RELATING TO MEMBERSHIP ON BOARDS AND COMMISSIONS: Shall the Charter of the County of Hawai'i be amended to remove political party membership limits for the makeup of County boards and commissions?

Charter Commission Summary: This proposal would remove the language in the sections regarding boards and commissions and mandatory charter reviews requiring that no more than a bare majority of members of these boards and commissions shall belong to the same political party. The commission finds that when the charter was first established, ensuring fair representation of political minorities on county boards and commissions was consistent with the partisan nature of county government. With the advent of non-partisan elections for county electoral offices, the charter language has become obsolete and may impede the ability to achieve other types of diverse representation to the membership of county boards and commissions.

Fiscal impact prepared by the Hawai'i County Department of Finance: None.

SOME SUPPORTERS SAY:

- All County of Hawai'i elected offices, such as Mayor, Council, and Prosecuting Attorney, are non-partisan. The proposal will remove partisan distinctions for boards and commissions.
- It is more important to find qualified people to serve on county boards and commissions than to fill quotas.

SOME OPPONENTS SAY:

- The proposal removes the protection of diverse voices on boards or commissions.
- The current language prevents partisan politics. We should not regress by removing these protections.

#15: RELATING TO THE CAPITAL BUDGET AND CAPITAL PROGRAMS: Shall the Charter of the County of Hawai'i be amended to require that capital improvement priorities be based on criteria aligned with the County General Plan, County community development plans, emergency expenditures, and other pertinent functional plans?

Charter Commission Summary: This proposal would add language to the capital budget section of financial procedures that requires that capital improvement priorities be based on criteria aligned with the county general plan, county community development plans, emergency expenditures, and other pertinent functional plans. The commission finds that there is a need to strengthen the linkage between planning and programming in the charter. This proposal would provide that linkage, while assuring flexibility in budgeting.

Fiscal impact prepared by the Hawai'i County

Department of Finance: None known. This amendment changes the way the projects are prioritized in the capital budget. The amount to be spent on the capital projects is limited by debt service in the operating budget and the County's borrowing capacity.

SOME SUPPORTERS SAY:

- By requiring that projects undertaken be in sync with the guidelines set by the long range planning documents of the county, capital improvement funds would be better allocated according to the public need rather than in response to immediate pressure or lobbying.
- Provides flexibility to allow capital improvement funds to be used for emergency expenditures.

SOME OPPONENTS SAY:

- The wording is too vague to be considered a guide for allocating capital improvement funds. Projects that are clearly supported by the general plan and

community development plans can easily be bypassed by simply designating another project as an “emergency expenditure” or included in an “other pertinent functional plan.” Community-identified projects could languish for years before being funded.

#16: RELATING TO THE BOARD OF ETHICS: Shall the Charter of the County of Hawai‘i be amended to clarify that the rules of procedure of the Board of Ethics shall have the force of law and grant the Board of Ethics authority to impose civil fines for violations of the Code of Ethics?

Charter Commission Summary: *This proposal would address staggered terms of board members, clarify the force and effect of law of the board’s rules of procedure, provide for imposition of civil fines for violations of the code of ethics, and remove transitional language. Elements of the proposal have been brought forth by the board of ethics. The commission finds that the board of ethics needs to have remedies available to it to both handle and deter violations of the code of ethics. Also, the removal of the transitional phrasing is mitigated by the clarifying of the need for staggered terms. Finally,*

language regarding the board’s rules of procedure affirms that the rules have the force and effect of law.

Fiscal impact prepared by the Hawai‘i County Department of Finance: The imposition of civil fines could increase revenues if the fines are collected. The amount is unknown until the Board of Ethics’ rules are adopted.

SOME SUPPORTERS SAY:

- The proposed change would strengthen the Board of Ethics’ authority and independence by clarifying that the Board’s rules of procedure have the force of law and by including the imposition of civil fines for violators in the Hawai‘i County Charter.
- The Board would be allowed to designate its opinions as “advisory” or “formal”, which would clarify whether or not an opinion is a violation.
- Obsolete language from the Charter of the County of Hawaii is removed to clarify that Board members serve staggered terms of five years.

SOME OPPONENTS SAY: [No arguments against the proposal were found in the minutes of the Hawai‘i County Charter Commission]

Election Information

**General Election * Tuesday, November 3, 2020
October 5, 2020 • Last Day to Register to Vote
October 16, 2020 • Ballot Packets Mailed
October 20, 2020 • Voter Service Centers Open
November 3, 2020 • Ballots Must Be Received by 7:00 PM!!**

Hawai‘i County Office of Elections: <https://www.hawaiicounty.gov/our-county/legislative/office-of-the-county-clerk/elections-information/voter-registration>

For more voter information visit
<https://my.lwv.org/hawaii/hawaii-county>



The League of Women Voters is a nonpartisan political organization that encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.
<https://my.lwv.org/hawaii/hawaii-county>