August 4, 2020

Mr. Jon Henricks
County Clerk
County of Hawai‘i
25 Aupuni Street Room 1402
Hilo, Hawai‘i 96720

RE: Transmitting Ballot Questions for Proposed Amendments to the Hawai‘i County Charter

Dear Mr. Henricks:

Please find attached the ballot questions for proposed amendments to the Hawai‘i County Charter, which were adopted by the 2018-2020 Hawai‘i County Charter Commission on July 24, 2020. Also attached are description summaries of the proposed amendments and the full text of the proposed amendments, which are both available for publishing in two newspapers of general circulation not less than 45 days prior to the election as required by Hawai‘i County Charter and in a newspaper of general circulation not less than 21 days prior to the election as required by Hawai‘i Revised Statutes.

The proposed amendments were previously provided to your office by transmittal letter of August 23, 2019. The text of the proposed amendments has not changed, but the ballot questions and description summaries recognize the consolidation of some of the proposed amendments into a single proposed amendment and the renumbering of the proposed amendments into a sequential order.

I submit these ballot questions, full text of the proposed amendments, and description summaries in their final form to the Hawai‘i County Clerk on behalf of the 2018-2020 Hawai‘i County Charter Commission, pursuant to Hawai‘i Revised Statutes Section 50-10 and Hawai‘i County Charter Section 15-3.

respectfully,

Douglass Shipman Adams
Chair

Hawai‘i County is an Equal Opportunity Provider and Employer
PROPOSAL NO. 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?

This proposal would correct certain technical, linguistic, and grammatical issues in the Charter.

PROPOSAL NO. 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?

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.
PROPOSAL NO. 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?

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.

PROPOSAL NO. 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?

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 Fire Commission and Police 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.

PROPOSAL NO. 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?

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.
PROPOSAL NO. 6

RELATING TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND: Shall the Charter of the County of Hawaiʻi 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?

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 Hawaiʻi 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.

PROPOSAL NO. 7

RELATING TO DISCIPLINE OF COUNCIL MEMBERS: Shall the Charter of the County of Hawaiʻi 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 regularly scheduled County Council meetings without being excused by the Chair of the County Council?

This proposal would add an option for the council to discipline 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.
PROPOSAL NO. 8

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

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 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.

PROPOSAL NO. 9

RELATING TO THE ESTABLISHMENT OF A DISASTER AND EMERGENCY FUND: Shall the Charter of the County of Hawaiʻi 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?

This proposal would establish in the charter a disaster and emergency fund, monies for which would be funded by an annual appropriation of a minimum of one percent of certified real estate tax revenues, 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 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.
PROPOSAL NO. 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?

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 thirty 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.

PROPOSAL NO. 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?

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 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.
PROPOSAL NO. 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?

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.

PROPOSAL NO. 13

RELATING TO THE HAWAI‘I 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?

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.
PROPOSAL NO. 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?

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 bring diversity of other kinds to the membership of county boards and commissions.

PROPOSAL NO. 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?

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.
PROPOSAL NO. 16

RELATING TO THE BOARD OF ETHICS: Shall the Charter of the County of Hawaiʻi 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?

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.
BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article III, Section 3-2, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 3-2. Composition and Terms.
There shall be a county council composed of nine members. [One member shall be elected from each of nine districts.] There shall be nine council districts, each of which shall be represented by a resident elected from that district. The terms of the council members shall be two years and shall begin at twelve o’clock meridian on the first Monday of December after their election. The terms of the council members shall not exceed four consecutive two year terms. Candidates shall be elected in accordance with the election laws of the state, insofar as applicable.”

Section 2. Article III, Section 3-17, of the Hawai‘i County Charter (2018 Edition), is amended by amending subsection (c) to read as follows:

“(c) Each subsequent redistricting commission shall consist of nine members. [One member shall be a resident of each council district] Each of the nine council districts shall be represented by a resident appointed from that district, as established by the previous redistricting commission. The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4.”

Section 3. Article III, Section 3-18, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

(a) There is established within the legislative branch an independent office of the [legislative] county auditor to be headed by a [legislative] county auditor who shall be appointed by the county council and shall serve for a period of six years, and thereafter, until a successor is appointed. The council, by a two-thirds vote of its membership, may remove the [legislative] county auditor from office at any time for cause.

(b) The [legislative] county auditor shall possess adequate professional proficiency for the office demonstrated by relevant certification, such as certification as a certified internal auditor or certified public accountant or an advanced degree in a relevant field, and at least three years of general auditing experience which shall include a minimum of one year’s experience in the field of government auditing. A certified
internal auditor or certified public accountant shall be preferred. All financial audits shall be conducted by a certified public accountant.

(c) The [legislative] county auditor shall submit an annual budget to the county council. The [legislative] county auditor on behalf of the county council shall hire the necessary staff for which appropriations have been made by the county council.

(d) The [legislative] county auditor shall conduct or cause to be conducted:
   (1) The annual financial audit of the county, as required in Article X, Financial Procedures, Section 10-13, Post-audit.
   (2) Performance and/or financial audits of the funds, programs, services, and operations of any county agency, executive agency, or program, as set forth by the [legislative] county auditor in an annual audit plan that shall be transmitted to the county council and the mayor and filed with the county clerk as a public record.
   (3) Follow-up audits and monitoring of responses to audit recommendations by audited entities.

(e) For purposes of this section, “county agency” or “executive agency” includes any office, department, board, commission, agency, semi-autonomous agency, or other governmental unit of the county in the executive or legislative branch that is supported, in whole or in part, by county funds.

(f) For purposes of carrying out any audit, the [legislative] county auditor shall have:
   (1) Full, free, and unrestricted access to any county officer or employee.
   (2) Full, free, and unrestricted access to and authority to examine and inspect any record of any county agency, executive agency, or program except for any record protected from disclosure by law, rule or privilege.
   (3) Full, free, and unrestricted access to and authority to examine and inspect any property, facility, or equipment of any county agency, executive agency, or program pertinent to the audit or to a contract.
   (4) Full, free, and unrestricted access to and authority to administer oaths and subpoena witnesses and compel the production of records pertinent thereto. If any person subpoenaed as a witness or compelled to produce records shall fail or refuse to respond thereto, the proper court, upon request of the county auditor, shall have the power to compel obedience to any process of the county auditor and to punish, as a contempt of the court, any refusal to comply therewith without good cause. The county auditor may retain special counsel, in the manner authorized by the council, to represent the county auditor in implementing these powers.

(g) The [legislative] county auditor shall conduct or cause to be conducted all audits in accordance with government auditing standards, and shall set forth final audit findings and recommendations in written reports, copies of which shall be transmitted to the county council and the mayor and filed with the county clerk as public records.”
Section 4. Article V, Chapter 2, Section 5-2.2, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 5-2.2. Cost of Government Commission.

For the purpose of carrying out the policy set forth herein the mayor with the approval of the council shall appoint a cost of government commission consisting of nine members. [One member shall be a resident of each council district.] Each of the nine council districts shall be represented by a resident appointed from that district. The managing director shall be an ex-officio member of the commission. The office of the mayor shall provide administrative and clerical services to the commission.

Each commission shall:
(a) Prepare and submit to the mayor a request for an appropriation for the operation of the commission.
(b) Study and investigate the organizations and methods of operations of all departments, commissions, boards, offices and other instrumentalities of all branches of the county government and determine what changes, if any, may be desirable to accomplish the policy set forth herein.
(c) Be authorized to secure directly from any department, commission, board, office or any other instrumentalities of all branches of the county government or from any individual officer or employee of the county, information, suggestions, estimates, and statistics necessary to carry out its duties.
(d) Submit a report of its findings and recommendations to the mayor, managing director and council not later than eleven months after its appointment.”

Section 5. Article VI, Chapter 4, Section 6-4.3, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 6-4.3. Qualifications.
The director of information technology shall have had a minimum of five years of experience in the field of [electronic data processing, telecommunications] information technology, communications networking, and development, implementation and operation of [business-oriented] enterprise-oriented applications, at least three years of which shall have been in an administrative and managerial capacity in a [computer system] technology environment at least comparable to that of the county’s system.”

Section 6. Article VI, Chapter 4, Section 6-4.4, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 6-4.4. Powers, Duties, and Functions.
The director of information technology shall:
(a) Operate the [central data processing] network system, and coordinate and oversee the operations of departmental [data processing systems] technology, except for those systems maintained by the department of water supply.
(b) Provide technical expertise in [data processing and telecommunication] information technology to applicable departments and agencies of the county.

(c) Assist in the development of [management information.] an information technology workforce and a services-oriented infrastructure.

(d) Advise the mayor on matters related to [data processing and telecommunication.] information technology.

(e) Perform such other duties as may be required by law.”

Section 7. Article VI, Chapter 7, Section 6-7.5, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 6-7.5. Duties and Functions of the Windward and Leeward Planning Commissions.

(a) Both commissions shall:

(1) Advise the mayor, council and the planning director on planning and land use matters pursuant to law and this charter.

(2) Review the general plan, its amendments and other plans and modifications thereof and transmit such plans with recommendations thereon through the mayor to the council for consideration and action.

(3) Review proposed subdivision and zoning ordinances and amendments thereto and transmit such ordinances with recommendations thereon through the mayor to the council for consideration and action.

(4) Conduct public hearings in every case prior to action on any matter upon which the commission is required by law or this charter to act. Notice of the time and place of the hearing shall be published at least ten days prior to such hearing in at least two daily newspapers of general circulation in the county and shall also be distributed via an electronic medium, such as the Internet.

(5) Perform such other related duties and functions as may be necessary or required pursuant to law and this charter.

(b) A uniform body of rules of practice and procedure, except for meeting places and times, shall apply to both commissions. Uniform rules of practice and procedure shall be adopted by a majority vote of the combined membership of the windward planning commission and the leeward planning commission, meeting jointly. [The existing rules of practice and procedure of the Hawai‘i county planning commission, except for meeting places, shall apply to both commissions until the new uniform rules of practice and procedure are adopted.]

(c) Each planning commission shall review and take action upon applications for land use changes and community development plans involving only property within their respective jurisdictions, other than those involving the general plan. If an application for a land use change or a community development plan includes land within the jurisdiction of both the windward planning commission and the leeward planning commission, the application shall be considered by both commissions meeting jointly and action shall require the affirmative vote of a majority of the combined membership of the two commissions. All amendments to the general plan or the adoption of a new general plan shall be considered by each planning commission separately. If the amendments or adoption requires the affirmative vote of a majority of the combined membership of the two commissions, it shall be approved by a majority of the combined membership of the two commissions meeting jointly. [The existing rules of practice and procedure of the Hawai‘i county planning commission, except for meeting places, shall apply to both commissions until the new uniform rules of practice and procedure are adopted.]
commission, meeting separately, and each commission shall make its own recommendation to the council. Each planning commission, meeting separately, shall make its own recommendations to the council on changes to the subdivision and zoning codes and any other planning or land use matters which apply generally and not to a specific area. The planning director shall determine which commission shall take jurisdiction over any matters when not fully established by the charter.”

Section 8. Article VI, Chapter 7, Section 6-7.6, of the Hawai‘i County Charter (2018 Edition), is repealed:

[Section 6-7.6. Transitional Provisions.]
(a) The existing planning commission shall remain in effect and continue to hear and decide matters pursuant to Section 6-7.3, Hawai‘i County Charter (2000), until April 1, 2009, the date upon which the windward planning commission and the leeward planning commission becomes effective. Matters pending before the existing planning commission that are not finally decided by April 1, 2009, will be transferred to the windward or leeward planning commissions, as appropriate to be finalized.
(b) Members of the existing planning commission whose terms will not have expired on April 1, 2009, shall hold over and continue to serve the remainder of their respective terms on the windward and the leeward planning commissions, duly assigned according to their respective residence address.
(c) If there shall exist vacancies on either the windward planning commission or the leeward planning commission not filled by term hold over, the mayor shall appoint the remaining members of the windward planning commission and the leeward planning commission in accordance with Section 13-4, Hawai‘i County Charter (2000).”

Section 9. Article VI, Chapter 9, Section 6-9.3, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 6-9.3. Game Management Advisory Commission.
There shall be a game management advisory commission consisting of nine members who shall be appointed by the mayor and confirmed by the council. [One member shall be a resident of each council district.] Each of the nine council districts shall be represented by a resident appointed from that district. The terms of the members shall be as prescribed in Section 13-4. The commission shall select its chairperson from its voting members, and five voting members shall constitute a quorum.
For the benefit of present and future generations, the game management advisory commission shall advise County, State and Federal agencies on matters related to the preservation of subsistence hunting and fishing, as well as protecting traditional and cultural gathering rights. The commission may also advise County, State, and Federal agencies on any matter affecting the taking and conservation of aquatic life and wildlife, including proposed rules, and shall communicate its findings and recommendations to these agencies. The commission shall promulgate recommendations that conserve and protect the natural and cultural resources of Hawai‘i in furtherance of the self-sufficiency
and long-term subsistence sustainability of aquatic life and wildlife in the County. The commission shall provide reports or legislative recommendations to the council as necessary, or at least quarterly."

**Section 10.** Article VI, Chapter 10, Section 6-10.5, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

**“Section 6-10.5. Environmental Management Commission.**

There shall be an environmental management commission consisting of nine members who shall be appointed by the mayor and confirmed by the council. [One member shall be a resident of each council district.] Each of the nine council districts shall be represented by a resident appointed from that district. The terms of the members shall be as prescribed in Section 13-4. The environmental management commission shall advise the department on waste reduction strategies, recycling, litter control, community involvement, and other issues related to the functions of the department, and shall exercise any other powers related to the functions of the department that may be delegated to it by ordinance.”

**Section 11.** Article VII, Chapter 2, Section 7-2.2, of the Hawai‘i County Charter (2018 Edition), is amended by amending subsection (a) to read as follows:

“(a) The police commission shall consist of nine members. [One member shall be a resident of each council district.] Each of the nine council districts shall be represented by a resident appointed from that district. The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4.”

**Section 12.** Article VII, Chapter 3, Section 7-3.2, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

**“Section 7-3.2. Liquor Commission.**

There shall be a liquor commission consisting of nine members who shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4. [One member shall be a resident of each council district.] Each of the nine council districts shall be represented by a resident appointed from that district. The liquor commission shall:

(a) Adopt rules and regulations having the force and effect of law for the administration of liquor control in the county and to carry out provisions of the liquor control laws of the State.

(b) Grant, renew or refuse applications for licenses for the manufacture, importation and sale of liquor in the county under applicable laws and regulations.

(c) Have such other powers and duties as may be provided by law, not in conflict with the provisions of this section.”

6
Section 13. Article VII, Chapter 4, Section 7-4.5, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 7-4.5. Fire Commission.
There shall be a fire commission, which shall consist of nine members. [One member shall be a resident of each council district.] Each of the nine council districts shall be represented by a resident appointed from that district. The commission may appoint such staff and engage such consultants as necessary for the performance of its duties. The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4.”

Section 14. Article VIII, Section 8-2, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 8-2. Water Board.
The water board shall consist of nine members who shall be appointed by the mayor with the approval of the council in the manner prescribed in Section 13-4. [One member shall be a resident of each council district.] Each of the nine council districts shall be represented by a resident appointed from that district. The manager-chief engineer of the department of water supply, the planning director and the director of public works or their designated representatives shall serve as ex-officio members of the water board without power to vote. The water board shall:
(a) Manage, control and operate the waterworks of the county and all property thereof.
(b) Adopt rules and regulations which shall have the force and effect of law relating to the management, control, operation, preservation and protection of the waterworks of the county.
(c) Adopt an annual operating and capital budget for the department, subject to the hearing and advertising provisions of Section 10-4.
(d) Have the power to acquire by eminent domain, purchase, lease or otherwise, and to sell, lease, or otherwise convey real property in the name of the water board.
(e) Have the authority to issue revenue bonds under the name of the water board.
(f) Have such other powers and duties as may be provided by law.”

Section 15. Article XI, Section 11-5, of the Hawai‘i County Charter (2018 Edition), is amended by amending subsection (b) to read as follows:

“(b) For acceptance of petitions, the clerk shall require that:
(1) The petitions indicate the five members of the committee for that petition by name and residence address as they appear on the general county register for the County of Hawai‘i.
(2) The petitions indicate the designated representative for the committee and the address to which all notices for the committee are to be sent.
(3) The petitions be filed on papers of uniform size and style and assembled as one instrument.

(4) Each elector signing such petitions shall print their name, which shall be reasonably similar to their name as it appears on the general county register for the County of Hawai‘i, and add their signature[ , and month and day of their birth date[ , and the last four digits of their social security number] on said petition.

(5) The petition contains a prominent notice stating whether one or more petition circulators are to be paid. Paid means monetary payment or payment of goods and services. Pay for petition circulators shall not be based on the number of signatures collected.

(6) The petition contain the ballot title and the ballot question.

(7) Each page of the completed petition form shall be numbered consecutively.”

Section 16. Article XI, Section 11-5, of the Hawai‘i County Charter (2018 Edition), is amended by amending subsection (c) to read as follows:

“(c) For purposes of certification, any petition shall be found insufficient that:

(1) Is signed by registered voters of the county equal in number to less than fifteen percent of the number of persons who voted for the office of Mayor in the last Mayoral election.

(2) Proposes, or requests [ appeal] repeal of, an ordinance not subject to the powers of initiative or referendum.”

Section 17. Article XII, Section 12-1.3, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 12-1.3. Signatures.
Signers of a recall petition shall print their name, which shall be reasonably similar to their name as it appears on the general county register for the County of Hawai‘i, and add their signature, residence address, and month and day of their birth date[ , and the last four digits of their social security number] on said petition. To each such petition paper there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper was made in the circulator’s presence and is believed to be the genuine signature of the person whose name it purports to be, and that each signer understood the nature of the recall petition.”

Section 18. Article XIII, Section 13-28, of the Hawai‘i County Charter (2018 Edition), is amended by amending subsection (b) to read as follows:

“(b) [One member shall be a resident of each council district.] Each of the nine council districts shall be represented by a resident appointed from that district. In addition, the director of human resources and deputy director of human resources shall serve as ex-officio members of the commission in an advisory capacity.”
Section 19. Charter material to be repealed is bracketed and stricken through. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the brackets, bracketed and stricken material, or underscoring.

Section 20. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 21. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 22. This amendment shall take effect upon approval by the electorate.
Proposal No. 2: RELATING TO COUNCIL MEETING LOCATIONS

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article III, Section 3-7, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 3-7. Meetings; Rules and Journal; Voting and Quorum.

The county council shall meet regularly at least twice in every month at such times and places as shall be established by rule of the council, [and meet at least quarterly in the judicial district of North Kona or South Kona.] provided that the council shall hold an equal number of its regularly scheduled meetings in east Hawai‘i and west Hawai‘i. The council shall determine its rules and order of business and shall provide for keeping a journal of its proceedings, which shall be a public record, in which the ayes and noes shall be entered as required by this charter or at any other time upon the demand of any member. The affirmative vote of a majority of the entire membership shall be necessary for council action. A majority of the entire membership of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members. Whenever the term “entire membership” appears in this charter pertaining to council voting, it means the entire membership of nine members, even if there are vacancies.”

Section 2. Charter material to be repealed is bracketed and stricken through. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the brackets, bracketed and stricken material, or underscoring.

Section 3. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 4. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 5. This amendment shall take effect upon approval by the electorate.
BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article VI, Chapter 8, Section 6-8.3, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 6-8.3. Powers, Duties and Functions.

   The director of research and development shall:
   (a) Collect and develop data necessary for managerial and legislative decision-making, and program and policy-making.
   (b) [Provide staff leadership for] In collaboration and coordination with federal and state agencies as well as the private sector, advance public and private development programs, enterprises and plans, [including economic, social and cultural proposals, which] that enhance and improve the [county community:] county’s environmental, cultural, community, and economic sustainability and resilience.
   [(e) Coordinate informational and regulatory knowledge of all federal and state grant-in-aid participation programs which affect the county.]”

Section 2. Charter material to be repealed is bracketed and stricken through. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the brackets, bracketed and stricken material, or underscoring.

Section 3. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 4. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 5. This amendment shall take effect upon approval by the electorate.
Proposal No. 4: RELATING TO AUTHORITY OF POLICE AND FIRE COMMISSIONS

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAIʻI:

Section 1. Article VII, Chapter 2, Section 7-2.3, of the Hawaiʻi County Charter (2018 Edition), is amended to read as follows:

“Section 7-2.3. Chief of Police and Deputy.
(a) The chief of police shall be appointed by the police commission and may be disciplined or removed by the police commission at its sole discretion.
(b) Any motion for discipline or removal of the chief of police must contain a statement of reasons, and the commission shall not vote to discipline or remove the chief of police unless the chief of police has been given an opportunity to respond to the statement of reasons at a hearing before the commission.
(c) The deputy shall be appointed by the chief of police with the confirmation of the police commission and may be removed by the chief of police with the approval of the commission, without cause being stated.
(d) The chief of police shall have had a minimum of five years of training and experience in law enforcement work, including at least three years in a responsible administrative capacity.”

Section 2. Article VII, Chapter 4, Section 7-4.3, of the Hawaiʻi County Charter (2018 Edition), is amended to read as follows:

“Section 7-4.3. Fire Chief.
(a) The fire chief shall be appointed by the fire commission and may be disciplined or removed by the fire commission at its sole discretion.
(b) Any motion for discipline or removal of the fire chief must contain a statement of reasons, and the commission shall not vote to discipline or remove the fire chief unless the fire chief has been given an opportunity to respond to the statement of reasons at a hearing before the commission.
(c) The fire chief shall have had a minimum of five years of training and experience in fire control, including at least three years of experience in a responsible administrative capacity.”

Section 3. Charter material to be repealed is bracketed and stricken through. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawaiʻi (2020), the revisor need not include the brackets, bracketed and stricken material, or underscoring.
Section 4. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 5. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 6. This amendment shall take effect upon approval by the electorate.
BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article III, Section 3-2, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 3-2. Composition and Terms.

There shall be a county council composed of nine members. One member shall be elected from each of nine districts. The terms of the council members shall be [two] four years and shall begin at twelve o’clock meridian on the first Monday of December after their election. The terms of the council members shall not exceed [four] two consecutive [two] four year terms. Candidates shall be elected in accordance with the election laws of the state, insofar as applicable.”

Section 2. Article XVI of the Hawai‘i County Charter (2018 Edition) is amended by adding a new section to be appropriately designated and to read as follows:

“Section 16. Transitional Provisions for Change to Four Year Council Terms; Effect on Incumbent Council Members.

(a) The transition to four-year council terms, with a term limit of two consecutive four-year terms, shall commence at twelve o’clock meridian on December 5, 2022.

(b) A council member elected in the 2014, 2016, 2018, and 2020 first special elections or second special elections shall not be eligible for reelection in 2022.

(c) A council member elected in the 2016, 2018, and 2020 first special elections or second special elections who is reelected in either the first special election or second special election of 2022 shall serve for two years and shall not be eligible for reelection in 2024. An election for the affected council district seat shall be called in 2024, and the person duly elected shall serve a four-year term, pursuant to Section 3-2 of this Charter.

(d) A council member elected in the 2018 and 2020 first special elections or second special elections who is reelected in either the first special election or second special election of 2022 shall serve for four years and shall not be eligible for reelection in 2026.

(e) A council member elected in either the first special election or second special election in 2020 who is reelected in either the first special election or second special election of 2022 shall serve for four years and shall be eligible for reelection in 2026. If the incumbent council member is reelected in 2026, the council member shall serve for two years and shall not be eligible for reelection in 2028. An election for the affected council district seat shall be called in 2028, and the person duly elected shall serve a four-year term, pursuant to Section 3-2 of this Charter.”
Section 3. Charter material to be repealed is bracketed and stricken through. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the brackets, bracketed and stricken material, or underscoring.

Section 4. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 5. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 6. This amendment shall take effect at twelve o’clock meridian on December 5, 2022, and thus apply to terms of office for council members elected in the 2022 first special election or the 2022 second special election.
Proposal No. 6: RELATING TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article X, Section 10-15, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:


(a) In adopting each fiscal year’s operating budget, the council shall appropriate a minimum of two percent of the certified real property tax revenues, including penalty and interest, to a fund known as the public access, open space, and natural resources preservation fund. Deposits to the fund shall occur at a minimum, on a quarterly basis.

(b) Funding shall consist of a minimum of two percent of actual revenue received in the fiscal year. Additional revenue may consist of grants and private contributions intended for the purpose of this section, voluntary contributions of any amount as specified on the real property tax bill, proceeds from the sale of general obligation bonds authorized and issued for the purpose of this section, council appropriations for the purpose of this section, and any other source of revenue.

(c) Monies in this fund shall be used solely to:

(1) Purchase or otherwise acquire lands and easements in the County of Hawai‘i for public outdoor recreation and education, including:
   (A) Access to beaches and mountains;
   (B) Preservation of historic or culturally important land areas and sites;
   (C) Protection of natural resources, significant habitat or eco-systems, including buffer zones;
   (D) Preservation of forests, beaches, coastal areas, natural beauty and agricultural lands; and
   (E) Protection of watershed lands to preserve water quality and water supply.

(2) Pay the principal, interest and premium, if any, due with respect to bonds issued in whole for the purpose of this fund.

(3) Pay for the salary, wages and benefits of staff dedicated to advancing the activities contained within this section and Section 10-16 of this charter.

(d) Any balance remaining in the fund at the end of any fiscal year shall not lapse, but shall remain in the fund accumulating interest from year to year. The moneys in this fund shall not be used for any purpose except those listed in this section.

(e) The council shall by ordinance establish procedures for the administration and expenditure of moneys in this fund.

(f) This fund shall be used for acquisition of land and easements and shall not be used for development, maintenance or for any purpose other than as provided in this section.
(g) The highest and best use of this fund is to leverage the money in the fund by attracting matching funds, although, matching funds are not required in every purchase.

(h) Any land acquired with this fund shall contain the following restrictive covenant in its recorded deed of conveyance: “This land was acquired with moneys from the Public Access, Open Space, and Natural Resources Preservation Fund. It shall be held in perpetuity for the use and enjoyment of the people of Hawai‘i County and may not be sold, mortgaged, traded or transferred in any way.”

(i) Any easement acquired with this fund shall contain the following restrictive covenant in its recorded deed of conveyance: “This easement was acquired with moneys from the Public Access, Open Space, and Natural Resources Preservation Fund. It shall be held in perpetuity for the use and enjoyment of the people of Hawai‘i County and may not be sold, mortgaged, traded or transferred in any way.”

Section 2. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the underscoring.

Section 3. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 4. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 5. This amendment shall take effect upon approval by the electorate.
Proposal No. 7: RELATING TO DISCIPLINE OF COUNCIL MEMBERS

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article III, Section 3-7, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 3-7. Meetings; Rules and Journal; Voting and Quorum.
(a) The county council shall meet regularly at least twice in every month at such times and places as shall be established by rule of the council, and meet at least quarterly in the judicial district of North Kona or South Kona.
(b) The council shall determine its rules and order of business and shall provide for keeping a journal of its proceedings, which shall be a public record, in which the ayes and noes shall be entered as required by this charter or at any other time upon the demand of any member.
(c) The affirmative vote of a majority of the entire membership shall be necessary for council action. A majority of the entire membership of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members. Whenever the term “entire membership” appears in this charter pertaining to council voting, it means the entire membership of nine members, even if there are vacancies.
(d) Upon an affirmative vote of two thirds of its entire membership, the council may suspend without pay for not more than one month any member who:
   (1) Behaves in a disorderly or contemptuous manner in its presence; or
   (2) Fails to attend three or more regularly scheduled council meetings without being excused from attendance by the council chair for each unattended meeting.”

Section 2. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the underscoring.

Section 3. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 4. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 5. This amendment shall take effect upon approval by the elector
BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article VI, Chapter 4, Section 6-4.4, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 6-4.4. Powers, Duties, and Functions.

The director of information technology shall:
(a) Operate the central data processing system, and coordinate and oversee the operations of departmental data processing systems, except for those systems maintained by the department of water supply[;], the office of the prosecuting attorney and the police department.
(b) Provide technical expertise in data processing and telecommunication to applicable departments and agencies of the county.
(c) Assist in the development of management information.
(d) Advise the mayor on matters relating to data processing and telecommunication.
(e) Perform such other duties as may be required by law.”

Section 2. Charter material to be repealed is bracketed and stricken through. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the brackets, bracketed and stricken material, or underscoring.

Section 3. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 4. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 5. This amendment shall take effect upon approval by the electorate.
Proposal No. 9: RELATING TO THE ESTABLISHMENT OF A DISASTER AND EMERGENCY FUND

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article X of the Hawai‘i County Charter (2018 Edition), is amended by adding a new section to be appropriately designated and to read as follows:

“Section 10- . Disaster and Emergency Fund.
(a) In adopting each year’s fiscal operating budget, the council shall appropriate a minimum of one per cent of the certified real property tax revenues to a fund known as the disaster and emergency fund. Additional funds may be deposited into the disaster and emergency fund from state and federal grants, the federal emergency management agency, private sources, and any other source of revenue. Such appropriation shall continue until a minimum of $20,000,000 is accumulated in the fund. Use of the funds for any of the purposes listed in this section may be permitted even if the target goal of $20,000,000 is not met.
(b) Moneys in the disaster and emergency fund shall be utilized only for the following purposes:
   (1) Repair of county facilities and infrastructure damaged by a natural or human-caused disaster or emergency;
   (2) Cleaning of county property, including roads, drainage and sewage systems, damaged by a natural or human-caused disaster or other emergencies when such action serves a public purpose;
   (3) Providing immediate response for services to deal with public health and safety risks due to a natural or human-caused disaster or emergency in the form of personnel, equipment, materials, supplies and service contracts;
   (4) Matching federal, state or private grants-in-aid individually or in any combination to develop or restore public property to a safe and useable condition;
   (5) Paying for operational expenses of the county after a disaster or emergency when the county is unable to realize revenue at sufficient levels due to the disaster or emergency;
   (6) Paying for acquisition of property to mitigate future potential disasters or emergencies; and
   (7) Paying for administrative expenses, which shall not exceed five percent except as indicated in (5) above. For the purposes of this section, administrative expenses are defined as staff or contracted salaries and related fringe benefits.
(c) If the county should receive reimbursement of funds for money advanced by the disaster and emergency fund, those funds shall be deposited into the disaster and emergency fund.
(d) The director of finance shall administer the disaster and emergency fund, which shall include investment of the fund.”

Section 2. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the underscoring.

Section 3. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 4. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 5. This amendment shall take effect upon approval by the electorate.
BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article X, Section 10-16, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:


(a) The purpose of the public access, open space, and natural resources preservation maintenance fund is to accrue and use moneys for maintenance of lands and easements acquired by the public access, open space, and natural resources preservation fund. The maintenance fund will ensure that money is dedicated to preserve the land, promote public safety, and maintain a healthy stewardship.

(b) For the purpose of this section, the following definitions apply:

“Maintenance” means to preserve and conserve lands and easements acquired by the public access, open space, and natural resources preservation fund and keep them in good repair for public safety.

(c) There is established a public access, open space, and natural resources preservation maintenance fund (hereinafter “maintenance fund”). The maintenance fund shall be administered and managed by the department of finance.

(d) Deposits due to the maintenance fund.

(1) In adopting each fiscal year’s operating budget, the council shall appropriate one-quarter of one per cent of all real property tax revenue (including interest and penalties) to the maintenance fund. Deposits to the maintenance fund shall occur on a quarterly basis at a minimum.

(2) Additional revenue deposited in the maintenance fund may consist of grants and private contributions intended for the purpose of this section, proceeds from the sale of general obligation bonds authorized and issued for the purpose of this section, council appropriations for the purpose of this section, and any other source of revenue.

(e) Accounting for the maintenance fund; interest bearing accounts; reporting by the department of finance.

(1) All moneys in the maintenance fund shall be deposited in interest bearing accounts until needed. Any interest shall accrue to the maintenance fund.

(2) Moneys in the maintenance fund shall be identified separately for:

(A) Funding received from the real property tax revenue including interest and penalties; and
(B) Funding received from grants and private contributions, and any other source of revenue, and its interest earned, which:
   i. Shall be itemized and earmarked for specific projects for the lands or easements.
   ii. Shall not be subjected to the maximum accrual of funds limit provided in subsection (f).

(3) Financial statements shall be posted each month on the public access, open space, and natural resources preservation fund web site.

(f) Maximum accrual limit in maintenance fund; exemption to funding.
   (1) Only moneys derived from real property tax revenue, its interest, and its penalties shall be included in the computation of the maximum accrual limit for the maintenance fund. All other moneys specifically directed to the maintenance fund shall be held separately from those moneys in the maintenance fund that originated from real property tax revenues (including interest and penalties), and shall not be subjected to the maximum accrual limit.
   (2) The maximum accrual limit shall not exceed $3,000,000.
   (3) At the end of any fiscal year in which the maintenance fund holds unencumbered funds derived from real property tax revenue (including interest and penalties) of at least $3,000,000, any unencumbered amount in excess of that $3,000,000 shall be permanently transferred to the general fund balance.
   (4) Exemption to funding. If the maintenance fund holds $3,000,000 in unencumbered funds derived from real property tax revenue (including interest and penalties), then the council and the executive branch do not need to add more money to the maintenance fund until the next budget cycle. This exemption shall not release the administration from its mandatory duty to maintain and preserve lands and easements acquired by the public access, open space, and natural resources preservation fund in good repair for public safety each fiscal year.

(g) The maintenance fund shall be used solely for public safety maintenance and preservation of those lands and easements acquired by the public access, open space, and natural resources preservation fund, and [may] shall be used only for expenditures directly related to its purpose. Expenditures by the administration [or] and/or stewardship grants presumed to be directly related are as follows:
   (1) Reparation (fixing, mending, repair work, and servicing);
   (2) Preservation (damage control, salvaging, safekeeping, and safeguarding);
   (3) Conservation of soil, forests, shorelines, native wildlife, streams, wetlands, watershed, and floodways;
   (4) Restoration (replacement, reclamation, reconditioning, and remediation);
   (5) Wildfire and fire prevention;
   (6) Repair of existing buildings to meet the current code requirements, if the building is deemed reasonable to save;
   (7) Replacing signs to meet the current code requirements;
   (8) Installation, repair, or replacement fencing and gate or access mechanisms;
   (9) Installation or repair of cattle guards;
   (10) Building, renting, leasing, installing, and maintenance of toilet facilities;
Building and installation of small sheds or structures for the storage of maintenance equipment;

Building, installation and maintenance of structures to provide protection from the elements;

Creation of trails or paths to access land for public safety, maintenance, and preservation;

Mitigation of flooding problems including repair or restoration of existing culverts, drainage features, or other similar flood control mitigation;

Archeological survey and buffering of Native Hawaiian historical or cultural sites after appropriate consultation with Native Hawaiian descendants and cultural practitioners;

Biological studies for the protection of Native Hawaiian species of plants and animals; or

Mitigation of Americans with Disabilities Act compliance issues that may arise during the course of public safety maintenance and preservation.

Moneys in the maintenance fund shall not be used for planning, design, development, or construction of new buildings, facilities, or infrastructure including roads, paths, bridges, culverts, ramps, or drainage features. Money in the maintenance fund shall also not be used for mitigation of Americans with Disabilities Act compliance issues for any new buildings, facilities, or infrastructure. Payment to resolve these aforementioned issues shall be from the capital improvement projects budget or allotments derived from the general fund.

Stewardship Grants. Moneys may also be used to provide grants-in-aid for projects, which uses are reflected in subsection (g).

An award of a stewardship grant shall be by council resolution. Stewardship grants may be awarded only until moneys in the maintenance fund are extinguished. Grants shall be awarded on the basis of ability of the stewardship organization to complete the project on time and within cost estimates.

Only 501(c)3 nonprofits or an organization that operates under the umbrella of a 501(c)3 nonprofit, and that can complete a project for the good of the community, shall be considered for a stewardship grant.

Public notice by the department of finance of the availability of the stewardship grants shall be placed in two newspapers of general circulation, as well as electronic media accessible by internet, by August 1 of each fiscal year provided money is available. These advertisements shall be paid for from the maintenance fund.

To apply for a stewardship grant, a stewardship organization shall provide to the department of finance and the public access, open space, and natural resources preservation commission the following:

(A) An application form obtained from the department of finance, which is completed for each specific purpose or project;

(B) A detailed business plan for the project that includes the name of the 501(c)3 nonprofit organization, the organization that operates under the umbrella of a 501(c)3 nonprofit organization, if any, a copy of its letter of determination from the Internal Revenue Service.
confirming its 501(c)3 status or the 501(c)3 status of the umbrella organization;

(C) A copy of its bylaws and mission statement;

(D) A detailed business plan that includes the description of the specific project, time frames for project goals, costs, and activities to accomplish the stated purpose, and any other information requested by the department of [parks and recreation] finance; and

[(C)](E) A signed agreement to file a written report to the department of finance one year or less after receipt of funds or thirty days following project completion, which shall include details as to what has been accomplished on the project, actual costs, and how the money was spent. Expense receipts, and any other information requested by the department of finance. The completed report shall be provided to the public access, open space, and natural resources preservation commission and the council.

(5) Unexpended funds shall be returned to the maintenance fund within thirty days of submitting a final report.

[(5)](6) No officer, board member, or employee of the 501(c)3 nonprofit organization or the organization that operates under the umbrella of a 501(c)3 nonprofit organization shall receive a salary or payment for labor or receive any reimbursement for the stewardship work on the project or any portion of a salary from this fund for performing their general duties or functions as an officer, board member or employee; however, compensation for specific duties such as labor, educational workshops and maintenance work may be paid to an officer, board member or employee if those duties have been specifically identified and officially approved in the detailed business plan submitted as part of the stewardship grant proposal. The 501(c)3 nonprofit shall sign an agreement so stating these conditions and submit it with the application.

[(6)](7) Mismanagement of moneys awarded for a stewardship grant shall permanently bar the 501(c)3 nonprofit organization and the organization that operates under the umbrella of a 501(c)3 nonprofit organization from receiving future grants from the maintenance fund.

[(7)](8) The director of the department of [parks and recreation] finance shall provide a short written evaluation of the proposed project to the council and include a recommendation about the applicant’s ability to complete the project according to the project plan.”

Section 2. Charter material to be repealed is bracketed and stricken through. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the brackets, bracketed and stricken material, or underscoring.

Section 3. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.
Section 4. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 5. This amendment shall take effect upon approval by the electorate.
Proposal No. 11: RELATING TO MANDATORY CHARTER REVIEWS

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I

Section 1. Article XV, Section 15-3, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:


The charter shall be reviewed in 1989 and every tenth year thereafter. Not later than the [first] fifteenth day of [July prior to] January of the charter review year, the mayor with the confirmation of the council, shall appoint a charter commission composed of eleven members to study and review the operation of the government of the county under this charter. Commission members, no more than a majority of whom shall belong to the same political party, shall be representative of the various geographical areas of Puna, Ka‘ū, Kona, Kohala, Hāmākua, and Hilo. The council shall appropriate funds to enable the commission to carry out its duties, including the hiring of necessary staff.

No later than fifteen days after its members have been appointed and confirmed, the charter commission shall hold its first meeting. The commission shall hold at least one public hearing in each of the geographical areas. The commission may propose amendments to the existing charter or a draft of a new charter [which shall be submitted to the county clerk].

Within a year of its appointment, the commission shall submit a written report of its activities, findings and recommendations along with proposed amendments or a draft of a proposed charter to the council. Within thirty days after receipt of the commission’s report and proposed amendments or draft of proposed charter, the council shall return the proposed amendments or proposed charter with any proposed alternatives. If no alternative is proposed by the council, the commission shall submit the proposed amendments or proposed charter to the county clerk within thirty days of receipt from the council. If any alternatives are proposed by the council, the commission shall accept or reject proposed alternatives and shall report any rejections to the council within thirty days of receipt of the alternatives from the council. The council may recall any alternative within ten days of rejection. When the time of recall for alternatives has lapsed, the commission shall submit to the clerk the draft of proposed amendments or of a proposed charter together with any proposed alternatives from the council which the commission did not incorporate into its draft. Upon receipt of the amendments or charter in the form as proposed by the commission, the county clerk shall provide for the submission of such amendments or charter with any council alternatives, to the electors of the county at either a special election as determined by the commission or at the first general election following the charter review year. The commission shall prepare the language of the question to be submitted to the voters for each of the amendments it proposes.

The commission shall publish not less than forty-five days before any election, at least once in at least two daily newspapers of general circulation within the county, as well as via an electronic medium, such as the Internet, a brief digest of the proposed amendments or charter, with any council alternatives, and the purpose thereof and a notice to the electorate...
that copies of the proposed amendments or charter are available at the office of the county clerk.

Members of the commission shall hold office until the day after the election at which the amendments or charter is ratified or rejected.

If the majority of the voters voting upon a charter amendment votes in favor of it or a new charter, if a new charter is proposed, the amendment or new charter shall become effective at the time fixed in the amendment or charter.”

Section 2. Charter material to be repealed is bracketed and stricken through. New charter material is underscored. When revising, compiling, and printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the brackets, bracketed and stricken material, or underscoring.

Section 3. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 4. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 5. This amendment shall take effect upon approval by the electorate.
Proposal No. 12: RELATING TO CORPORATION COUNSEL

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article VI, Chapter 5, Section 6-5.2, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 6-5.2. Appointment and Removal.
The corporation counsel shall be appointed by the mayor, confirmed by the council and may be removed by the mayor with the approval of the council. The corporation counsel shall be an attorney licensed to practice and in good standing before the Supreme Court of the State of Hawai‘i. The corporation counsel shall have been licensed to practice law for a period of not less than five years preceding appointment, and have at least three years of experience in a responsible administrative capacity.”

Section 2. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the underscoring.

Section 3. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 4. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 5. This amendment shall take effect upon approval by the electorate.
BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article VII, Chapter 4, Section 7-4.2, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 7-4.2. Statement of Policy.
   It is hereby declared to be the purpose of this chapter to establish in the county a system of fire protection and prevention, water safety and emergency services which shall be based on qualified and professional leadership and personnel. In order to achieve this purpose, the Hawai‘i fire department shall be operated in accordance with the following:
   (a) Standards for recruitment shall be designed to attract into the department persons with high degrees of education, intelligence and personal stability.
   (b) Promotions and other personnel actions shall be based upon fair and appropriate standards of merit, ability and work performance.
   (c) Appropriate training shall be provided to the maximum extent possible and practicable.”

Section 2. Article VII, Chapter 4, Section 7-4.3, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 7-4.3. Fire Chief.
   (a) The fire chief shall be appointed by the fire commission and may be removed by the fire commission at its sole discretion. Any motion for removal of the fire chief must contain a statement of reasons, and the commission shall not vote to remove the fire chief unless the fire chief has been given an opportunity to respond to the statement of reasons at a hearing before the commission.
   (b) The fire chief shall have had a minimum of five years of training and experience in fire control, including at least three years of experience in a responsible administrative capacity. Additionally, the fire chief shall have a combination of education and experience substantially equivalent to possession of a bachelor’s degree from an accredited college or university. The fire commission may waive any residency requirements during the fire chief selection process.”

Section 3. Article VII, Chapter 4, Section 7-4.4, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 7-4.4. Powers, Duties and Functions.
   The fire chief shall:
   (a) Perform firefighting, water safety and emergency services in order to save lives and property from fires and from emergencies arising on land, on the sea and in hazardous terrain.
(b) Train, equip, maintain and supervise a force of firefighting, water safety and emergency services personnel.

(c) Monitor the construction and occupancy standards of buildings for the purposes of fire prevention and life safety.

(d) Provide educational programs related to fire prevention and life safety.

(e) Appoint the deputy fire chief and the private secretaries to the fire chief and the deputy fire chief.

(f) Have such other powers, duties and functions as may be required by ordinance.”

Section 4. Article VII, Chapter 4, Section 7-4.6, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 7-4.6. Powers, Duties and Functions. The fire commission shall:

(a) Adopt rules necessary for the conduct of its business and review rules for the administration of the department.

(b) Review the annual budget prepared by the fire chief and make recommendations thereon to the mayor, the managing director and the council.

(c) Review the department’s operations[, as deemed necessary,] for the purposes of recommending improvements to the fire chief.

(d) Evaluate at least annually the performance of the fire chief and submit a report to the mayor, the managing director and the council.

(e) Review personnel actions within the department for conformance with the policies under Section 7-4.2 of this charter.

(f) Hear complaints of citizens concerning the department or its personnel and, if necessary, make recommendations to the fire chief on appropriate corrective actions.

(g) Submit an annual report to the mayor, managing director and the council on its activities.

Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with standard operational activities of the department.”

Section 5. Charter material to be repealed is bracketed and stricken through. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the brackets, bracketed and stricken material, or underscoring.

Section 6. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 7. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect...
without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

**Section 8.** This amendment shall take effect upon approval by the electorate.
Proposal No. 14: RELATING TO MEMBERSHIP ON BOARDS AND
COMMISSIONS

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article XIII, Section 13-4, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

Except as otherwise provided in this charter, all boards and commissions specifically established by this charter shall be governed by the following provisions:

(a) The members shall serve staggered terms of five years. Upon the initial appointment of the members of a commission consisting of five members, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. Upon the initial appointment of the members of a commission consisting of seven members, one shall be appointed for a term of one year, one for a term of two years, two for a term of three years, two for a term of four years, and one for a term of five years. Upon the initial appointment of a commission consisting of nine members, one shall be appointed to a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years.

(b) The members shall be appointed by the mayor, and confirmed by the council, and may be removed upon recommendation by the mayor and the approval of the council.

(c) No member shall be eligible for a second appointment to the same board or commission prior to the expiration of two years, however, members of any board or commission appointed for a term of two years or less shall be eligible to succeed themselves for an additional full term.

(d) No member whose term has expired shall continue to serve on such board or commission, except that if no successor has been appointed and confirmed, the member shall continue to serve for ninety days or until a successor is appointed and confirmed, whichever comes first.

(e) Any vacancy occurring in any board or commission shall be filled for the unexpired term.

(f) [Not more than a bare majority of the members shall belong to the same political party.]

Members shall receive no compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties. Necessary expenses may be paid in advance as per diem allowance which shall be established by ordinance. 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 but in no case shall such reimbursement exceed two times the state minimum wage hour rate.

[(h)](g) A chairperson shall be elected from its membership annually.

[(i)](h) The affirmative vote of a majority of the entire membership to which a board or commission is entitled shall be necessary to make any action valid; except that in the case of a board or commission which has only advisory functions, the affirmative vote of a majority of those present shall be sufficient to make any action valid.

[(j)](i) Each board and commission shall have the power to establish its rules of procedure necessary for the conduct of its business, which rules shall contain the time and place of all regular meetings, and which shall specify that a quorum shall be a majority of the members to which the board or commission is entitled.

[(k)](j) Notwithstanding any other provision in this charter, no person shall, by reason of occupation alone, be barred from serving as a member of any board or commission.

[(l)](k) The council shall act to confirm or reject any appointment made to a board or commission by the mayor within forty-five days after receiving notice of the appointment from the mayor. If the council does not confirm or reject any such appointment within forty-five days, the appointee shall be deemed to have been confirmed.

[(m)](l) The redrawing of council district boundaries during a commission member’s term shall not affect a member’s eligibility to represent the district to which the member was appointed.”

Section 2. Article XV, Section 15-3, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:


The charter shall be reviewed in 1989 and every tenth year thereafter. Not later than the first day of July prior to the charter review year, the mayor with the confirmation of the council, shall appoint a charter commission composed of eleven members to study and review the operation of the government of the county under this charter. Commission members[...no more than a majority of whom shall belong to the same political party...[,] shall be representative of the various geographical areas of Puna, Ka‘ū, Kona, Kohala, Hāmākua, and Hilo. The council shall appropriate funds to enable the commission to carry out its duties, including the hiring of necessary staff.

The commission shall hold at least one public hearing in each of the geographical areas. The commission may propose amendments to the existing charter or a draft of a new charter which shall be submitted to the county clerk. Upon receipt of the amendments or charter in the form as proposed by the commission, the county clerk shall provide for the submission of such amendments or charter to the electors of the county at either a special election as determined by the commission or at the first general election following the charter review year. The commission shall prepare the language of the question to be submitted to the voters for each of the amendments it proposes.
The commission shall publish not less than forty-five days before any election, at least once in at least two daily newspapers of general circulation within the county, as well as via an electronic medium, such as the Internet, a brief digest of the amendments or charter and the purpose thereof and a notice to the electorate that copies of the amendments or charter are available at the office of the county clerk.

Members of the commission shall hold office until the amendments or charter is ratified or rejected.

If the majority of the voters voting upon a charter amendment votes in favor of it or a new charter, if a new charter is proposed, the amendment or new charter shall become effective at the time fixed in the amendment or charter.”

Section 3. Charter material to be repealed is bracketed and stricken through. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the brackets, bracketed and stricken material, or underscoring.

Section 4. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 5. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 6. This amendment shall take effect upon approval by the electorate.
BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article X, Section 10-6, of the Hawai‘i County Charter (2018 Edition), is amended by amending Subsection (a) to read as follows:

“(a) The capital budget shall contain at least the following:

(1) A simple, clear, general summary of the detailed contents of the capital budget.

(2) The capital improvements pending or proposed to be undertaken within the ensuing fiscal year, together with the estimated cost of each improvement, the estimated operating cost, and the pending or proposed method of financing it. Capital improvements shall be prioritized based on criteria aligned with the general plan, community development plans, emergency expenditures and other pertinent functional plans.

(3) Capital expenditures to be financed from current revenues in the ensuing fiscal year.”

Section 2. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the underscoring.

Section 3. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 4. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 5. This amendment shall take effect upon approval by the electorate.
Proposal No. 16: RELATING TO THE BOARD OF ETHICS

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI‘I:

Section 1. Article XIV, Section 14-5, of the Hawai‘i County Charter (2018 Edition), is amended to read as follows:

“Section 14-5. Board of Ethics.

(a) There shall be a board of ethics appointed by the mayor with the approval of the council. It shall consist of five members who shall be residents of the county. Members [Each] shall serve [for a term] staggered terms of five years. [Upon the initial appointment of members pursuant to this charter, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years.] The board shall adopt [establish] its rules of procedure[-], having the force and effect of law, as shall be necessary to provide for the enforcement of the code of ethics.

(b) Without limitation of its functions, the board shall:

[(a)](1) Interpret the code of ethics for both county officials and the public and on its own may initiate and render opinions with respect thereto.

[(b)](2) Render advisory opinions to county officers and employees with respect to the code of ethics pursuant to written requests by officers and employees.

[(c)](3) Receive and initiate complaints of violations of the code of ethics and transmit such complaints to the council or the appropriate appointing authority, along with any pertinent advisory or formal opinions thereto.

[(d)](4) Hold hearings or conduct investigations concerning application of the code of ethics and make public such violations of the code that come to its attention.

[(e)](5) Publish advisory opinions with such deletions as may be necessary to prevent disclosure of identity of persons involved where such opinions are rendered pursuant to [subsection (b)] paragraph (2) above.

[(f)](6) Propose revisions to the code of ethics where not inconsistent with this charter.

(c) The board may impose civil fines for violations of the code of ethics, as prescribed by ordinance.”

Section 2. Charter material to be repealed is bracketed and stricken through. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai‘i (2020), the revisor need not include the brackets, bracketed and stricken material, or underscoring.
Section 3. The revisor of the charter shall renumber charter article, chapter, and section numbers and any cross references thereto pursuant to amendments approved by the electorate.

Section 4. Severability. If any provision of this charter proposal, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the charter proposal which can be given effect without the invalid provision or application, and to this end, the provisions of this charter proposal are declared to be severable.

Section 5. This amendment shall take effect upon approval by the electorate.