

COUNTY COUNCIL

COUNTY OF KAUAI

Resolution

No. 89, Draft 1

RESOLUTION PROPOSING CHARTER AMENDMENTS RELATING TO SALARY COMMISSION AND SALARIES

SECTION 1. An amendment to add a new Article XXIX to the Charter of the County of Kauai shall be submitted to the electorate at the 1988 General Election as follows:

"ARTICLE XXIX Salary Commission

Section 29.01. Organization. The salaries of all councilmembers shall be established by an independent salary commission which shall consist of seven members. The mayor shall appoint three members, the council shall appoint three members, and the seventh member shall be appointed by the appointed six. If there is no agreement on the selection of the seventh member within forty-five days of the appointment of the sixth member, the seventh member shall be appointed by the mayor and confirmed by the council.

Section 29.02. Purpose and Duties.

A. The commission shall set salaries of councilmembers in accordance with the principles of adequate compensation for work performed, and preservation of a sensible relationship with the salaries of other county employees.

B. The commission shall review and recommend the salaries and minimum qualifications of all officers and employees included in Section 3-2.1 of the Kauai County Code 1987, as amended.

Section 29.03. Term. The term of the commission shall be coterminous with the term of the council. The mayor and council shall make their selection within forty-five days of their inauguration.

Section 29.04. Initial Commission. The initial commission shall be appointed for the term commencing December 1, 1988.

Section 29.05. Meetings; Rules. The Commission shall meet at least once a year to set the salaries for councilmembers and recommend the salaries for all other elected officials and employees as specified in Section 29.02 of this charter. The commission shall establish its rules of procedures and adopt rules and regulations pursuant to law.

Section 29.06. Change 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 29.07. Administration and Operation. The mayor and council shall provide an annual appropriation sufficient to enable the commission to secure clerical assistance and pay other operational costs in the performance of its duties."

SECTION 2. An amendment to Section 3.06 of the Charter of the County of Kauai shall be submitted to the electorate at the 1988 General Election as follows:

"Section 3.06. Compensation. The salary of each [councilman shall be \$7,200.00 per annum, except that the chairman shall receive an additional sum of \$900.00 per annum. The council may change the salaries of councilmen by ordinance, but no increase shall be effective during the term in which an increase is enacted. No ordinance changing the salaries of councilmen shall be enacted during the last ninety (90) days of a term.] councilmember shall be as established by the Salary Commission."

SECTION 3. An amendment to Section 3.11 of the Charter of the County of Kauai shall be submitted to the electorate at the 1988 General Election as follows:

"Section 3.11. Adoption of Pay Plan. The Council by ordinance shall fix the salaries of all department heads, officers (excluding councilmembers), and employees who are exempt from civil service. No department head shall receive a salary less than that of the highest paid civil service employee in the county. All other officers and employees shall be classified and paid in accordance with law."

SECTION 4. Upon adoption of these charter amendments or establishment of new salaries by the commission, all inconsistent ordinances, included but not limited to the following, shall be repealed pursuant to law:

Sec. 2-2.8, Kauai County Code 1987, relating to Salary Commission.

Sec. 3-3.1, Kauai County Code 1987, relating to salaries of councilmembers.

SECTION 5. Upon adoption of this resolution by five or more Councilmembers after two readings on separate days, the aforesaid Charter amendment proposal shall be submitted to the voters at the 1988 General Election. The County Clerk shall take all steps necessary to submit the amendment to the voters.

SECTION 6. All of these amendments shall be submitted as one ballot item.

SECTION 7. Material to be deleted is bracketed. New material to be added is underlined. In re-publishing any amendment adopted by the voters, the County Clerk need not show any deletions or underlining.

INTRODUCED BY: /s/ James Tehada
/s/ JoAnn A. Yukimura

CERTIFICATE OF ADOPTION

	Yes	No	A/C.
Aiing	X		
Correa	X		
Kukuhina	X		
Kouchi	X		
Manschika	X		
Tehada	X		
Yukimura	X		
	7	0	0

We hereby certify that Resolution No. 89 Draft ¹ was adopted on second reading by the Council of the County of Kauai, Lihue, Kauai, Hawaii, on August 2, 1988.

James Y. K. Hew
County Clerk

Harold Koh
Chairman & Presiding Officer

Dated 8/3/88

COUNTY COUNCIL

COUNTY OF KAUAI

Resolution

No. 111

RESOLUTION PROPOSING CHARTER AMENDMENT RELATING TO COUNCIL DISTRICTING

SECTION 1. Pursuant to Section 24.01 of the Charter, the Council hereby proposes that the following charter amendment be submitted to the voters at the 1990 general election:

"Section 3.02. Composition. There shall be a council of seven members [elected at-large]. One member shall reside in and be elected by voters residing in each of the three districts hereinafter provided, and four members shall be elected at-large.

The districting shall apply commencing with the 1992 elections.

* * *

"Section 3.04. Reapportionment and Reapportionment Years.

- A. The year 1991 and every tenth year thereafter shall be reapportionment years.
- B. A council reapportionment commission shall be constituted on or before the first day of July of each reapportionment year and whenever reapportionment is required by court order. The commission shall consist of seven members. The chairperson of the council shall, with the approval of the council, select the members of the commission, no more than a majority of whom shall belong to the same political party.

The commission shall elect a chairperson 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 majority vote of its membership and shall establish its own procedures. The members of this commission shall not, in any manner, be deemed officers of the county. The commission and its members shall be subject only to the provisions of this section of the charter. No member of the commission shall be eligible to become a candidate for election to the council in the initial election held under any reapportionment plan adopted by the commission.

The county clerk, under the direction of the commission, shall furnish all necessary technical and secretarial services. The mayor and council shall appropriate funds to enable the commission to carry out its duties.

C. In establishing the three districts and in effecting reapportionment, the commission shall be guided by the following criteria:

(1) Districting shall be based on resident population.

(2) No district shall be so drawn as to unduly favor a person or political faction.

(3) Districts, insofar as practicable, shall be contiguous and compact.

(4) District lines shall, where possible, follow permanent and easily recognized features, such as streets, streams, and clear geographical features, and when practicable, shall coincide with census tract boundaries.

(5) The island of Niihau shall be included in the district comprising the west side of Kauai.

D. On or before January 2 of the year following appointment, the commission shall file with the county clerk a reapportionment plan, which shall become effective upon filing.

E. 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 a reapportionment plan, or the court may take such other action as it may deem appropriate. Any such petition must be filed within forty-five days of the date specified for any duty or within forty-five days after the filing of a reapportionment plan."

"Section [3.04] 3.05. 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 of the county for at least two years immediately preceding his election or appointment.

Where residency in a district is a requirement, a person must have resided in the district from which he is to be elected or appointed for at least thirty (30) days before close of nomination or his appointment.

B. Any councilman who removes his residence from the county or is convicted of a felony, shall immediately forfeit his office.

Should a councilman who is elected or appointed to a seat requiring residency in a district cease to reside in said district during his term of office, his seat shall thereupon become vacant.

C. The council shall be the judge of the qualifications of its members and for that purpose shall have power to subpoena witnesses, take testimony and require the production of records. Decisions made by the council in the exercise of the powers granted in

this subsection shall be subject to review by the Fifth Circuit Court of the State of Hawaii."

SECTION 2. Upon adoption of this resolution by five or more Council members after two readings on separate days, the aforesaid Charter amendment shall be submitted to the voters at the 1990 General Election. The County Clerk shall take all steps necessary to submit this amendment to the voters.

SECTION 3. Upon adoption of this amendment by the majority of the voters voting on the issue at the General Election, the County Clerk shall renumber the current Section 3.04 to Section 3.05 and renumber all other sections in sequence thereafter.

SECTION 4. In publishing any amendment adopted by the voters, the County Clerk need not show any deletions or underlining.

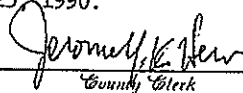
INTRODUCED BY:


RON KOUCHI

CERTIFICATE OF ADOPTION

	Aye	No	AB.
Asing		X	
Correa	X		
Fukushima	X		
Kouchi	X		
Munehiba	X		
Santos	X		
Tehada		X	
	5	2	0

We hereby certify that Resolution No. 111 was adopted on second and final reading by the Council of the County of Hawaii, Lihue, Hawaii, on July 25, 1990.


County Clerk


Chairman & Presiding Officer

Dated 7/26/90

COUNTY COUNCIL

COUNTY OF KAUAI

Resolution

No. 98, Draft 2

RESOLUTION PROPOSING CHARTER AMENDMENT RELATING TO COUNCIL DISTRICTING

SECTION 1. Pursuant to Section 24.01A of the Charter, the Council hereby proposes that the following charter amendment be submitted to the voters at the 1990 general election:

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

"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] resident voter of the county for at least [two years] ninety days immediately preceding his filing candidacy papers for election [or appointment]. In addition, those candidates for the council who wish to represent one of the five council districts, which are to be established pursuant to this Resolution, must state which district they wish to represent and that they have been a resident voter of that district for the preceding ninety days. Should a councilman move from, or be removed from, any of the seven council positions to which that person was elected, any replacement appointee must meet all residency requirements of a candidate for that position.

B. Any councilman who removes his residence from the [county] area or district to which elected, or is convicted of a felony, shall immediately forfeit his office.

* * *

"Section 3.19. District Election And Reapportionment.

A. The first election by separate council districts shall be in the primary election of 1992.

B. The year 1991 and every tenth year thereafter shall be reapportionment years.

C. A council reapportionment commission shall be constituted on or before the first day of July of each reapportionment year and whenever reapportionment is required by court order. The commission shall consist of seven members. The presiding officer of the council shall, with the approval of the council, select the members of the commission, no more than a majority of whom shall be from the same political party.

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 majority vote of its membership and shall establish its own procedures. The members of this commission shall not, in any manner, be deemed officers of the county. The commission and its members shall be subject only to the provisions of this section of the charter. No member of the commission shall be eligible to become a candidate for election to the council in the initial election held under any reapportionment plan adopted by the commission.

The county clerk, under the direction of the commission, shall furnish all necessary technical and secretarial services. The council shall appropriate funds to enable the commission to carry out its duties.

D. In effecting reapportionment, the commission shall be guided by the following criteria:

(1) No district shall be so drawn as to unduly favor a person or political faction.

(2) Districts, insofar as practicable, shall be contiguous and compact.

(3) District lines shall, where possible, follow permanent and easily recognized features, and shall coincide with voter precinct boundaries.

E. On or before February 1 of the year following appointment, the commission shall file with the county clerk a reapportionment plan, which shall become effective upon 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 a 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 days of the date specified for any duty or within forty-five days after the filing of a reapportionment plan."

SECTION 2. Upon adoption of this resolution by five or more Councilmembers after two readings on separate days, the aforesaid charter amendment shall be submitted to the voters at the 1990 General Election. The county clerk shall take all steps necessary to submit the amendment to the voters.

COUNTY COUNCIL

COUNTY OF KAUAI

Resolution No. 76

RESOLUTION PROPOSING CHARTER AMENDMENT TO REPEAL COMPENSATION FOR DEPARTMENT HEADS

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. That an amendment to Section 3.11 of the Charter of the County of Kauai (Revised Edition) be submitted to the electorate at the 1988 General Election as follows:

"Section 3.11. Adoption of Pay Plan. The council by ordinance shall fix the salaries of all department heads, officers and employees who are exempt from civil service. [No department head shall receive a salary less than that of the highest paid civil service employee in the county.] All other officers and employees shall be classified and paid in accordance with law."

SECTION 2. That upon adoption of this resolution by five or more Councilmembers after two readings on separate days, the aforesaid Charter amendment proposal shall be submitted to the voters at the 1988 General Election. The County Clerk shall take all steps necessary to submit the amendment to the voters.

SECTION 3. In publishing any amendment adopted by the voters, the County Clerk need not show any deletions or underlining.

JoAnn A. Yukimura
INTRODUCED BY JoAnn A. Yukimura

CERTIFICATE OF ADOPTION

	Yip	Ng	A/C
King	X		
Torres	X		
Fukushima	X		
Kouchi	X		

We hereby certify that Resolution No. 76 passed on first reading and ordered to print by the Council of the County of Kauai, Lihue, Kauai, Hawaii, on ~~was adopted~~