



County of Kaua'i Charter Review Commission
4444 Rice Street, Suite 150
Līhu'e, Hawai'i 96766

EXPLANATION OF COUNTY CHARTER AMENDMENTS PROPOSED IN THE 2016 GENERAL ELECTION

Proposed by the Charter Review Commission

RELATING TO THE COUNTY CHARTER, ARTICLES I-XXXII – GRAMMATICAL ERRORS AND GENDER NEUTRALITY

Question: “Shall the charter be amended throughout to ensure that its language is to the greatest extent possible gender neutral and to make changes to spelling, capitalization, punctuation, formatting, and grammar?” **Vote YES or NO**

Background: Since its adoption in 1968, the County Charter has been amended several times, resulting in inconsistencies in word usage and formatting, as well as grammatical errors. Further, the charter refers to gender-specific positions, such as “councilman” and “chairman.”

Purpose: The purpose of this amendment is to correct grammatical and formatting errors in the document, without altering the meaning or purpose of its content. This amendment also seeks gender neutrality by changing terms such as “councilman” to “councilperson” and “chairman” to “chair.”

RELATING TO ARTICLE XII – FIRE DEPARTMENT

Question: “Shall the duties of the fire chief be clarified to include duties currently performed such as addressing hazardous materials, emergency medical services, and ocean safety, and shall the reference to the mayor’s authority to assign duties be removed?” **Vote YES or NO.**

Background: The section of the County Charter relating to the Fire Department was created before the Fire Commission was formed. Therefore, the current language of the Charter does not specifically identify lines of authority in assigning duties. Additionally, the Department has broadened its scope beyond fire control, to include such functions as ocean safety, hazardous materials, and emergency services, which are currently not reflected in the charter.

Purpose: This amendment would appropriately describe the current functions of the fire chief and the Fire Department, as they relate to duties and authority.

RELATING TO ARTICLE XIV – PLANNING DEPARTMENT

Question: “Shall a zoning board of appeals be established to hear appeals from decisions of the planning director and to conduct evidentiary hearings at the request of the planning commission.” **Vote YES or NO.**

Background: The rising number of contested case hearings has increased the need for the Planning Commission to hire hearings officers. The proposed Zoning Board of Appeals would be a seven-member board that would hear appeals regarding zoning and subdivision ordinances and would conduct evidentiary hearings. The creation of a Zoning Board of Appeals would eliminate the need to continuously hire hearings officers. The members of the proposed board would not be compensated and would be appointed by the mayor with the approval of the council.

Purpose: This amendment establishes a Zoning Board of Appeals that would hear appeals of the planning director’s decisions regarding violations of the zoning and subdivision ordinance, thereby eliminating the need to hire hearings officers to perform this duty.

ARTICLE XVIII – FROM CIVIL DEFENSE AGENCY TO EMERGENCY MANAGEMENT AGENCY

Question: “Shall the county Civil Defense Agency be renamed the Emergency Management Agency and its organization clarified consistent with state law?” **Vote YES or NO**

Explanation: Hawaii State law recently renamed the “Civil Defense Agency” to the “Emergency Management Agency.” Therefore, the current language of the Charter referring to the Civil Defense Agency is inconsistent with state law. Additionally, the Charter does not currently assign a department administrator or director.

Purpose: This amendment seeks to establish an administrator of the County Emergency Management Agency, and ensures that the Charter language is consistent with State law by renaming the Civil Defense Agency to the Emergency Management Agency.

ARTICLE XII, INITIATIVE AND REFERENDUM and ARTICLE XXIV, CHARTER AMENDMENT

Question: “Shall the percentage of registered voter signatures required to start the initiative or referendum process be reduced to 10 percent from 20 percent, and shall the percentage of registered voter signatures required to start the charter amendment process via voter petition be increased to 10 percent from 5 percent?” **Vote YES or NO**

Explanation: Currently, the Charter requires that voters seeking to propose an ordinance or referendum by petition be signed by no less than 20 percent of registered voters in the previous general election. A charter amendment by petition must be signed by no less

than five percent of the number of registered voters in the prior general election. This creates an inconsistency in the percentage of voters required to change, enact or reject county laws, and to amend the County Charter.

Purpose: This amendment seeks to decrease the number of registered voters required to propose an initiative or referendum, from 20 percent to 10 percent of registered voters in the prior election. It also seeks to increase the percentage of voters required to propose a charter amendment by petition from 5 percent to 10 percent. This makes the required percentage consistent at 10 percent for those wishing to propose an ordinance, referendum or charter amendment.

Question: “Shall it be specified what constitutes a charter amendment, and shall the processing of a proposed charter amendment via voter petition be revised to enable the county clerk to determine whether the proposal is a valid charter amendment?” **Vote YES or NO**

Explanation: The Charter currently requires that a charter amendment petition be presented to the County Council. It does not define a charter amendment or its limitations, nor does it specifically authorize a party to determine whether the proposal would be a valid charter amendment.

Purpose: The purpose of this amendment is to authorize the County Clerk, subject to court approval, to determine whether a proposed charter amendment is valid. It also seeks to limit a charter amendment to addressing the form or structure of county government, and not as a vehicle to adopt local legislation.

ARTICLE XXIV – CHARTER AMENDMENT

Question: “Shall the Charter Review Commission be an ongoing commission?” **Vote YES or NO**

Explanation: The Charter establishes a seven-member commission, called the Charter Review Commission, to study and review the operation of the county government. The current language of the charter states that the Commission will expire on December 31, 2016. A new commission can reconvene in 10 years, with members to be appointed by the mayor and approved by the council.

Purpose: This amendment seeks to remove the expiration date of the Charter Review Commission and eliminates the 10-year intervals between the creation of the commissions, thereby establishing a permanent Charter Review Commission.

For complete information or copies on Charter Amendment proposals, please go to www.kauai.gov/boardsandcommissions and click on “Charter Review Commission” or contact the Office of Boards and Commissions at 241-4919 or the Elections Division at 241-4800 or 241-4924 (tel/trs) during normal business hours.