

Patrick Stack  
Chair

Carol Suzawa  
Vice Chair

Members:  
Mary Lou Barela  
Joel Guy  
Ed Justus  
James Nishida, Jr.  
Jan TenBruggencate

**COUNTY OF KAUAI CHARTER REVIEW COMMISSION**  
**NOTICE OF MEETING AND AGENDA**

Monday, March 19, 2012  
4:00 p.m. or shortly thereafter  
Mo'ikeha Building, Meeting Room 2A/B  
4444 Rice Street, Lihue, HI 96766

Oath of Office for Commissioners Carol Suzawa and James Nishida, Jr.

**CALL TO ORDER**

**APPROVAL OF MINUTES**

Regular Open Session Minutes of January 23, 2012

**EXECUTIVE SESSION**

Pursuant to Hawai'i Revised Statutes §§92-4 and 92-5(a) (4), the Commission anticipates convening in Executive Session to consult with its legal counsel on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to CRC 2012-02:

**ES -1 CRC 2012-02** Review and discuss with the County Attorney whether clarification is required to the Kauai County Charter, Article VII, Section 7.05 as it relates to the powers, duties and functions of the mayor's office and Article XI, Section 11.04 as it relates to the chief of police.

**RETURN TO OPEN SESSION**

**BUSINESS**

**CRC 2012-02** Deliberation and decision-making on possible amendments to Kauai County Charter related to Article VII, Section 7.05 and Article XI, Section 11.04

- a. Email dated 2/27/12 from Councilmember Mel Rapozo providing testimony to the Charter Review Commission in support of leaving the Charter as is with regard to the oversight of the Police Chief

**CRC 2011-01** Proposed amendment creating a new Section 24.04, Kauai County Charter, relating to non-substantive corrections and revisions. (Deferred to February 2012 meeting)

- c. Discussion and possible decision-making on how the Commission can best achieve a review of the Charter for recommendations to correct non-substantive

items as they relate to grammar, spelling and formatting errors in the Charter and whether to consider budgeting for an outside editor. (ongoing)

- d. Memorandum dated 3/1/12 from Ricky Watanabe, County Clerk, regarding responsibility for correcting non-substantive changes to the Charter

CRC 2011-09      Proposed amendment revising Article XV of the Kaua'i County Charter, relating to establishing a Department of Human Resources

- a. Letter dated 3/7/12 from the Human Resources Taskforce to the Charter Review Commission providing a copy of the communication to the Kaua'i County Council with an update on centralizing personnel functions and services

CRC 2011-17      Proposed amendment from Commissioner Justus revising Article III, County Council, Sections 3.02 Composition, Section 3.03 Terms, and Section 3.04 Qualifications relating to Partial Districting.

- a. Years and Vote tally with Difference for Ballot Questions; Population Breakdown of Each Town According to 2010 Census Data; Conceptual Layout of Geographic Areas
- b. Email dated 2/17/12 from Jonathan Jay regarding A District Proposal for At-large Voting and Candidate Residency Requirement Districts for Kaua'i

CRC 2011-13      Review and prioritize proposed amendments for consideration of placement on the 2012 ballot (ongoing review)

CRC 2012-03      Cutoff date for Charter Review Commission submittals and Timeline for charter amendments for 2012 election

## **ANNOUNCEMENTS**

Next Meeting: Monday, April 23, 2012 at 4:00 pm in the Mo'iikeha Building, Meeting Room 2A/B

## **ADJOURNMENT**

## **EXECUTIVE SESSION**

Pursuant to Hawai'i Revised Statutes §92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92.5(a). Discussions held in Executive Session are closed to the public.

Cc: Deputy County Attorney Jennifer Winn

## **PUBLIC COMMENTS and TESTIMONY**

Persons wishing to offer comments are encouraged to submit written testimony at least 24-hours prior to the meeting indicating:

1. Your name and if applicable, your position/title and organization you are representing;
2. The agenda item that you are providing comments on; and
3. Whether you will be testifying in person or submitting written comments only; and
4. If you are unable to submit your testimony at least 24 hours prior to the meeting, please provide 10 copies of your written testimony at the meeting clearly indicating the name of the testifier; and
5. If testimony is based on a proposed Charter amendment, list the applicable Charter provision.

While every effort will be made to copy, organize, and collate all testimony received, materials received on the day of the meeting or improperly identified may be distributed to the members after the meeting is concluded.

The Charter Commission rules limit the length of time allocated to persons wishing to present verbal testimony to five (5) minutes. A speaker's time may be limited to three (3) minutes if, in the discretion of the chairperson or presiding member, such limitation is necessary to accommodate all persons desiring to address the Commission at the meeting.

Send written testimony to:

Charter Review Commission

Attn: Barbara Davis

Office of Boards and Commissions

4444 Rice Street, Suite 150

Līhu'e, HI 96766

E-mail: [bdavis@kauai.gov](mailto:bdavis@kauai.gov)

Phone: (808) 241-4919 Fax: (808) 241-5127

SPECIAL ASSISTANCE

If you need an alternate format or an auxiliary aid to participate, please contact the Boards and Commissions Support Clerk at (808) 241-4919 at least five (5) working days prior to the meeting.

**DRAFT To Be Approved**

COUNTY OF KAUAI  
Minutes of Meeting  
**OPEN SESSION**

Board/Committee:		CHARTER REVIEW COMMISSION	Meeting Date	January 23, 2012
Location	Mo'ikeha Building, Meeting Room 2A/2B		Start of Meeting: 4:07 p.m.	End of Meeting: 4:14 p.m.
Present	Chair Pro-Tem Patrick Stack; Vice-Chair Pro-Tem Carol Suzawa. Members: Mary Lou Barela; Jan TenBruggencate Also: Deputy County Attorney Jennifer Winn; Boards & Commissions Office Staff: Support Clerk Barbara Davis, Administrator Paula Morikami			
Excused	Members: Joel Guy; Ed Justus; Sherman Shiraishi			
Absent				
SUBJECT	DISCUSSION		ACTION	
Call To Order			Chair Pro-Tem Stack called the meeting to order at 4:07 p.m. with a quorum of 4 Commissioners present.	
Approval of Minutes	Open Session Minutes of November 28, 2011		Mr. TenBruggencate moved to approve the minutes as circulated. Ms. Suzawa seconded the motion. Motion carried 4:0	
Business	CRC 2011-09 Proposed amendment revising Article XV of the Kaua'i County Charter, relating to establishing a Department of Human Resources  a. Memorandum dated 1/3/12 from County Council Chair Jay Furfaro notifying the Charter Review Commission that the Committee of the Whole has requested a progress report from the Administration's Human Resources Subcommittee at the March 7, 2012 meeting and will forward Council's comments shortly thereafter.		Mr. TenBruggencate moved to defer until comments are received from the County Council. Ms. Barela seconded the motion. Motion carried 4:0	
	2011-18 Election of Chair and Vice-chair for 2012 (Deferred to January 2012 meeting)		Mr. TenBruggencate moved to elect Patrick	

Minutes  
1/23/12

# Charter Review Commission

Open Session

May 23, 2011

Page 2

SUBJECT	DISCUSSION	ACTION
		Stack for Chairman and Carol Suzawa for Vice-Chairman with thanks for their upcoming service. Ms. Barela seconded the motion. Motion carried 4:0
	<p>CRC 2012-01 Revise Charter Review Commission Meeting Schedule for 2012</p> <p>a. Move March meeting to Monday, March 19 (was Tuesday, March 27 which is in conflict with the Civil Service Commission meeting)</p> <p>Ms. Suzawa pointed out that the County Council was asked to respond by the March 27 meeting and would need to be notified of the change in the date.</p>	<p>Ms. Barela moved to change the March date to the 19<sup>th</sup>. Mr. TenBruggencate seconded the motion. Motion carried 4:0</p>
<b>Next Meeting</b>	Monday, February 27, 2012	
<b>Adjournment</b>		Mr. TenBruggencate moved to adjourn the meeting at 4:14 p.m. Ms. Barela seconded the motion. Motion carried 4:0

Submitted by:

Barbara Davis, Support Clerk

Reviewed and Approved by:

Patrick Stack, Chair

( ) Approved as is.

( ) Approved with amendments. See minutes of \_\_\_\_\_ meeting.

**ARTICLE VII**  
**MAYOR**

Section 7.05. Powers, Duties and Functions. The mayor shall be the chief executive officer of the county. He shall have the power to:

A. Except as otherwise provided, exercise direct supervision over all departments and coordinate all administrative activities and see that they are honestly, efficiently and lawfully conducted.

B. Appoint the necessary members of his staff and other employees and officers whose appointments are not provided herein.

C. Create positions authorized by the council and for which appropriations have been made, or abolish positions, but a monthly report of such actions shall be made to the council.

D. Make temporary transfers of positions between departments or between subdivisions of departments.

E. Recommend to the council for its approval a pay plan for all officers and employees who are exempt from civil service and the position classification plan and who are not included in Section 3-2.1 of the Kaua'i County Code 1987, as amended. (Amended 2006)

F. Submit operating and capital budgets, together with a capital program annually to the council for its consideration and adoption.

G. Sign instruments requiring execution by the county, including deeds and other conveyances, except those which the director of finance or other officer is authorized by this charter, ordinance or resolution to sign.

H. Present messages or information to the council which in his opinion are necessary or expedient.

I. In addition to the annual report, make periodic reports informing the public as to county policies, programs and operations.

J. Approve or veto ordinances and resolutions pertaining to eminent domain proceedings.

K. Have a voice but no vote in the proceedings of all boards and commissions.

L. Enforce the provisions of this charter, the ordinances of the county and all applicable laws.

M. Exercise such other powers and perform such other duties as may be prescribed by this charter or by ordinance.

**ARTICLE XI**  
**POLICE DEPARTMENT**

Section 11.04. Chief of Police. The chief of police shall be appointed by the police commission. He may be removed by the police commission only after being given a written statement of the charges against him and a hearing before the commission. The chief of police shall have had a minimum of five years of training and experience in law enforcement, at least three years of which shall be in a responsible, administrative capacity. He shall make such reports from time to time as the commission shall require, and shall annually make a report to the commission of the state of affairs and condition of the police department. (Amended 1984)

## Barbara Davis

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**From:** Paula Morikami  
**Sent:** Monday, February 27, 2012 12:36 PM  
**To:** Barbara Davis  
**Subject:** FW: Testimony for Charter Review Commission

-----Original Message-----

From: Mel Rapozo [<mailto:>]  
Sent: Monday, February 27, 2012 11:02 AM  
To: Paula Morikami  
Subject: Testimony for Charter Review Commission

Dear Charter Review Commission,

I understand that you will be meeting to discuss possible charter amendments as it relates to the powers of the Mayor and the Police Commission in regards to the oversight of the Police Chief. I submit my testimony, as an individual member of the County Council, to support leaving the Charter as is. I don't believe that any amendments are necessary, however if you believe that further clarification is necessary, I would support that as long as the original intent of the Charter is not changed.

As a result of the recent actions of the Office of the Mayor and the Office of the County Attorney, I have conducted my own research in the matter. I have contacted many government officials, including the Attorney General, State Senators and Representatives, and various leaders throughout the 4 counties. It is clear, in my opinion and the opinions of many others, that the state and county laws define the Police Commissions within the State of Hawaii as the overseeing authorities of the police departments. It is my belief that the Hawaii Revised Statutes clearly set up the police commissions to isolate the police departments from the political powers of local governments. Can you imagine if any of the Mayors retained the powers to control their respective police departments? This could be a very dangerous concept.

As you deliberate possible actions today, please keep in mind the legislative intent of the original authors of the Hawaii Revised Statutes and the Kauai County Charter. It would be a travesty to set a precedent that could affect the rest of the State. It is imperative that the power to oversee the Police Department remain with the Police Commission, and that the political powers be prohibited from influencing the direction and function of the Police Department.

I thank you for your service, and am available to answer any questions that you may have regarding this or any other matter. Aloha.

Mel Rapozo  
Chair, Public Safety Committee  
Kauai County Council



## **Proposing A New Section 24.04 Relating to Non-substantive Corrections and Revisions.**

### **Findings and Purpose.**

The Commission finds that the County needs the ability to correct typographical and grammatical errors and make non-substantive format changes to the Charter resulting from clerical mistakes or newly adopted Charter amendments.

The purpose of this amendment is to allow the County Attorney/County Clerk to propose corrections to errors in spelling, grammar, gender neutral language and other format changes as well as insert omitted words, section references, Hawaiian language diacritical marks and make other non-substantive revisions to the Charter.

The adoption of all non-substantive corrections or revisions proposed by the County Attorney/County Clerk shall be by ordinance approved by a vote of five (5) or more members of the County Council and only upon the conclusion of a duly noticed public hearing.

### **Charter Amendment.**

Article XXIV of the Kaua'i County Charter shall be amended by adding a new Section 24.04 to read as follows:

#### **"ARTICLE XXIV CHARTER AMENDMENT**

##### Section 24.04. Non-substantive corrections and revisions.

A. The county attorney may propose non-substantive corrections and revisions to the charter by ordinance.

B. In making non-substantive corrections and revisions the county attorney may:

1. Number and renumber articles, sections, and part of sections;
2. Rearrange sections;
3. Change reference numbers to be consistent with renumbered articles, sections, and part of sections under either federal, state, or county law;
4. Substitute the proper article or section number for the terms "the preceding

section”, “this article”, and like terms;

5. Delete figures where they are merely a repetition of written words;

6. Change capitalization for purposes of uniformity;

7. Correct clerical, typographical, or grammatical errors and insert omitted words or Hawaiian language diacritical marks;

8. Change any male or female gender terms to a term which is neutral in gender when it is clear that the provision is not applicable only to members of one sex and without altering the sense, meaning, or effect of any charter provision;

9. Delete any provision pre-empted or superseded by either federal or state law or any charter amendment; and

10. Incorporate other non-substantive changes as shall be necessary to provide a uniform and consistent language style throughout the charter. In making such revisions, the county attorney shall not alter the sense, meaning, or effect of any article or section.

C. Prior to adoption of the ordinance, the council shall conduct a public hearing on all proposed non-substantive corrections or revisions under consideration. A notice of the public hearing shall be published in a newspaper of general circulation in the county at least thirty (30) days prior to the date of the hearing. The public hearing shall be held not earlier than seven (7) days prior to the final reading of the ordinance.

D. The ordinance shall be adopted by a vote of five (5) or more members of the County Council.”

**Note:** New charter material is underscored.

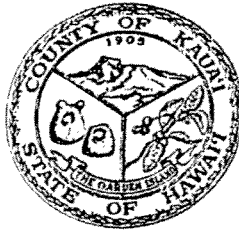
### **Ballot Question.**

Shall the County Attorney/County Clerk be allowed to propose an ordinance to correct typographical, grammatical and other minor errors to the Charter that must be approved by a vote of five (5) or more members of the County Council?

*Big Island: RELATING TO GRAMMAR, SPELLING, AND FORMATTING OF THE CHARTER: Shall the charter of the County of Kaua’i be amended by correcting various grammatical, spelling, and formatting errors throughout the charter?*

**COUNTY COUNCIL**

Jay Furfaro, Chair  
JoAnn A. Yukimura, Vice Chair  
Tim Bynum  
Dickie Chang  
KipuKai Kualii  
Nadine K. Nakamura  
Mel Rapozo



**Council Services Division**  
4396 Rice Street, Suite 209  
Lihue, Kauai, Hawaii 96766

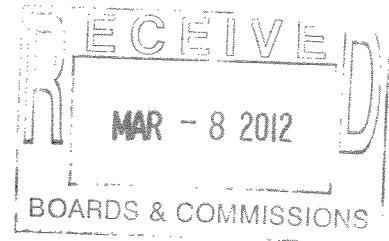
**OFFICE OF THE COUNTY CLERK**

Ricky Watanabe, County Clerk  
Jade K. Fountain-Tanigawa, Deputy County Clerk


Telephone (808) 241-4188  
Fax (808) 241-6349  
Email [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov)

**MEMORANDUM**

March 1, 2012



TO: Patrick Stack, Chairperson  
Charter Review Commission

FROM:   
Ricky Watanabe, County Clerk

RE: REQUEST FOR COMMENTS REGARDING RESPONSIBILITY OF  
CORRECTING NON-SUBSTANTIVE CHANGES TO CHARTER

In general, I do not have a position regarding the correction of non-substantive changes to the Charter.

Under the Charter, the County Attorney is the chief legal adviser to the various agencies, including the Council. The Council, Clerk, and Council Services, like other County officers and employees, will seek advice from the County Attorney with respect to interpretations of the Charter. As such, the County Attorney is best suited to determine if a revision constitutes a non-substantive change that relates to grammar, spelling, and formatting errors.

Thank you for the opportunity to comment.

**Proposing A Charter Amendment to Article XV Relating to Establishing A Department of Human Resources.**

**Findings and Purpose.**

**Charter Amendment.**

**Article XV of the Kaua'i County Charter is amended to read as follows:**

**“ARTICLE XV  
DEPARTMENT OF [PERSONNEL SERVICES] HUMAN RESOURCES”**

Section 15.01. Organization. There shall be a department of [personnel services] human resources consisting of a civil service commission, a director and the necessary staff for the purpose or establishing a system of personnel administration based upon merit principles devoid of any bias or prejudice, and [providing a systematic and equitable classification of all positions through adequate job evaluation] generally accepted methods governing classification of positions and the employment, conduct, movement, and separation of public officers and employees.

Section 15.02. Civil Service Commission Organization. The civil service commission shall consist of seven members who shall be in sympathy with and who shall believe in the principles of the merit system in public employment, [or] of the members appointed, one shall be selected from among persons employed in private industry in either skilled or unskilled laboring positions as distinguished from executive or professional positions. (Amended 2006)

Section 15.03. Powers and Duties. The civil service commission shall:

A. Adopt rules and regulations to carry out the civil service and compensation laws of the State and county. Such rules and regulations shall distinguish between matters of policy left for the determination of the commission and matters of technique and administration to be left for execution by the director.

B. Hear and determine appeals made by any officer or employee aggrieved by any action of the director or by any appointing authority. Appeal from the decision of the commission shall be as provided by law.

**CRC 2011-09**

C. Advise the mayor and director of personnel services on problems concerning personnel and classification administration.

D. Execute such powers and duties as may be provided by law.

Section 15.04. Director of [Personnel Services] Human Resources. The director of [personnel services] human resources shall have had a minimum of five years of training and experience in personnel administration either in public service or private business, or both, at least three years of which shall have been in a responsible administrative capacity and shall be in sympathy with the principles of the merit system. He shall be appointed and may be removed by the commission and come under the general supervision of the Mayor. The director shall be the head of the department of [personnel services] human resources and shall be responsible for the proper conduct of all administrative affairs of the department, and for the execution of the [personnel] human resources management program prescribed in this charter and in the ordinances and regulations authorized by this charter.

Section 15.05. [Civil Service and Exemptions. All positions in the county, except those exempted by law, shall be under civil service.] Human Resources Management Program. The director of human resources shall be responsible for the execution of the human resources management program which shall include:

A. Classification, recruitment, selection, employment, deployment, promotion, evaluation, discipline, and separation of employees.

B. Labor relations and negotiations.

C. Administration of employment policies and trainings related to employee benefits, conduct, development, and safety and injury prevention.

D. Workers' compensation.

E. Equal employment opportunities.

F. Workforce coordination and planning.

G. Administration of the civil service system as prescribed by statute.

H. Other related duties as may be determined by the Mayor."

**Note:** Charter material to be repealed is bracketed. New charter material is underscored.

**Proposed Ballot Question:**

Shall the title of the Department of Personnel Services be changed to Department of Human Resources and its existing scope of responsibilities broadened to include a more comprehensive human resources function?

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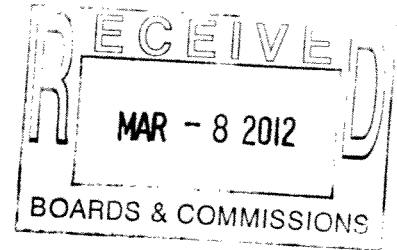
6/28/11: Legal review by County Attorney's Office; confidentiality waived on the communication by the Cost Control Commission.

7/13/11: proposed amendment by Cost Control Commission

7/25/11: as amended by Charter Review Commission

8/23/11 and 11/30/11: solicit input from the County Council

COUNTY OF KAUAI  
HUMAN RESOURCES TASKFORCE  
4444 RICE STREET  
LIHUE HI 96766



March 7, 2012

Mr. Patrick Stack, Chair  
Charter Review Commission  
County of Kauai  
Office of Boards and Commissions  
4444 Rice Street  
Lihue HI 96766

Re: Human Resources Taskforce Update Report

Dear Mr. Stack and Members of the Charter Review Commission:

Back in July 2011, at the request of the Cost Control Commission, the Mayor convened an internal taskforce to analyze the feasibility and cost implications of creating a Human Resources Department, centralizing personnel functions and services.

The attached communication to the Kauai County Council provides an update of the taskforce's work and responds to specific questions posed by Council members.

If desired, the taskforce is willing to provide an update to the Commission on its findings and recommendations at your earliest convenience.

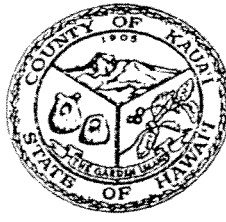
Sincerely,

Human Resources Taskforce members

Marc Guyot  
John Isobe  
Karen Matsumoto  
Kris Nakamura  
Janine Rapozo

cc: Mayor Bernard P. Carvalho

*CRC 2011-09 a*



**Gary K. Heu**  
Managing Director

**DEPARTMENT OF PERSONNEL SERVICES**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 140, Līhu'e, Hawai'i 96766  
TEL (808) 241-4956 FAX (808) 241-6593

March 7, 2012

TO: JAY FURFARO, COUNTY COUNCIL CHAIR

FROM: MALCOLM C. FERNANDEZ, DIRECTOR OF PERSONNEL SERVICES

VIA: GARY K. HEU, MANAGING DIRECTOR

SUBJECT: TRANSITION OF FUNCTIONAL RESPONSIBILITIES - HUMAN RESOURCES

This memo responds to your request dated January 3, 2012, regarding various items related to the work currently being undertaken by the Human Resources Taskforce as follows:

1. *The structure of how the current Department of Personnel Services would transition into a Department of Human Resources.*

The organizational charts depicting the current Department of Personnel Services (DPS) and its proposed transition to an expanded Human Resources organization are provided for your information and review. See attached Exhibit Nos. 1 and 2.

2. *A cost comparison for the transition from the Department of Personnel Services to a Department of Human Resources.*

The transition of DPS to include expanded Human Resources capability is being accomplished by transferring existing positions, equipment, and supplies that are currently provided for in other administrative departments to DPS. For the most part, the cost associated with this transition is merely shifting funds that were previously budgeted in various administrative departments to DPS.

The transition will require a one-time cost increase in the FY 2013 budget for temporary contract clerical services and additional office furniture. However, it is anticipated that the proposed organizational consolidation and expansion of Human Resources functions will result in direct and indirect cost savings over time.

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3. *The current structure of the Department of Personnel Services with its appropriate "Table of Organization," and another "Table of Organization" that identifies the various "Personnel Officers" or employees in each Department that handles those types of personnel functions. In addition, please discuss how this current structure would change if a Department of Human Resources is created.*

The attached organizational charts referenced in Item No. 1, illustrate both the current organizational structure of DPS and the proposed organizational chart for an expanded Human Resources organization.

The table below lists the positions from various County Departments that are currently assigned with personnel functions based on employee position descriptions:

DEPARTMENT	POSITION	% OF TIME
County Attorney	Law Office Manager	15%
Civil Defense	Public Safety Services Secretary	20%
Council Services	Departmental Staff Assistant II	30%
Finance	HR Specialist I	50%
Fire	Administrative Officer	50%
Fire	Senior Clerk	20%
Housing	Accountant IV	15%
Housing	Agency Administrative Support Asst	30%
Parks & Recreation	HR Specialist I	95%
Parks & Recreation	Program Support Technician II	95%
Police	Departmental Personnel Assistant II	95%
Police	Personnel Clerk I	90%
Prosecuting Attorney	Departmental Staff Assistant I	30%
Public Works	Departmental Personnel Officer	100%
Public Works	Departmental Personnel Assistant I	100%
Transportation	Accountant III	40%
Water	Human Resources Coordinator	100%

Based on Departmental surveys and desk audits, employees' actual duties were often inconsistent with their position descriptions. In addition, other positions within the various Departments who perform personnel functions were also identified as follows:

DEPARTMENT	POSITION	DUTIES
Economic Development	Secretary	Personnel Liaison
Elderly Affairs	Administrative Specialist	Personnel Liaison
Fire	Public Safety Services Secretary	Personnel support services
Liquor	Liquor Control Commission Secretary	Personnel Liaison
Planning	Staff Services Assistant	Personnel Liaison
Police	Training Lieutenant	Training
Police	Research and Development Lieutenant	Recruitment

4. *Provide a "Function and Services" comparison between the current Department of Personnel Services and the proposed Department of Human Resources, include in your comparison, fiscal implications, etc.*

DPS is the central personnel staff agency for the County and is currently organized to perform five major functions:

- Administration
- Classification and Pay
- Labor Relations
- Recruitment and Examination
- Transaction

Some of these DPS functions and responsibilities have been decentralized and are also being performed by individual departments.

Likewise, other core human resource functions including human resource management and employee relations (benefits, employee assistance programs, conflict resolution), training (health and safety awareness, injury prevention), workers' compensation and ADA/EEOC are currently assigned to other departments or non-existent.

The attached chart (Exhibit No. 3) illustrates of how the current functions performed by DPS and the individual Departments will be shifted and consolidated under the expanded Human Resources organization.

cc: Cost Control Commission  
Civil Service Commission  
Charter Review Commission

COUNTY OF KAUAI  
DEPARTMENT OF PERSONNEL SERVICES  
POSITION ORGANIZATION CHART

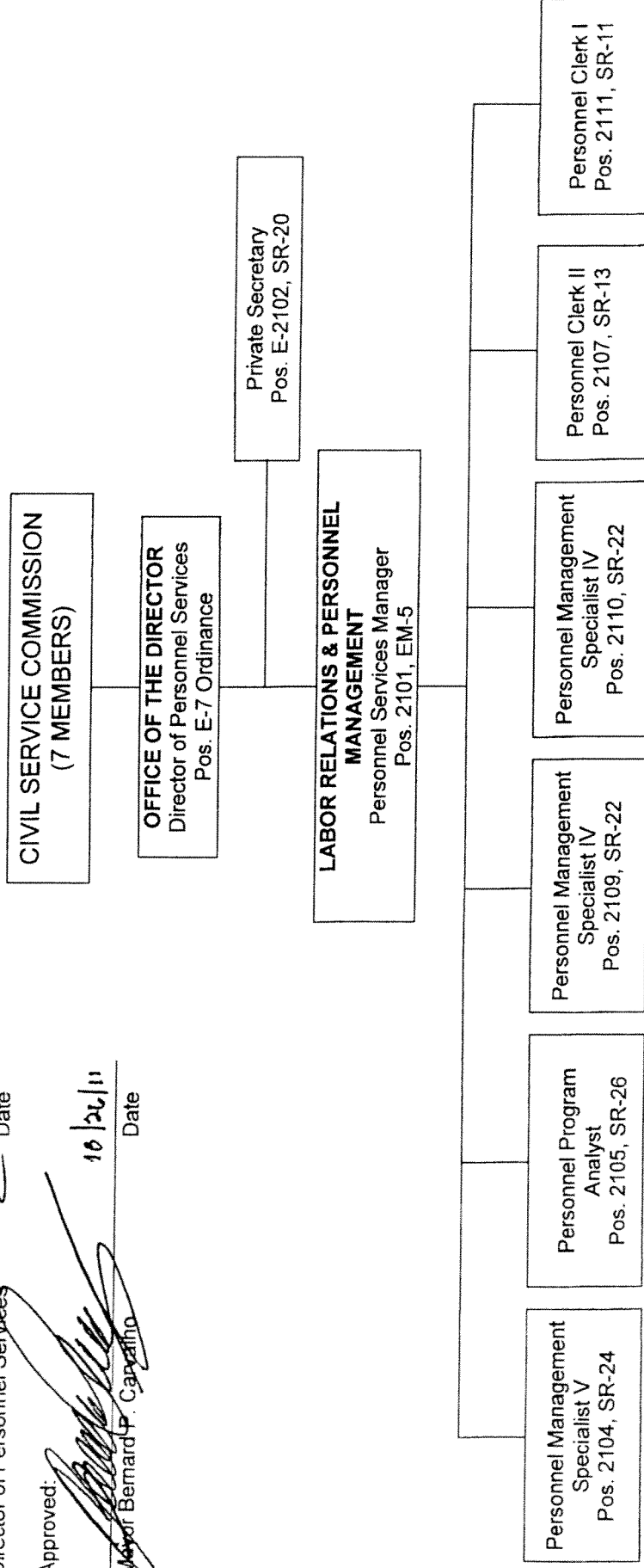
(October 2011)

Acknowledged:

  
Director of Personnel Services  
Date 10/24/11

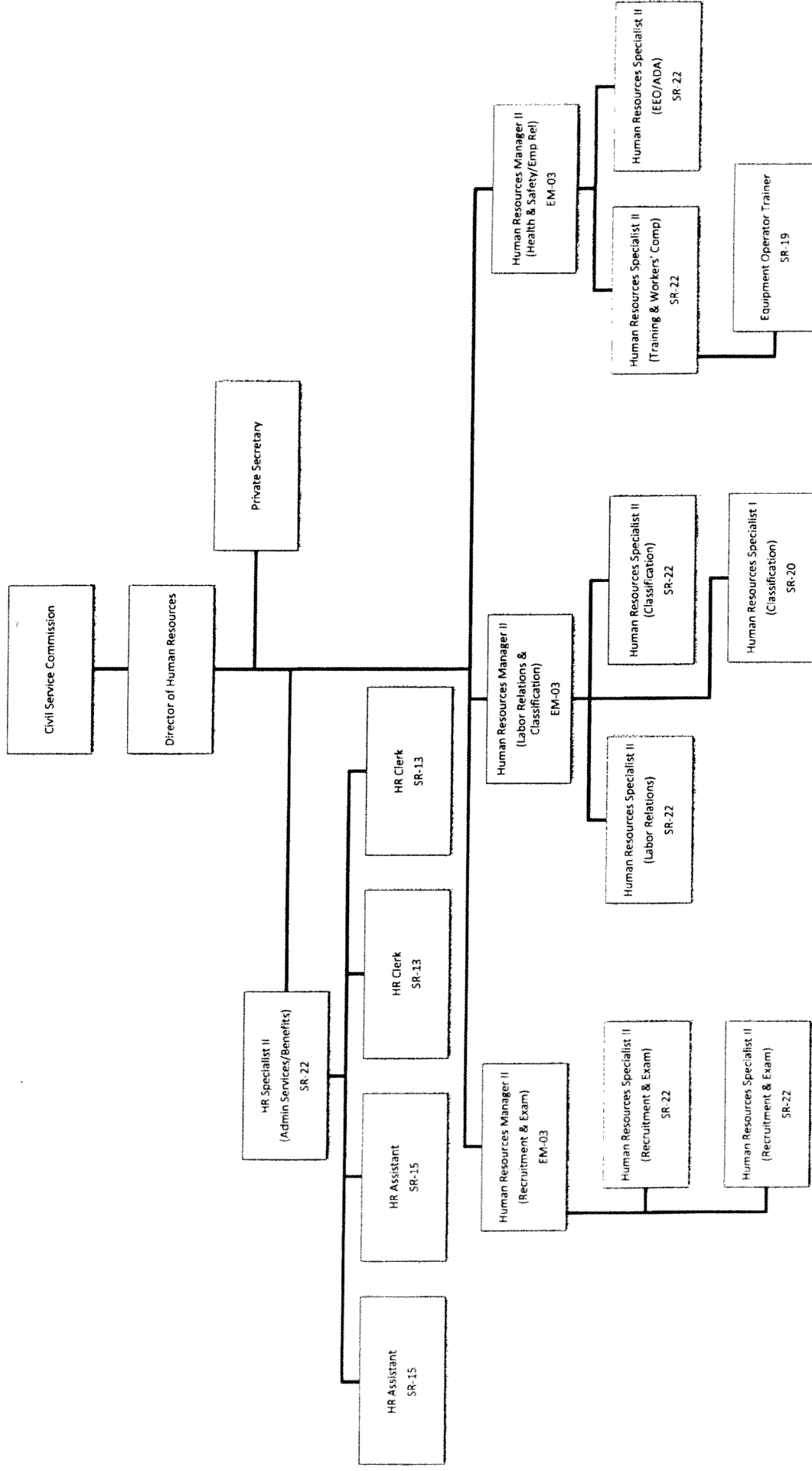
Approved:

  
Mayor Bernard F. Canziano  
Date 10/26/11



# Human Resources Proposed Restructuring

Exhibit 2



**PROPOSED HUMAN RESOURCES RESTRUCTURING  
FUNCTIONAL DIVISIONS**

Department of Personnel Services		Proposed Human Resources Restructuring ADMINISTRATIVE SERVICES/BENEFITS DIVISION		Departments
		Prepare payroll certifications	←	
				Serve as resource and final authority in processing payroll certifications
		Set up and maintain official personnel files	←	
		Record and maintain certifications, licenses, physical exams and other employment requirements	←	
		Document, track and prepare Job Performance Reviews; review completed forms and file	←	
		New hire orientation to Countywide policies and procedures	←	
				New hire orientation on department specific policies and procedures
		New hire benefits enrollment (health insurance, ERS, etc.)	←	
				Open enrollment information to employees
		Open enrollment processing	←	
		ERS communications	←	
	→	Prepare, process and manage EAP program; provide training to departments	←	

Department of Personnel Services			Departments

Department of Personnel Services		Proposed Human Resources Restructuring CLASSIFICATION AND PAY DIVISION		Departments
				Initiate request to create new position description/ position description review, providing summary of scope of work, essential functions, licenses, certifications, equipment, environmental factors, etc.
	→	Prepare position descriptions including FLSA determination	←	
				Review position description
		Assist departments with preparing/creating organizational charts		
				Prepare organizational charts annually and as needed
	→	Job evaluation, analysis and grading	←	

Department of Personnel Services		Proposed Human Resources Restructuring RECRUITMENT AND EXAMINATION DIVISION		Departments
				Complete vacancy requisition (NeoGov)
	→	Draft and prepare recruitment and/or retention incentives	←	
	→	Distribute job posting Countywide	←	
	→	Place ad in newspaper	←	
	→	Prepare and administer tests	←	
	→	Accept applications	←	
	→	Screen applications	←	
		Assist in the development of interview questions; assure compliance regarding interview questions		
				Interview applicants
		Assist in the development of reference check questions; process fingerprinting as needed		
				Conduct reference and background checks
				Recommend selection to Mayor (NeoGov); prepare correspondence; contact individual
		Coordinate with Department and process selected applicant for drug test, physical exam and other required qualifying tests		
	→	Schedule pre-employment screenings	←	
		Complete new hire paperwork including benefits enrollment	←	



Department of Personnel Services		Proposed Human Resources Restructuring	Departments	
		LABOR RELATIONS DIVISION		
	→	Survey departments on recommendations for contract changes; develop and recommend changes to Mayor; prepare costing reports and participate in negotiations		
				Provide input on impact to department and recommend proposals on contract changes
		Develop and maintain guidelines on discipline; recommend possible actions		
				Document and resolve disciplinary problems
		Receive notice of internal complaints; assist departments to coordinate and conduct investigations; advise and consult on appropriate action; and maintain files		
				Work with HR and Attorney's office in coordinating investigations, designating investigator, preparing report of findings and taking corrective action
				Receive and respond to grievances up to Department Head level in consultation with HR
	→	Respond to Employer level grievances and arbitration cases as needed		
		Distribute information to all departments on grievance decisions for consistency in contract interpretations		

Department of Personnel Services		Proposed Human Resources Restructuring		Departments
		HEALTH AND SAFETY DIVISION		
	→	Administer substance abuse testing and SAP referral programs including Countywide policies and procedures		
		Plan, develop and implement Countywide training		
		Oversee and assist with departmental training programs; coordinate training for optimal use of resources, sharing training opportunities with all departments		
				Plan, develop and implement departmental specialized training programs
		ADA/EEOC support		
		Manage workers' compensation claims in consultation with departments and third party administrators including implementation of Return to Work Program for injured employees	←	

County Council- Partial Districting (Four District/Three At-Large)

1. "Section 3.02. Composition. There shall be a council of seven members [elected at-large]. Three members shall be elected at-large by all registered voters in the county. Each of the other four members shall reside in and shall be elected from a separate council district by registered voters residing in that separate council district.

Section 3.03. Terms. The terms of office of [councilmembers] council members shall be [for two years] two years for district seats and four years for at-large seats beginning at twelve o'clock meridian on the first working day in December following their election. No person shall be elected to the office for more than four consecutive two year terms for district seats, and more than two consecutive four year terms for at-large seats.

Section 3.04. Qualifications.

- A. To be eligible for the council, a person must be a citizen of the United States and must have been a duly qualified [elector] registered voter of the county for at least two years immediately preceding his or her filing candidacy papers for election [or appointment]. In addition, those candidates for the council who intend to represent one of the four council districts must state which district they intend to represent and that they have been a registered voter of that district for the preceding ninety days. Should a council member move from, or be removed from, any of the seven council positions from which that person was elected, any replacement appointee must meet all requirements of a candidate for that position.
- B. Any [councilman] council member who removes his or her residence from the county or district from which elected, or is convicted of a felony, shall immediately forfeit his or her office.

Section 3.19. District Election and Reappointment.

- A. The first election by separate council districts shall be in the primary election of 2014.
- B. The year 2021 and every tenth year thereafter shall be district reapportionment years.
- C. An initial council district apportionment commission shall be constituted on or before the first day of April, 2013. A council district reapportionment commission shall be constituted on or before the first day of July of each district reapportionment year or whenever district

reapportionment is required by court order. The commission shall consist of seven members. The members of the commission shall be appointed by the mayor and confirmed by the council.

The initial council district apportionment commission shall be responsible for designating the geographic boundaries of the council districts provide for above. The council district reapportionment commission shall be responsible for the reapportionment and redistricting of those districts.

The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment. The commission shall act by the majority vote of its membership and shall establish its own procedures. No member of the commission shall be eligible to become a candidate for election or appointment to the council in the initial election held under any apportionment or reapportionment plan adopted by the commission.

The commission shall be furnished all necessary technical and secretarial services. The mayor and the council shall appropriate funds to enable the commission to carry out its duties.

- D. In effecting the initial apportionment and each subsequent reapportionment, the commission shall be guided and comply with all applicable Federal and State Laws.
- E. On or before February 1 of the year following appointment, the commission shall file with the county clerk an apportionment or reapportionment plan, which shall become effective upon its filing.
- F. Any registered voter may petition the proper court to compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in the district apportionment or reapportionment plan, or the court may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five calendar days after the filing of the plan.
- G. The commission's tenure shall end upon the filing of its plan."

*(Deleted material is bracketed; new material is underlined)*

2. Ballot Question 1:

*Option A:*

- 1) Effective 2014, shall four of the seven council members be elected by districts (North Shore, Eastside, South Shore/Central, Westside) and three of the seven council members be elected at-large, with a commission to be appointed in 2013 to establish district apportionment, and shall 2021 and every tenth year thereafter be a district reapportionment year?
- 2) If partial-districting of the council is approved, shall council members elected by district serve two-year terms and council members elected at large serve four-year terms?

*Option B:*

- 1) Effective 2014, shall four of the seven council members be elected by districts (North Shore, Eastside, South Shore/Central, Westside) to serve two-year terms, and three of the seven council members be elected at-large to serve four-year terms, with a commission to be appointed in 2013 to establish district apportionment, and shall 2021 and every tenth year thereafter be a district reapportionment year?

Ballot Question 2:

- 1) If partial-districting of the council, with two-year terms for district seats and four-year terms for at-large seats, is approved, shall the term of office for council members elected by district be limited to four consecutive two –year terms, and for council members elected at-large be limited to two consecutive four-year terms?

**Years and Vote Tally with Difference  
for  
Ballot Questions  
For  
Charter Amendment for Council Partial-Districting**

1982 -      3 District Seats / 4 At-Large Seats  
5541 YES    /      8662 NO    /      **3141 Difference**

1996 -      5 District Seats / 2 At-Large Seats  
8456 YES    /      9589 NO    /      **1133 Difference**

2006 -      3 District Seats / 4 At-Large Seats  
9396 YES    /      9557 NO    /      **161 Difference**

Analysis:      **Trend shows voters have been steadily moving towards approving  
the concept of a Part-District/Part-At-Large Council makeup.**

*{1990 Ballot Question with Dual Choices of 3D/4AL or 5D/2AL not included in this information.  
The "Yes" vote numbers show both proposals being simultaneously approved, however the  
number of "blank" votes outweighed both "Yes" and "No" votes; this discrepancy and voter  
confusion with the ballot question caused both the amendment and ballot question to  
eventually be rendered invalid by the Ninth Circuit Court}*

*(Dates and vote count information gathered from the County of Kaua'i website)*

**Population Breakdown of Each Town  
According to 2010 Census Data:**

*Towns Listed from West to North:*

**West District:**

Niihau-	210
Kekaha-	3557
Waimea-	1855
Pakala/Makaweli-	294
Kaumakani-	749
Hanapepe-	2638
Eleele-	2390
Kalaheo-	4595
Sum=	<u>16268</u>

**South-Central District:**

Lawai-	2363
Omao-	1301
Koloa-	2144
Poipu-	979
Puhi-	2906
Lihue-	6455
Hanamaulu-	3835
Sum=	<u>19983</u>

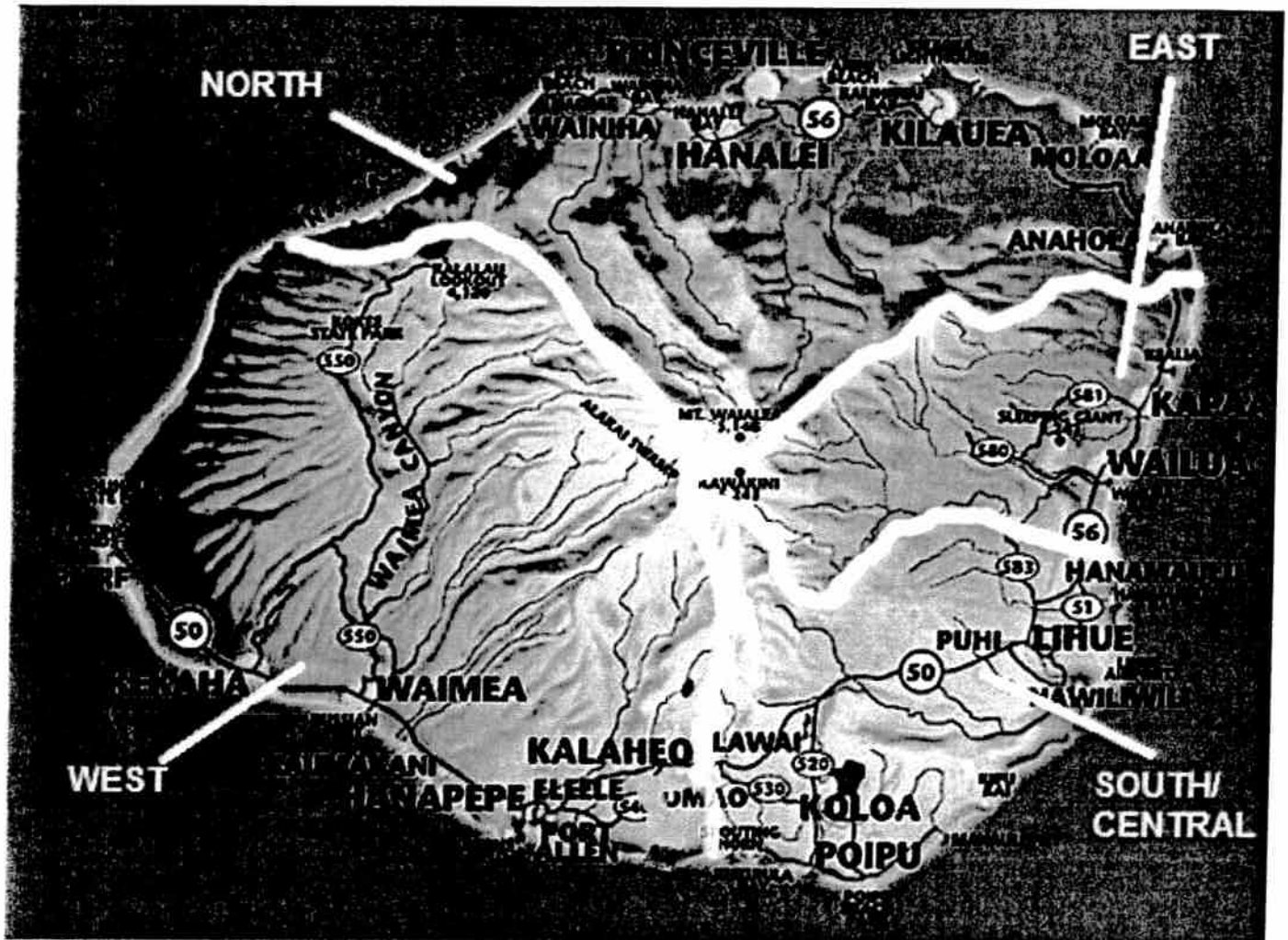
**East District:**

Wailua-	2254
Wailua Homsteads-	5188
Kapaa-	10699
Sum=	<u>18141</u>

**North District:**

Anahola-	2223
Kilauea-	2803
Kalihiwai-	428
Princeville-	2158
Hanalei-	450
Wainiha-	318
Haena-	431
Sum=	<u>8811</u>

**Rough Conceptual Layout  
of Geographic Areas  
for County Council with Four District Seats**



Thick Yellow Lines indicate the four district divisions

**Conceptual Town Grouping Breakdown with Four Districts:**

**“North”:** Anahole, Moloa’a, Kilauea, Kalihiwai, Princeville, Hanalei, Wainiha, Ha’ena

**“East”:** Wailua, Wailua Homesteads, Kapa’a, Kealia

**“South/Central”:** Lawai, Omoa, Koloa, Po’ipu, Puhi, Lihue, Hanalei

**“West”:** Ni’ihau, Kekaha, Waimea, Pakala/Makaweli, Kaumakani, Hanapepe, Ele’ele, Kalaheo

*Each region has culturally specific & unique geographic issues related to their area*



## Barbara Davis

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**From:** jonathan jay  
**Sent:** Friday, February 17, 2012 10:53 PM  
**To:** Pstack@hawaiiantel.net; Barbara Davis  
**Subject:** Fwd: A District Proposal for the Charter Review Committee: At-large Voting - Candidate Residency Requirement Districts for Kaua'i  
**Attachments:** 8districtsKauai.jpg  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Aloha Patrick.

I got your email from Ed Justus, who recommended i contact you as the new chair of this committee with districting proposal, as i guess the issue of districting is coming up soon for discussion.

Since there may soon be some focus on the issue of districting for the county council, i would like to submit this proposal for your consideration. I would like to think that pono districting for Kaua'i is an idea who time may have finally come, and that if done right, could be quite helpful in improving the quality of our county council, as well as fostering closer and more direct involvement of more of Kaua'i and Ni'ihau's citizens and residents to more effectively engage in our our local governance and foster improved function of grassroots democracy.

Districting for Kaua'i is something that i have given serious consideration to for over half a dozen years. Cartography and democratic invigoration being two interests of mine.

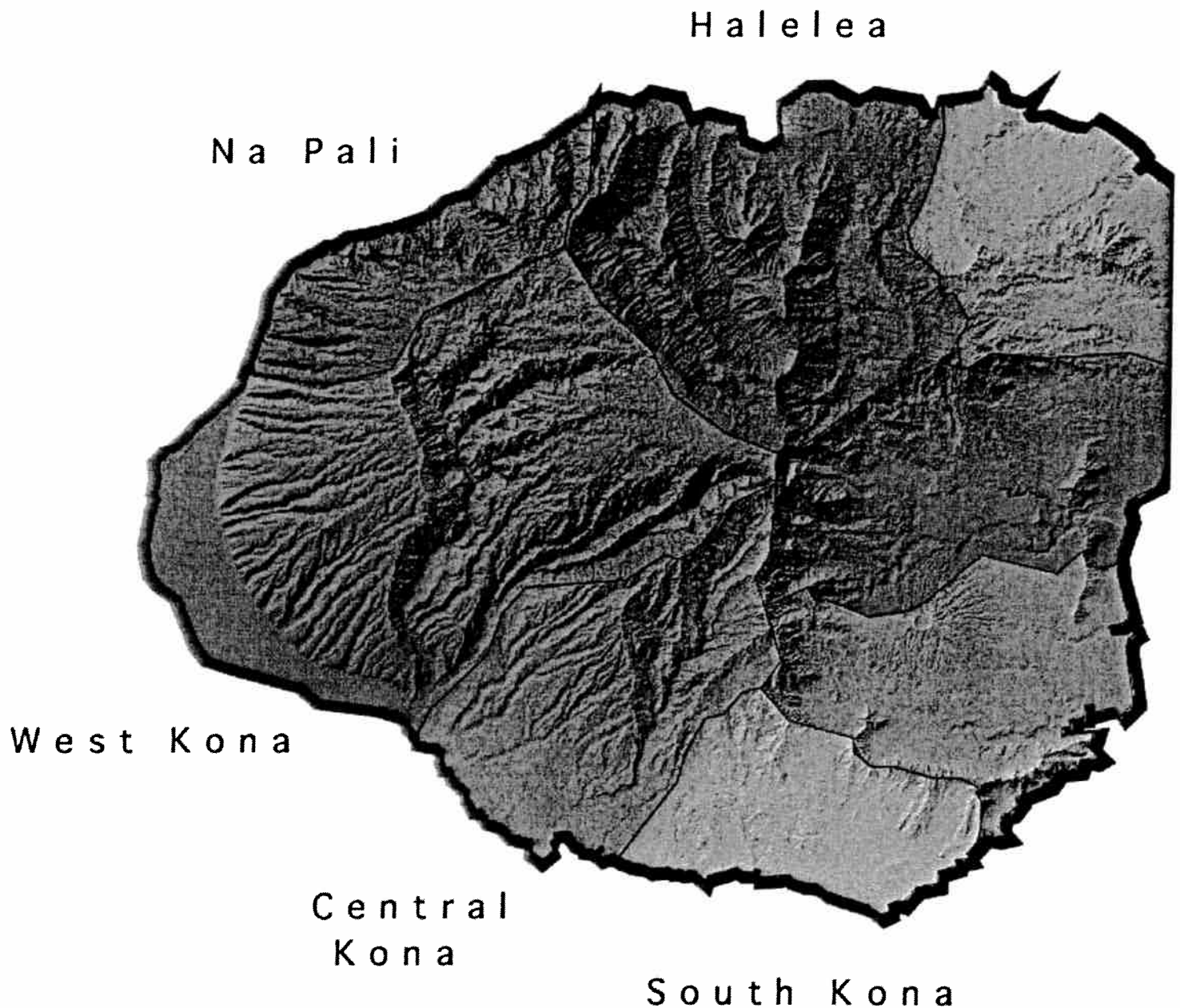
This proposal i call "Moku Districts" is similar to method Maui has adopted - at-large voting across the whole island for candidates that meet residency requirements to run in each district.

- 1) is simple - all one kind, clean and simple, not a complicated hard to understand hybrid of at-large & district representative or multi-tiered hierarchical council with 2 and 4 year seats.
- 2) is practical and easy to understand - you must live in the district whose seat you are running for, but everyone on the island continues to vote for seven candidates - 1 in each district.
- 3) is based on Hawaiian culture/tradition - it is wise to build upon the accrued wisdom of a culture that thoroughly understands this mokupuni o Kaua'i
- 4) would benefit us as a community today - by ensuring some one from every part of the island will be at future council tables when resolving issues that affect the whole island
- 5) is simple & inexpensive to implement - it could be done once, then left alone, the mechanism of at-large voting freeing Kaua'i from expensive & reoccurring redistricting battles and jerry-mandering every ten years based on new census data. With at-large voting, there is no constitutional requirement for population equity (+/-5%) between districts to maintain proportional representation.
- 6) Since each Council Person seated in each district chair, lives in that district, she or he becomes the obvious go-to person to direct issues of that district. This is extremely helpful because frequently, Kaua'i citizens do not know where to begin to get their local issues resolved.
- 7) at-large voting across the island is kept - people like it. Since voting for each council person still takes place across the entire island, our unity as an island is preserved, and regional infighting or "horse trading" where one district "fights" with another over resources will not be increased by this form of at-large voting districts. Issues must still be resolved with the greater interest of the the island as the primary focus.

### **At-large Voting, Candidate Residency Requirement □ MOKU DISTRICTS □ a proposal for Kaua'i**

What would these districts look like? Here is a simple colorful map of Kaua'i that is very easy to understand for the voters Kaua'i to consider adopting in November of 2012, Moku Districts for the Kaua'i County Council. This map and the divisions there-in are based on traditional economic & political land divisions determined by the pre-contact polynesian culture after 1,000 years of living on Kaua'i, and are built up from Ahupua'a (watersheds) and Moku (physically distinct regions, or districts). For practical purposes, these have been adapted slightly to conform to contemporary living patterns and settlement locations and towns.

# Districts of Kaua



1. Halelea & Na Pali
2. Ko'olau
3. North Puna
4. South Puna
5. South Kona
6. Central Kona
7. West Kona & Ni'ihau

This give a total of 7 populated voting districts (w/ NaPali-the-8th being a kuliana to malama `aina by all; to be held "in commons")

## **At-large Voting, Candidate Residency Requirement Districts for Kaua'i - How Would it Work?**

From the Voter's experience - there is virtually NO Change - still 7 votes in the Primary & 7 votes in the General, just as presently, however, what would be distinct is that the voter would choose between candidates within a district, and be allowed 1 vote per district.

From the Candidate's experience - each candidate must be a legal resident of the district they are running from, and would run directly against other candidates from their part of the island vs. as an at-large candidate running in a field of seven.

From the Primary - the **two** highest vote-getters *from each district* advance to the general election, for a total of 14 as is presently the case.

In the General - the highest vote getter *from each district* is seated at the council, for a total of seven, as is presently the case.

To put it another way, instead of 1 big race w/ 7 winners, there would be 7 smaller races w/ 1 winner in each.

**Each council-member would still "represent" all of the island, having been placed into office by voters from all of the island.**

**The prime difference would be that now when issues come before the council they affect the whole island, some one from each part of the whole island would be at the table to contribute to coming to a solution - every time... if this was the will of the people of Kaua'i.**

### ***A Second Ballot item for you to consider presenting to the Ballot***

*Additionally, perhaps as a second ballot item, in order to diminish the traditional "horse-wrangling" and "insider" deal-making that accompanies each new seating of the council when it comes to determining whom shall be the "Council Chair" I suggest we instead **let the voters decide**, by amending the charter to automatically assign the Council Chair duties and responsibilities to the "highest vote-getter" in the at-large voting Council race.*

I am available to answer questions by email or phone - 634.6267, and look forward to being able to come into Lihue and testify before the committee.

Please let me know how you feel I may best be of service.

aloha,  
jonathan jay

for further background reading on this matter, I point you to this TGI article I co-wrote back in 2007 with Architectural Planner Juan Wilson:

<http://islandbreath.org/2007Year/20-HookahiKauai/0720-06Ahupuaa.html>

2011 / 2012 Tracking of Proposed Amendments

Charter Section	Proposed Amendment	Legal Review		2 <sup>nd</sup> Commission Review	Future Action
		Sent	Rcd		
CRC 2011-01 §24.04 (new) ❖	Correcting non-substantive language to Charter	3/1/11	3/7/11		Deferred to 02/12 for comments from Attorney/County Clerk
CRC 2011-02 §24.01-B ❖	Percent of registered voter signatures on petition to propose amendments	4/26/11	5/2/11		Trace January 2012 for ballot question & further review
CRC 2011-05 §24.01 B	Clarify wording of 1 <sup>st</sup> sentence of §24.01 B				
<del>CRC 2011-03 §§13.03/31.03</del>	<del>Reassign transfer of building maintenance form PW to Parks</del>	N/A	N/A	N/A	N/A
CRC 2011-04 §22.03 C ❖	Percent of registered voter signatures for initiative and referendum petition	4/26/11	5/2/11		Trace January 2012 for ballot question & further review
CRC 2011-06 §24.03	Establish a permanent Charter Review Commission				Deferred to 2013 (comments rcd from Admin & Council)
CRC 2011-07 §1.03 ❖	Clarification relating to the election of County Officers	5/25/11	6/9/11		Trace for mid-2012 for ballot question & further review
CRC 2011-08 §23.01, §7.03 & §29.00 ❖	Relating to salaries of County Officers	8/25/11 9/29/11	8/25/11 10/11/11		Approved as amended; pending ballot question
CRC 2011-09 §XV	Establishing a Department of Human Resources				Deferred 11/28/11; awaiting further response from Council sub-committee.
CRC 2011-10	<del>Cost Control Commission annual</del>	N/A	N/A		Received for the record;

Charter/Tracking of Proposed Amendments\_2011/2012 (updated 11/17/11)

# 2011 / 2012 Tracking of Proposed Amendments

<del>§28.05</del> <del>CRC 2011-11</del> <del>§23.02-C</del>	<del>report and mandates contained therein</del> <del>3 year terms for B&amp;C members</del>	N/A	N/A		filed; No further Action
CRC 2011-11 §23.02 H	Term limits for board and commission members	8/23/11	8/31/11		No further action
CRC 2011-12 Article XX	Revisions to proposed amendment Review for proposed changes to the Code of Ethics	10/16/11	11/10/11		11/2/11 - Amendment approved pending ballot question
	20.03 – Contracts (\$1,000)				8/22/11 – Request comments from BOE (red 9/14/11)
	20.02 D – Appear in behalf of private interests				9/26 – defer until requested as agenda item
	20.03 A – Contracts				9/26 – defer to 1/12; develop appropriate language
	20.04 D – Disclosure Section				Clarify definition of “competitive bidding” 9/26 – defer to 1/12
CRC 2011-14 Article XIX; §19.20	Change method of advertising on Disposition of Surplus Property				Repeat or move language into new section to avoid limiting Council authority to Disclosures only 9/26 – defer to 1/12
CRC 2011-15 Article IXA	§9A.03 Prosecuting Attorney – Change statutory authority for budget review process				Motion to make changes failed for lack of a second (10/24/11)
	§9A.03 Prosecuting Attorney – Expand Prosecutor’s authority				B&C awaiting proposed language from OPA; then forward to Mayor, Council KPD, etc., for comments
					B&C awaiting proposed language from OPA; then forward to Mayor, Council KPD, etc., for

						comments

Charter/Tracking of Proposed Amendments\_2011/2012 (updated 2/15/12)

## **Proposing A New Section 24.04 Relating to Non-substantive Corrections and Revisions.**

### **Findings and Purpose.**

The Commission finds that the County needs the ability to correct typographical and grammatical errors and make non-substantive format changes to the Charter resulting from clerical mistakes or newly adopted Charter amendments.

The purpose of this amendment is to allow the County Attorney/County Clerk to propose corrections to errors in spelling, grammar, gender neutral language and other format changes as well as insert omitted words, section references, Hawaiian language diacritical marks and make other non-substantive revisions to the Charter.

The adoption of all non-substantive corrections or revisions proposed by the County Attorney/County Clerk shall be by ordinance approved by a vote of five (5) or more members of the County Council and only upon the conclusion of a duly noticed public hearing.

### **Charter Amendment.**

Article XXIV of the Kaua'i County Charter shall be amended by adding a new Section 24.04 to read as follows:

#### **"ARTICLE XXIV CHARTER AMENDMENT**

##### Section 24.04. Non-substantive corrections and revisions.

A. The county attorney may propose non-substantive corrections and revisions to the charter by ordinance.

B. In making non-substantive corrections and revisions the county attorney may:

1. Number and renumber articles, sections, and part of sections;
2. Rearrange sections;
3. Change reference numbers to be consistent with renumbered articles, sections, and part of sections under either federal, state, or county law;
4. Substitute the proper article or section number for the terms "the preceding

section", "this article", and like terms;

5. Delete figures where they are merely a repetition of written words;

6. Change capitalization for purposes of uniformity;

7. Correct clerical, typographical, or grammatical errors and insert omitted words or Hawaiian language diacritical marks;

8. Change any male or female gender terms to a term which is neutral in gender when it is clear that the provision is not applicable only to members of one sex and without altering the sense, meaning, or effect of any charter provision;

9. Delete any provision pre-empted or superseded by either federal or state law or any charter amendment; and

10. Incorporate other non-substantive changes as shall be necessary to provide a uniform and consistent language style throughout the charter. In making such revisions, the county attorney shall not alter the sense, meaning, or effect of any article or section.

C. Prior to adoption of the ordinance, the council shall conduct a public hearing on all proposed non-substantive corrections or revisions under consideration. A notice of the public hearing shall be published in a newspaper of general circulation in the county at least thirty (30) days prior to the date of the hearing. The public hearing shall be held not earlier than seven (7) days prior to the final reading of the ordinance.

D. The ordinance shall be adopted by a vote of five (5) or more members of the County Council."

**Note:** New charter material is underscored.

### **Ballot Question.**

Shall the County Attorney/County Clerk be allowed to propose an ordinance to correct typographical, grammatical and other minor errors to the Charter that must be approved by a vote of five (5) or more members of the County Council?

*Big Island: RELATING TO GRAMMAR, SPELLING, AND FORMATTING OF THE CHARTER: Shall the charter of the County of Kaua'i be amended by correcting various grammatical, spelling, and formatting errors throughout the charter?*



## **An Amendment Relating to Initiation of Charter Amendments.**

### **Findings and Purpose.**

#### **Charter Amendment.**

Article XXIV, Section 24.01 of the Kaua'i County Charter shall be amended to read as follows:

#### **"ARTICLE XXIV CHARTER AMENDMENT**

Section 24.01. Initiation of Amendments. Amendments to this charter may be initiated only in the following manner:

A. By resolution of the council adopted after two readings on separate days and passed by a vote of five or more members of the council.

B. By petition presented to the council, signed by registered voters comprising not less than five percent (5%) of the number of voters registered in the last general election, setting forth the proposed amendments. Such petitions shall designate and authorize not less than three nor more than five of the signers thereto to approve any alteration or change in the form or language or any restatement of the text of the proposed amendments which may be made by the county attorney.

Upon filing of such petition with the council, the county clerk shall examine it to see whether it contains a sufficient number of [apparently genuine] valid signatures of registered voters."

**Note:** New charter material is underscored.

#### **Ballot Question.**

Draft: 3-30-11

(Sec. 24.01 – Charter Petitions)

**CRC 2011-05**

## **An Amendment Relating to Submission Requirements for Initiative and Referendum Petitions.**

### **Findings and Purpose.**

### **Charter Amendment.**

Article XXII, Section 22.03 of the Kaua'i County Charter shall be amended to read as follows:

### **ARTICLE XXII INITIATIVE AND REFERENDUM**

"Section 22.03. Submission Requirement.

A. Voters seeking to propose an ordinance by initiative shall submit an initiative petition addressed to the council and containing the full text of the proposed ordinance. The initiative petition shall be filed with the clerk of the council at least ninety-six (96) hours prior to any regular council committee meeting.

B. Voters seeking referendum of an ordinance shall submit a referendum petition addressed to the council, identifying the particular ordinance and requesting that it be either repealed or referred to the voters of the county.

C. Each initiative or each referendum petition must be signed by registered voters comprising not less than twenty percent (20%) of the number of [eligible] voters registered in the last [preceding] general election.

D. If an initiative or referendum measure is to be placed on the ballot in a general election, the initiative and referendum petitions must be submitted not less than one hundred twenty (120) calendar days prior to the day scheduled for the general election in the county. "

**Note:** Charter material to be repealed is bracketed. New charter material is underscored.

**Ballot Question.**

1/24/11 – introduced by Jan TenBruggencate  
5/2/11 – legal review complete; ballot question pending

## **An Amendment Relating to the Election of County Officers.**

### **Findings and Purpose.**

### **Charter Amendment.**

Article I, Section 1.03 of the Kaua'i County Charter shall be amended to read as follows:

### **ARTICLE I THE COUNTY AND ITS GOVERNMENT**

#### **"Section 1.03. County Elections.**

[A. In general. County elections shall be conducted in accordance with the election laws of the State insofar as applicable, but all elective officers shall be elected by nonpartisan elections. Except as otherwise provided in this charter, such nonpartisan elections shall be held in conjunction with the primary and general elections of the applicable year in which the terms of the mayor, council members, or prosecuting attorney, respectively, end.

B. First nonpartisan election. To the extent possible, the first nonpartisan election shall be held in conjunction with the primary election of the applicable year.

1. Offices of the Mayor, Prosecuting Attorney and Council members to be elected by districts, if any. In the case of the offices of mayor, prosecuting attorney, or any council members to be elected by districts, the names of the two candidates receiving the highest number of votes for these offices in the first nonpartisan election shall be placed on the ballot for the second nonpartisan election. However, if there is only one candidate for each of said offices, such candidate shall be

elected.

2. Office of At-Large Council Members. The candidates receiving the highest number of votes shall be elected to fill each vacant at-large council office provided the candidate or candidates receive at least thirty percent of all votes cast for all at-large council offices. In the event of a tie for the last remaining at-large council office the candidates receiving the same number of votes shall be placed on the ballot for the second nonpartisan election.

C. Second nonpartisan election. To the extent possible, the second nonpartisan election shall be held in conjunction with the general election for the applicable year.

1. Offices of the Mayor, Prosecuting Attorney, and Council members to be elected by districts, if any. Unless a candidate for mayor, prosecuting attorney, or council members to be elected by district, if any, is elected in the first nonpartisan election, the names of the two candidates receiving the highest number of votes for these offices in the first nonpartisan election shall be placed on the ballot for the second nonpartisan election. At the second nonpartisan election the candidates receiving the highest number of votes for mayor, prosecuting attorney and district council member, respectively, shall be elected.

2. Office of At-Large Council members.

a. If any at-large council office remains to be filled after the first nonpartisan election, two candidates for each vacant at-large council office shall be placed on the ballot. The names of the candidates receiving the highest number of votes cast in the first nonpartisan election, other than the name of any candidate elected after the first nonpartisan election, shall be placed on the ballot until a sufficient number of candidates are on the ballot as provided in this subsection. At the second nonpartisan election, the candidates receiving the highest number of votes for each vacant at-large office shall be elected.

b. In the event of a tie vote in the second nonpartisan election, the winner shall be determined by chance by a method chosen by the county clerk.

D. In any subsequent publication of the foregoing sections the term "first

nonpartisan election" and "second nonpartisan election" may be changed to "primary election" and "general election", respectively.]

A. Nonpartisan Elections. County elections shall be conducted in accordance with the election laws of the State insofar as applicable, but all elective county officers shall be elected by nonpartisan elections.

B. Offices of the Mayor and Prosecuting Attorney.

1. For the offices of mayor and prosecuting attorney, the names of the two candidates receiving the highest number of votes for these offices in the primary election shall be placed on the ballot for the general election. However, if there is only one candidate for each of said offices, such candidate shall be elected in the primary election.

2. At the general election the candidates receiving the highest number of votes for mayor and prosecuting attorney shall be elected.

3. Tie votes. In the event of a tie vote for mayor and prosecuting attorney in the primary or general election, the winner shall be determined by a method of chance as determined by the county clerk.

C. Office of At-Large Council members.

1. For at-large council offices, two candidates for each vacant at-large council office receiving the highest number of votes in the primary election shall be placed on the ballot for the general election.

2. At the general election the candidates receiving the highest number of votes for each vacant at-large council office shall be elected.

3. Tie votes. In the event of a tie vote for the last remaining at-large council office in the primary election, the candidates receiving the same number of votes shall be placed on the ballot for the general election.

In the event of a tie vote for the last remaining at-large council office in the general election, the winner shall be determined by a method of chance as

determined by the county clerk.”

**Note:** Charter material to be repealed is bracketed. New charter material is underscored.

**Ballot Question.**

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8/25/11: 1<sup>st</sup> Legal review received  
9/29/11: Resubmit changes for legal review.  
10/10/11: Legal review received

## Various Proposed Amendments Relating to Salaries of County Officers.

### Findings and Purpose.

Article XXIX of the Kaua'i County Charter shall be amended to read as follows:

#### **"ARTICLE XXIX SALARY COMMISSION**

Section 29.01. Organization. There shall be a Salary Commission composed of seven members to establish the maximum salaries of all [councilmembers and all officers and employees included in Section 3-2.1 of the Kauai County Code 1987, as amended] elected and appointed officers as defined in Section 23.01 D of this Charter.

Section 29.02. Policies. The commission shall adopt and, when it deems necessary, may change the policies governing its salary-setting decisions.

Section 29.03. Resolution. The commission's salary findings shall be adopted by resolution of the commission and forwarded to the mayor and the council on or before March 15 of any calendar year. [Subject to Section 29.05, the] The resolution shall take effect without the mayor's and council's concurrence sixty days after its adoption by the commission unless rejected by a vote of not less than five members of the council. The council may reject either the entire resolution or any portion of it. The respective appointing authority may set the salary of an appointee at a figure lower than the maximum figure established by [ordinance] the salary commission for the position. Provided however, elected officers may voluntarily accept no salary or a salary lower than the maximum figure established by the salary commission for their position.

CRC 2011-08



Section 29.04 Rules. The commission shall establish its rules of procedures and adopt rules and regulations pursuant to law.

Section 29.05 [Changes in Salary]. No change in salary of councilmembers shall be effective during the term in which a change is enacted or for twenty-four months after a change is enacted, whichever is less.

Section 29.06] Administration and Operation. The mayor and council shall provide an annual appropriation sufficient to enable the commission to secure clerical or technical assistance and pay other operational costs in the performance of its duties."

**Note:** Charter material to be repealed is bracketed. New charter material is underscored.

**Ballot Question.**

CRC 2011-08

(Articles XXIX, XXIII & VII – County Salaries)

## Findings and Purpose.

Article XXIII, Section 23.01 D of the Kauaʻi County Charter shall be amended to read as follows:

### ARTICLE XXIII GENERAL PROVISIONS

"Section 23.01. Definitions.

D. The term "officer" shall include the following:

- (1) Mayor, prosecuting attorney, and members of the council.
- (2) Any person excluded from Chapter 76, HRS and the position classification plan who is appointed as administrative head of any department or agency of the county [or as a member of any board or commission].
- (3) [The first deputy] Deputies appointed by the administrative head of any department or agency of the county who are excluded from Chapter 76, HRS and the position classification plan.
- [(4) Deputies of the county attorney.]

**Note:** Charter material to be repealed is bracketed. New charter material is underscored.

## Ballot Question.

CRC 2011-08

## Findings and Purpose.

Article VII, Section 7.03 of the Kaua'i County Charter shall be amended to read as follows:

### ARTICLE VII MAYOR

"Section 7.03. Compensation. The salary of the mayor shall be [\$19,000.00 per annum which shall be subject to change by the council. The salary of any incumbent shall be reduced only in the event that a general reduction in salaries of all county officers and employees is simultaneously effected] established in accordance with the provisions of Article XXIX of this Charter.

**Note:** Charter material to be repealed is bracketed. New charter material is underscored.

## Ballot Question.

**Proposing A Charter Amendment to Article XV Relating to Establishing A Department of Human Resources.**

**Findings and Purpose.**

**Charter Amendment.**

**Article XV of the Kaua'i County Charter is amended to read as follows:**

**"ARTICLE XV  
DEPARTMENT OF [PERSONNEL SERVICES] HUMAN RESOURCES**

Section 15.01. Organization. There shall be a department of [personnel services] human resources consisting of a civil service commission, a director and the necessary staff for the purpose of establishing a system of personnel administration based upon merit principles devoid of any bias or prejudice, and [providing a systematic and equitable classification of all positions through adequate job evaluation] generally accepted methods governing classification of positions and the employment, conduct, movement, and separation of public officers and employees.

Section 15.02. Civil Service Commission Organization. The civil service commission shall consist of seven members who shall be in sympathy with and who shall believe in the principles of the merit system in public employment, [or] of the members appointed, one shall be selected from among persons employed in private industry in either skilled or unskilled laboring positions as distinguished from executive or professional positions. (Amended 2006)

Section 15.03. Powers and Duties. The civil service commission shall:

A. Adopt rules and regulations to carry out the civil service and compensation laws of the State and county. Such rules and regulations shall distinguish between matters of policy left for the determination of the commission and matters of technique and administration to be left for execution by the director.

B. Hear and determine appeals made by any officer or employee aggrieved by any action of the director or by any appointing authority. Appeal from the decision of the commission shall be as provided by law.

**CRC 2011-09**

C. Advise the mayor and director of personnel services on problems concerning personnel and classification administration.

D. Execute such powers and duties as may be provided by law.

Section 15.04. Director of [Personnel Services] Human Resources. The director of [personnel services] human resources shall have had a minimum of five years of training and experience in personnel administration either in public service or private business, or both, at least three years of which shall have been in a responsible administrative capacity and shall be in sympathy with the principles of the merit system. He shall be appointed and may be removed by the commission and come under the general supervision of the Mayor. The director shall be the head of the department of [personnel services] human resources and shall be responsible for the proper conduct of all administrative affairs of the department, and for the execution of the [personnel] human resources management program prescribed in this charter and in the ordinances and regulations authorized by this charter.

Section 15.05. [Civil Service and Exemptions. All positions in the county, except those exempted by law, shall be under civil service.] Human Resources Management Program. The director of human resources shall be responsible for the execution of the human resources management program which shall include:

A. Classification, recruitment, selection, employment, deployment, promotion, evaluation, discipline, and separation of employees.

B. Labor relations and negotiations.

C. Administration of employment policies and trainings related to employee benefits, conduct, development, and safety and injury prevention.

D. Workers' compensation.

E. Equal employment opportunities.

F. Workforce coordination and planning.

G. Administration of the civil service system as prescribed by statute.

H. Other related duties as may be determined by the Mayor."

**Note:** Charter material to be repealed is bracketed. New charter material is underscored.

**Proposed Ballot Question:**

Shall the title of the Department of Personnel Services be changed to Department of Human Resources and its existing scope of responsibilities broadened to include a more comprehensive human resources function?

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6/28/11: Legal review by County Attorney's Office; confidentiality waived on the communication by the Cost Control Commission.

7/13/11: proposed amendment by Cost Control Commission

7/25/11: as amended by Charter Review Commission

8/23/11 and 11/30/11: solicit input from the County Council

## **Proposing A Charter Amendment to Section 23.02 (H) Relating to County Board and Commission Member Terms.**

### **Findings and Purpose.**

The Commission finds that County board and commission members are prohibited from serving more than two consecutive terms on the same or different board or commission unless they take a one year break from serving.

This restriction discourages qualified individuals from continuing to volunteer and use their acquired experience and knowledge in other areas of interest that may be beneficial to the County.

The purpose of this amendment is to allow a County board or commission member to continue serving on a different board or commission without the need to take a one year break in service.

### **Charter Amendment.**

**Section 23.02 H of the Kaua'i County Charter is amended to read as follows:**

## **ARTICLE XXIII GENERAL PROVISIONS**

### **Section 23.02 Boards and Commissions.**

H. No member of any County board or commission shall be eligible for more than two consecutive terms on the same board or commission [or on two different boards or commissions of the county]. No person shall be eligible to serve on two different County boards or commissions at the same time. After the expiration of two consecutive terms on a board or commission, a member [no person] shall not be eligible for [appointment] reappointment to [any] the same [county] board or commission until one year has elapsed after such service. Any partial term of more than two years shall be considered a term as used herein.

**Note:** Charter material to be repealed is bracketed. New charter material is underscored.

### **Ballot Question.**

10/16/11 – Review for legality and compliance by County Attorney Office  
11/10/11 – Review received from County Attorney

CRC 2011-11

## **Charter Review Commission**

Timeline for Charter Amendments

February 2012

DRAFT

<b>March 19, 2012</b> (Monday)	Cutoff date for proposed Charter Review Commission amendment submittals
<b>March 20, 2012</b> (Tuesday)	Forward proposed Charter amendments to Legal for Findings/Purpose and Ballot Question
<b>May 21, 2012</b> (Monday)	CRC review amendments and forward to the County Attorney for legal review.
<b>July 23, 2012</b> (Monday)	Final approval of proposed Charter recommendations.
<b>July 24, 2012</b> (Tuesday)	Communications Team to prepare and format Voter Education Material
<b>August 22, 2012</b> (Wednesday)	Final review of Voter Education Material from the County Attorney
<b>July 30 (Monday) to August 9 (Thursday)</b>	Primary Election walk-in absentee polling period; pursuant to HRS § 15-7
<b>August 11, 2011</b> (Saturday)	Primary Election
<b>August 15, 2012</b> (Wednesday)	All Charter amendment questions(s) due to the County Clerk for printing of ballot pursuant to HRS § 11-119(b) (including Ramsayered text of amendment in Word format)
<b>August 23, 2012</b> (Thursday)	All Charter amendment questions(s) due to State Chief Election Officer for printing of ballot pursuant to HRS § 11-119(b) (including Ramsayered text of amendment in Word format)
<b>August 23, 2012</b> (Thursday)	Send Voter Education Material to the Printer for printing, folding and stuffing in mail-out ballots
<b>TBD, 2012</b>	Finalized camera-ready voter education for MidWeek Kauai
<b>September 22, 2012</b> (Saturday)	Mail-out of General Election absentee ballots to overseas voters (allows for 6 day challenge following primary + 4 day judicial response) (Federal guideline suggests 30-45 days prior to General) ➤ <b>Mail voter education to non-Kaua'i addresses</b>
<b>October 6, 2012</b> (Saturday)	County Clerk and Commission <b>jointly</b> publish all proposed Charter amendments in a newspaper of general circulation in the county pursuant to Kaua'i County Charter Section 24.02 B. (publish not less than 30 days prior)
<b>Week of October 15, 2012</b>	Publish voter education in MidWeek Kauai



<b>October 23 (Tuesday) to November 3 (Saturday), 2012</b>	General Election walk-in absentee polling period; pursuant to HRS § 15-7
<b>November 6, 2012 (Tuesday)</b>	<b>General Election</b>
<b>December 6, 2012 (Thursday)</b>	County Clerk to publish approved Charter amendments in a newspaper of general circulation in the county within 30 days.