

PROPOSED CHARTER AMENDMENT "1"

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

SECTION 1. Section 3-2, Hawaii County Charter, is amended to read as follows:

"Section 3-2. Composition and Terms. There shall be a county council composed of nine members [who shall be elected at-large for terms of four years.] . One member shall be elected from each of nine districts. The terms of [councilmen] the council members shall be two years and shall begin at twelve o'clock meridian on the first Monday of December after their election. [Of the nine members elected to the county council, one shall be a resident of the district of Puna, one a resident of the district of Ka'u, one a resident of the combined districts of North and South Kona, one a resident of the combined districts of North and South Kohala, one a resident of the district of Hamakua and one a resident of the combined districts of North and South Hilo. The person charged with the duty of conducting elections in the county shall prepare the nomination papers in such a manner that candidates desiring to file for the office of councilman shall be able to specify whether they are seeking the seat with a district residence requirement or the seat with no district residence requirement as the case may be. The ballots for the primary and general elections shall be prepared to give every voter in the county the opportunity to vote for each and every council seat.] Candidates shall be nominated and elected

in accordance with the election laws of the state."

SECTION 2. Section 3-3, Hawaii County Charter, is amended to read as follows:

"Section 3-3. Qualifications. A person must be a citizen of the United States of America and have been a duly qualified elector of the county for at least one year immediately preceding [his] election or appointment to the county council. [Where residency in a district is a requirement, a] A person must also have been a resident and registered voter of the district from which [he] the person is to be elected or appointed for at least ninety (90) days immediately preceding the primary election or [his] the appointment."

SECTION 3. Article III, Hawaii County Charter, is amended by adding a new section to be designated as §3-18 and to read as follows:

"Section 3-18. County Reapportionment Commission.

(a) There shall be a county reapportionment commission which shall establish the boundaries of the council districts.

(b) The initial reapportionment commission shall consist of seven members, two of whom shall be residents of the combined judicial districts of North and South Hilo, one from the judicial district of Puna, one from the judicial district of Ka'u, one from the combined judicial districts of North and South Kona, one from the combined judicial districts of North and South Kohala,

and one from the judicial district of Hamakua. The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4.

(c) Each subsequent reapportionment commission shall consist of nine members. One member shall be a resident of each council district as established by the previous reapportionment commission. The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4.

(d) The year 1991 and every tenth year thereafter shall be reapportionment years. The reapportionment commission shall be appointed and confirmed by March 1 of the reapportionment year, and shall file a reapportionment plan with the county clerk by December 31 of the reapportionment year. The reapportionment commission shall be dissolved after the filing of the reapportionment plan.

(e) The county clerk shall furnish all necessary technical and secretarial services for the reapportionment commission. The council shall appropriate necessary funds to enable the commission to carry out its duties.

(f) The reapportionment commission shall be guided by the following criteria in establishing the boundaries of the council districts:

(1) No district shall be drawn to unduly favor or penalize a person or political faction;

(2) Insofar as possible, districts should be contiguous and

compact;

(3) District lines shall, where possible, follow permanent and easily recognizable features;

(4) Districts shall have approximately equal resident populations as required by applicable constitutional provisions.

(g) The district boundaries as established by the reapportionment commission shall be in effect at the first regularly scheduled council election following the filing of the plan and for any subsequent council election. The district boundaries in effect prior to the filing of the reapportionment plan shall remain in effect during the duration of the term of all councilmembers elected or appointed to represent such districts until the expiration of the full term of such councilmembers, including any election held to fill an unexpired term under Section 3-5."

SECTION 4. Charter material to be repealed is bracketed. New charter material is underscored.

SECTION 5. This amendment shall take effect upon its approval by the voters. The members of the county council at the time of the approval of this amendment shall serve out their full terms. The county council to be elected at the regularly scheduled election in 1992 shall be the first to be elected from the nine districts as established by the reapportionment commission.

PROPOSED CHARTER AMENDMENT "2"

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

SECTION 1. Article XI, Hawaii County Charter, is amended to read as follows:

"Section 11-1. The Powers of Initiative and Referendum.

- (a) The power of voters to propose ordinances [(except as provided in Section 11-2)] shall be the initiative power.
- (b) The power of voters to approve or reject ordinances by election [(except as provided in Section 11-2)] shall be the referendum power.

Section 11-[3]2. Submission Requirements.

- (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 forty-eight hours prior to any regular council meeting.
- (b) Voters seeking referendum on 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 petition and each referendum petition must be signed by qualified voters of the county equal in number to at least fifteen percent of the total number of persons who voted in the county [for the office of mayor] in the last preceding general election, including persons who cast blank or spoiled

ballots. For the purposes of this article, a "qualified voter" is a person who is registered to vote in the county on the day that the clerk begins the examination to determine the sufficiency of the signatures on the petition.

(d) No initiative petition shall be considered unless it is filed with the clerk of the council on or before May 1 preceding the next general election. No referendum petition shall be considered unless it is filed with the clerk of the council on or before June 1 preceding the next general election.

Section 11-[4]3. Petitioner's Committee. For each initiative or referendum petition there shall be a petitioners' committee representing all the petitioners, which committee shall be composed of five members who shall be qualified voters of the county and signers of the petition. The committee shall be responsible for circulation of the petition and for assembling and filing the petition in proper form. The committee shall have the power to [amend or] withdraw the petition as provided in this charter.

Section 11-[5]4. Initiative and Referendum Petitions: Forms and Sufficiency. Initiative and referendum petitions shall be governed by the rules regarding form and sufficiency set forth in this section, as well as by such other rules as the county council may impose by ordinance, consistent with the provisions and with the spirit and purpose of this charter.

(a) For immediate acceptance of petitions, the clerk of the council shall require that:

(1) The petitions indicate by name and address, the five signers who constitute the petitioners' committee for that petition.

(2) The petitions indicate the address, to which all notices for the petitioners' committee are to be sent.

(3) The signatures to petitions be filed on papers of uniform size and style and assembled as one instrument. Upon presentation, petitions which reasonably comply with this subsection (a) shall be accepted by the clerk without delay; petitions shall be rejected for non-compliance.

(4) Each [elector] person signing such petition shall print his or her name, add his or her signature, [his] residence or mailing address, [his] social security number, and the date of signing on said petition.

(b) For purposes of certification, any petition shall be found insufficient which:

(1) Is signed by less than the required number of qualified voters of the county.

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

(c) Signatures are invalid and petitions insufficient:

(1) If signers are not given an opportunity to read the full text of the proposed ordinance under an initiative petition, or the designation and description of the ordinance in question under a referendum petition, and if the full text of a proposed ordinance or ordinance under question is not contained in or

attached to each signature paper or set of signature papers of an initiative or referendum petition, respectively, throughout circulation.

(2) If affidavits (executed by the circulators for each set of signature papers) are not attached to the papers at the time of filing of petition with the clerk of the council. Each affidavit shall attest to the effect that: a particular individual personally circulated an identifiable set of papers; each paper bears a stated number of signatures; each signature on a paper was affixed in the circulator's presence; each signature is the genuine signature of the person whose name it purports to be.

(d) Individual signatures may be withdrawn within fifteen days after the filing of an initiative or referendum petition with the clerk of the council by the filing of a written request therefor, signed by the individual, with the clerk of the council. The signature shall be notarized.

(e) No signature is valid if dated more than two years before the deadline for filing the petition.

Section 11-[6]5. Initiative and Referendum: Procedure after Filing.

(a) [Within twenty days after the filing of an initiative or referendum petition, the clerk of the council shall complete a certificate as to the sufficiency of the petition.]

[As soon as a certificate is completed, the clerk shall notify the petitioners' committee of the contents of the

certificate. If a petition is certified sufficient, the clerk shall present his certificate to the county council at its next meeting. If the clerk certifies a petition insufficient, his certificate shall show the particulars wherein the petition is defective. A majority of the petitioners' committee may elect to amend a petition certified insufficient and must so notify the clerk, but if a majority does not elect to amend a petition, the clerk shall present his certificate to the county council at its next meeting. A petition is approved for consideration through council action upon the clerk's certificate of sufficiency.]

[(b) If a majority of the petitioner's committee elects to amend its petition, then within ten days after receipt of the clerk's certificate, the committee shall file a supplementary petition upon additional papers. The supplementary petition shall be governed by the same requirements as for an original petition. Within five days after the filing of a supplemental petition, the clerk shall complete a second certificate as to the sufficiency of the original petition as amended by the supplementary petition. Thereafter, the procedural requirements for the petition as amended shall be the same as that for the original petition as provided in subsection (a), this section.]

Upon receipt of an initiative or referendum petition, the clerk of the council shall begin an examination of the petition to determine whether it contains sufficient valid signatures. The clerk shall complete the examination within thirty working days of the receipt of the petition. The clerk shall certify the

sufficiency or insufficiency of the petition to the council at its next meeting.

(b) If the petition does not contain sufficient valid signatures, the clerk shall so notify the petitioners' committee. The petitioners' committee may file a supplemental petition with additional signatures no more than ten days after being notified that the original petition did not contain sufficient signatures. The supplemental petition shall be governed by the same requirements as an original petition. Within five working days after the filing of a supplemental petition, the clerk shall complete an examination of the supplemental petition and determine whether it, together with the original petition, contains sufficient signatures. The clerk shall then certify the sufficiency or insufficiency of the petition to the council at the next meeting.

(c) A majority of the petitioners' committee may request the county council to review the clerk's certificate, at or before the meeting at which the clerk presents the certificate to the council. The council shall review the latest clerk's certificate, upon the committee's request, and shall approve or reject the certificate or may substitute its own determination of sufficiency of the petition by resolution. The review actions of the council shall be final but shall not preclude the filing of a new petition for the same purpose.

Section 11-[7]6. County Council Action on Petitions.

(a) The county council shall proceed immediately to consider an

initiative or referendum petition which has been determined sufficient in accordance with the provisions of this article. If an initiative petition is concerned, the ordinance it proposes shall at once be introduced subject to the procedures required for ordinances under Sections 3-9 and 3-11 of this charter; however, not more than sixty days shall elapse between the time of first reading of the initiative proposal as a bill and completion of consideration to adopt, amend, or reject the same. If a referendum petition is concerned, the ordinance to which that petition is directed shall be reconsidered by the council; and not later than thirty days after the date on which the petition was determined sufficient, the council shall by resolution repeal or sustain the ordinance.

(b) If the council [fails to] does not adopt an initiative proposal or adopts a proposal with an amendment unfavorable to a majority of the petitioners' committee, or if the council [fails to] does not repeal an ordinance reconsidered pursuant to a referendum petition, or if the council does not complete action before the deadline for the submission of ballot issues to the chief election officer, [it shall submit] the originally proposed initiative ordinance or [refer] the reconsidered ordinance [concerned] shall be submitted to the voters of the county at the next general election. The ballot for such measures shall contain an objective summary, in plain language, of the substance of the measure and shall [have below the ballot title designated spaces in which to mark the ballot FOR or AGAINST the measure.]

allow the voters to vote either FOR or AGAINST the measure.

Section 11-[8]7. Withdrawal of Petitions. [A petitioners' committee may withdraw its petition at any time, but not later than the thirtieth day immediately preceding the day scheduled for a vote in the county on the measure concerned. A petitioners' committee shall be requested to withdraw its petition and the committee must comply, if the aims of the petition are resolved by intermediate council action to the satisfaction of the committee such that the initiative proposal is adopted as an ordinance, or that the ordinance reconsidered by the referendum petition is repealed.] A petitioners' committee may withdraw its petition if the aims of the petition are resolved by council action. A written request for petition withdrawal must be signed by four of the five members of the petitioners' committee and filed with the council clerk. The filing of a withdrawal immediately cancels the petition and ceases all further action for the accommodation of the petition by the county. The petition may not be withdrawn less than thirty days before the general election.

Section 11-[9]8. Results of the Election. If a majority of the voters voting upon a proposed initiative ordinance shall vote in favor of it, the ordinance involved shall thereupon be an ordinance of the county. A referred ordinance which is not approved by a majority of the voters voting on it shall thereupon be repealed."

SECTION 2. Charter material to be repealed is bracketed.
New charter material is underscored.

SECTION 3. This amendment shall take effect upon its
approval by the voters.

PROPOSED CHARTER AMENDMENT "3"

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

SECTION 1. Article VII, Chapter 2, Hawaii County Charter is amended to read as follows:

"CHAPTER 2.

POLICE DEPARTMENT

Section 7-2.1. Organization. There shall be a police department consisting of a police commission, a chief of police, a deputy chief of police, and the necessary staff.

Section 7-2.2. Police Commission. The police commission shall consist of seven members, two of whom shall be residents of the combined districts of North and South Hilo, one from the district of Puna, one from the district of Ka'u, one from the combined districts of North and South Kona, one from the combined districts of North and South Kohala, and one from the district of Hamakua. The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4. The police commission shall:

(a) Adopt such rules as it may consider necessary for the conduct of its business and the regulation of the matters committed to its charge and may review the rules and regulations of the department.

(b) Review the annual budget prepared by the chief of police and may make recommendations thereon to the mayor.

(c) Submit an annual report to the mayor and the council.

(d) Receive, consider, and investigate charges brought by the public against the conduct of the department or any of its members and submit a written report of its findings to the chief of police. A summary of the charges filed and their disposition shall be included in the annual report of the commission. There shall be budgeted sufficient funds in the annual budget of the police department for use by the police commission to fulfill the intent of this section.

(e) Advise the chief of police on police-community relations.

(f) Hire personnel necessary to carry out its functions.

Except for purposes of inquiry, neither the commission nor its members shall interfere in any way with the administrative affairs of the department.

[Section 7-2.3. The police commission shall adopt such rules as it may consider necessary for the conduct of its business and regulation of the matters committed to its charge by law. Except for the purposes of inquiry, neither the commission nor its members shall interfere in any way with the administrative affairs of the department.]

[Section 7-2.4.] Section 7-2.3. Chief of Police and Deputy. The chief of police shall be appointed by the police commission and may be removed by the police commission[.] at its sole discretion. Any motion for removal of the chief of police must contain a statement of reasons, and the commission shall not vote to remove the chief of police unless the chief of police has

been given an opportunity to respond to the statement of reasons at a hearing before the commission. The deputy shall be appointed by the chief of police with the confirmation of the police commission and may be removed by the chief of police with the approval of the commission[.] , without cause being stated. The chief of police shall have had a minimum of five years of training and experience in law enforcement work, including at least three years in a responsible administrative capacity.

[Section 7-2.5.] Section 7-2.4. Powers, Duties, and Functions of the Chief of Police. The chief of police shall be the administrative head of the police department and shall:

(a) Be responsible for the preservation of the public peace, prevention of crime, detection and arrest of offenders against the law, protection of the rights of persons and property, and enforcement and prevention of violations of all laws of the state and ordinances of the county and all regulations made in accordance therewith.

(b) Train, equip, maintain, and supervise the force of police officers and employees.

(c) Promulgate rules and regulations for the organization and administration of the police force.

(d) Make periodic reports to the police commission about the activities of the police department and about actions taken on cases investigated by the police commission.

[(c)] (e) Have such other powers, duties, and functions as may be required by the police commission or provided by law.

[Section 7-2.6.] Section 7-2.5. Dismissal, Suspension, Demotion, or Grievance. The dismissal, suspension, demotion, or grievance of any police officer or employee in the police department shall be under procedures set forth by civil service laws and regulations.

[Section 7-2.7.] Section 7-2.6. Administrative Supervision. The police department shall come under the general supervision and control of the mayor."

SECTION 2. Charter material to be repealed is bracketed. New charter material is underscored.

SECTION 3. This amendment shall take effect upon its approval by the voters.

PROPOSED CHARTER AMENDMENT "4"

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

SECTION 1. Article X, sections 10-1 to 10-9, Hawaii County Charter, are amended to read as follows:

"ARTICLE X

FINANCIAL PROCEDURES

Section 10-1. Fiscal Year. The fiscal year of the county shall begin on the first day of July and end on the last day of June of the succeeding year.

Section 10-2. Preparation and Submission of Budget and Capital Program.

(a) [Within ten (10) working days after the close of the state legislature but no later than May 1] No later than March 1 of each year, the mayor shall submit to the county council:

- (1) An operating budget for the ensuing year.
- (2) An operating program for the ensuing three fiscal years.
- (3) A capital budget for the ensuing fiscal year.
- (4) A capital program for the ensuing six fiscal years.
- (5) An accompanying message.

The mayor shall submit amendments to the operating budget, operating program, capital budget, and capital program, together with an accompanying message, to the county council within ten (10) working days after the close of the state legislature but

not later than May 5 of each year.

(b) On or before the date specified by the mayor, the head of each county agency and executive agency shall furnish the mayor:

(1) Estimates for the current fiscal year and ensuing fiscal years covering the revenues and expenditures of the agency or executive agency concerned.

(2) Estimates of any capital improvements pending or proposed to be undertaken within the ensuing fiscal year and within the five fiscal years thereafter.

(3) Such other information as the mayor may request.

(c) The mayor shall review all the estimates furnished him. He may hold public hearings thereon and may revise the estimates in such manner as he deems advisable in preparing the budgets and programs.

(d) Upon submission, the budgets, the programs and messages shall be a public record in the office of the clerk of the county council and shall be open to public inspection. The mayor shall at the same time make available copies of the budgets, the programs and messages for distribution to interested persons.

Section 10-3. Scope of Operating Budget; Operating Program; Mayor's Message.

(a) The operating budget shall present a complete financial plan for the current operations of the county and its agencies and executive agencies in the ensuing fiscal year, showing all funds and reserves. Capital expenditures to be financed from

current revenues in the ensuing fiscal year shall be included in the operating budget as well as in the capital budget.

Appropriations for such expenditures shall be included in the operating budget. Except as otherwise provided by law, the operating budget shall contain at least the following:

(1) A simple, clear, general summary of the detailed contents of the operating budget. Such summary shall itemize all new positions being requested.

(2) The proposed expenditures, including provision for any estimated cash deficit for the fiscal year currently ending, debt service requirements for the ensuing fiscal year, and all other expenditures for the ensuing fiscal year, capital and otherwise, to be met from current revenues; and the proposed expenditures shall be shown by agencies and programs.

(3) A comparative statement of the actual expenditures for the preceding fiscal year, and the estimated expenditures for the fiscal year currently ending and the ensuing fiscal year.

(4) The sums recommended for appropriation on the basis of the proposed expenditures, which sums need not be itemized further than by agencies and programs.

(5) The estimated revenues shown by estimated cash surplus, if any, for the fiscal year currently ending, proposed tax levies and other sources.

(6) A comparative statement of the actual revenues for the preceding fiscal year, and the estimated revenues for the fiscal year currently ending and the ensuing year. The estimated

revenues for ensuing fiscal year shall be at least equal in amount to the proposed expenditures.

(b) The operating program shall present a complete financial plan for the operations of the county and its agencies and executive agencies in the ensuing three fiscal years, showing all funds and reserves. The operating program shall be used by the council for informational purposes and as a guide for the estimated costs of operating the county government for the ensuing three fiscal years and shall contain at least the following:

(1) A simple, clear, general summary of the detailed contents of the operating program.

(2) The proposed expenditures, including debt service requirements and all other expenditures for the ensuing three fiscal years, capital and otherwise; and the proposed expenditures, year by year, shall be shown by agencies and programs.

(3) The estimated revenues shown by estimated cash surplus, if any, proposed tax levies and other sources for the ensuing three fiscal years.

(4) Such other information as the council or mayor may request.

(c) The mayor's message shall explain the operating budget and capital budget both in fiscal terms and in terms of work to be done. It shall outline the proposed financial policies of the county for the ensuing fiscal year, describe the important

features of the operating budget and capital budget and means of financing the budgets. It shall indicate any major changes in financial policies and in expenditures, appropriations and revenues as compared with the fiscal year currently ending, and shall set forth the reasons for the changes. As to capital budget, the message shall include a list of pending and proposed capital improvements together with the mayor's comments on such list. It shall itemize and explain each pending capital improvement and each capital improvement proposed to be undertaken within the ensuing fiscal year, showing the estimated cost of each improvement and the pending or proposed method of financing it. The message shall also include such other supporting or explanatory material as the mayor deems desirable.

The mayor's budget message which accompanies the amendments to the operating budget and to the capital budget shall describe the changes in proposed expenditures and in revenue projections from the budgets which had been submitted on or before March 1, and shall describe the intervening changes in circumstances which justify the changes in the proposed expenditures and projected revenues.

Section 10-4. Operating Budget and Capital Budget: Notice and Hearing. [A public hearing shall be held on the operating budget and capital budget not more than four weeks after submission thereof]. The council shall hold a public hearing on the operating budget and capital budget at any time after March 1, but prior to the first reading on the budget bills. At this

hearing all persons interested shall have an opportunity to be heard. At least [two weeks] one week before the hearing, the county council shall publish in not less than two newspapers [a newspaper] of general circulation in the county, the general summaries of the operating budget and capital budget and a notice setting forth the time and place for public hearing thereon and for their consideration by the council. The council shall also allow public testimony at any meeting at which the operating budget or capital budget, or amendments thereto, are considered.

Section 10-5. Operating Budget: Council Action. After the public hearing, and after the submission of the amendments to the operating budget and to the capital budget, the county council may adopt the operating budget as amended with or without further amendments. First reading shall be after May 5. In amending, it may add new items or increase items in the operating budget. It may decrease or delete items, excepting appropriations required by law and appropriations for debt service. But in all cases the estimated revenues for the ensuing year shall be at least equal in amount to the proposed expenditures.

The council shall adopt the operating budget on or before the thirtieth day of June. If it fails to do so, the operating budget as submitted and as amended by the mayor shall be deemed adopted by the council as the operating budget for the ensuing fiscal year.

If the mayor disapproves of the bill adopting the operating budget or of any part thereof, the mayor shall return the bill or

the portions vetoed with a written statement of objections to the clerk for further council action within ten calendar days of receipt of the bill.

The adopted operating budget shall be in effect on and after the first day of the fiscal year to which it applies.

Section 10-6. Capital Budget and Capital Program: Scope; Council Action.

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

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

(2) The capital improvements pending or proposed to be undertaken within the ensuing fiscal year, together with the estimated cost of each improvement, the estimated operating cost, and the pending or proposed method of financing it.

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

(b) The capital program shall be used by the council for informational purposes and as a guide for the estimated costs of the proposed capital improvements of the county for the ensuing six fiscal years and shall contain at least the following:

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

(2) The capital improvements pending or proposed for the ensuing six fiscal years, together with the estimated cost of each improvement and the proposed method of financing it.

(3) Such other information as the council or mayor may request.

(c) After the public hearing on the capital budget, and after the submission of the amendments to the budget, the county council may adopt the capital budget as amended with or without further amendment. First reading shall be after May 5. In amending, the council shall request and consider, but need not follow, the recommendations of the mayor as to the proposed amendment.

(d) The council shall adopt the capital budget on or before the thirtieth day of June. If it fails to do so, the amended capital budget submitted by the mayor shall be deemed adopted by the council as the capital budget for the ensuing fiscal year. The adopted capital budget shall be in effect on and after the first day of the fiscal year. (As amended by Ordinance No. 57, effective November 26, 1974.)

At any time during the fiscal year, the council, by ordinance adopted by the affirmative vote of at least two-thirds of the entire membership, may amend the capital budget for that year. In amending, the council shall request and consider, but need not follow, the recommendations of the mayor as to the proposed amendment.

Section 10-7. Budgets: Public Records. Three copies of the operating budget and the capital budget as adopted shall be certified by the mayor and the clerk of the county council. One of these copies shall be filed in the office of the mayor and one

each in the offices of the director of finance and the director of planning. The operating budget and capital budget shall be made available to the county agencies and to interested persons, upon such conditions as the council may determine.

Section 10-8. Appropriations: Supplemental and Emergency.

When during any fiscal year there are available any funds for appropriation, the mayor shall certify to the county council and the county council may amend or make supplemental appropriations for the year up to the amount of available revenues. Such appropriations may be made by ordinance effective immediately upon adoption.

To meet a public emergency affecting life, health or property, the council, may make emergency appropriations. Such appropriations may be made by ordinance and must be approved by all council members present or by two-thirds of the entire membership. To the extent that there are no available unappropriated revenues to meet such notes. These notes may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the first day of the fiscal year next succeeding that in which the emergency appropriation was made. The total of emergency appropriations in any fiscal year shall not exceed one-half of one percent of the total operating appropriations, excluding those for debt service made in the operating budget for that year.

Section 10-9. Appropriations: Reduction and Transfer. If at any time during the fiscal year it appears probable to the

mayor that the revenues available will be insufficient to meet the amount appropriated, he shall report to the county council without delay, indicating the estimated amount of the deficit. For that purpose the council may by ordinance reduce one or more appropriations; but no appropriation required for debt service may be reduced and no appropriation may be reduced by more than the amount of the encumbered balance thereof or below any amount required by law to be appropriated.

The mayor may at any time during the fiscal year transfer part or all of any unencumbered appropriation balance between classifications of expenditures or programs within an agency or executive agency; and if at any time the mayor so requests in writing, the council, by resolution effective immediately upon adoption, may transfer, part or all of any unencumbered appropriation balance from one agency or executive agency to another. But no transfer shall be made from appropriations for debt service or for estimated cash deficit; and no appropriation may be reduced below any amount required by law to be appropriated. The mayor shall notify the county council of any transfer of funds within an agency or an executive agency no later than thirty days after authorizing such a transfer."

SECTION 2. Charter material to be repealed is bracketed. New charter material is underscored.

SECTION 3. This amendment shall take effect upon its

approval by the voters.

PROPOSED CHARTER AMENDMENT "5"

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

SECTION 1. Section 3-4, Hawaii County Charter, is amended by replacing it with a new section to be appropriately designated and to read as follows:

"[Section 3-4.] Compensation; Salary Commission.

(a) The salary of [councilmen] all county elected officials shall be established by a salary commission which shall consist of nine members appointed by the mayor [without] with the approval of the council, [notwithstanding provision (b)] in the manner prescribed in Section 13-4(b). The members may be removed [by the mayor.] in the manner prescribed in Section 13-4(b).

(b) The commission shall consist of nine members, six of whom shall be representatives of the county geographical areas of Puna, Ka'u, Kona, Kohala, Hamakua and Hilo, and three of whom shall be representative of the county-at-large. In addition, the civil service director and deputy civil service director shall serve as ex-officio members of the commission in an advisory capacity.

(c) The commission shall establish its rules of procedure, which shall provide that it meet at least annually, and adopt rules and regulations having the force and effect of law.

(d) The commission shall review and compensate [councilmen and council chairman at an appropriate step within a salary range on the same basis as employees of bargaining units to assure a

sensible relationship to an adequate scheme of compensation for the work they do.] all county elected officials so that their salaries have a reasonable relationship to the salaries of civil service employees, given due consideration for the duties and responsibilities of the officials."

SECTION 2. Section 5-1.3, Hawaii County Charter, is repealed.

["Section 5-1.3. Compensation. The salary of the mayor shall be established by ordinance."]

SECTION 3. Section 9-3, Hawaii County Charter, is repealed.

["Section 9-3. Compensation. The salary of the prosecuting attorney shall be established by ordinance."]

SECTION 4. Charter material to be repealed is bracketed. New charter material is underscored.

SECTION 5. This amendment shall take effect upon its approval by the voters.

PROPOSED CHARTER AMENDMENT "6"

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

SECTION 1. Section 13-3, Hawaii County Charter, is amended to read as follows:

"Section 13-3. Appointments. No appointing authority shall appoint any person to any office or position which is exempt from the civil service laws until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of his office or position. The mayor shall not appoint any person to the following positions unless that person has the qualifications described in this section. The finance director shall have had a minimum of five years of training and experience in budgeting or related fields, at least three years of which shall have been in a responsible supervisory capacity. The deputy finance director shall have had a minimum of three years of training and experience in a responsible financial position. The planning director shall have had a minimum of five years' training and experience in a responsible planning position or a degree in planning, engineering, architecture, geography, or another planning-related field and three years' experience in a responsible planning position. The managing director shall have had a minimum of five years' experience in an administrative capacity. The fire chief shall have had a minimum of five years' training and experience

in fire control, including at least three years' experience in a responsible administrative capacity."

SECTION 2. New charter material is underscored.

SECTION 3. This amendment shall take effect upon its approval by the voters.

PROPOSED CHARTER AMENDMENT "7"

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

SECTION 1. Section 3-5, Hawaii County Charter, is amended to read as follows:

"Section 3-5. Vacancy in Office. When any vacancy occurs in the county council, the remaining members of the council shall appoint as a successor a person of the same political party as the person he succeeds with the requisite qualifications to fill the vacancy. Within thirty days after the occurrence of any vacancy, the council chairman shall notify all remaining members of the council by registered mail that on a specified regular meeting[,] date, formal action shall be taken to fill the vacancy. Should the council fail to fill any vacancy within sixty days after its occurrence, the chairman of the council shall appoint a successor to fill the vacancy for the unexpired term. The person appointed shall serve until a successor is duly elected [at the next state or state and county election] and seated. [The election shall be held in accordance with the election laws of the state insofar as applicable.]

If the vacancy occurs less than sixty days before the next regularly scheduled primary election, the person appointed shall serve the entire unexpired term.

If the vacancy occurs more than two years before the end of the term, and sixty days or more before the next regularly scheduled primary election, the council shall, through its clerk,

immediately issue an election proclamation announcing that candidates shall be nominated to fill the unexpired term of the office at a special primary election to be held at the same time as the regularly scheduled primary election, and that the successor shall be elected at a special general election, to be held at the same time as the regularly scheduled general election. The proclamation shall also announce the date for the close of filing of nomination papers for the office, which shall be ten days after the issuance of the election proclamation, or sixty days before the primary election, whichever comes later. The election shall be held in accordance with the election laws of the state insofar as otherwise applicable.

The person elected as the successor shall serve out the unexpired term of the person he succeeds commencing at 12 o'clock meridian on the first Monday of December following his election."

SECTION 2. Section 5-1.5, Hawaii County Charter, is amended to read as follows:

"Section 5-1.5. Vacancy in Office. A vacancy in the office of mayor shall be filled by the managing director, or if the office of managing director is vacant, or during such periods as the managing director is unable to so act, by the finance director until a successor is duly elected [at the state and county election] and seated.

If the vacancy occurs less than sixty days before the next regularly scheduled primary election, the managing director shall serve the entire unexpired term.

If the vacancy occurs more than two years before the end of the term, and sixty days or more before the next regularly scheduled primary election, the council shall, through its clerk, immediately issue an election proclamation announcing that candidates shall be nominated to fill the unexpired term of the office at a special primary election to be held at the same time as the regularly scheduled primary election, and that the successor shall be elected at a special general election, to be held at the same time as the regularly scheduled general election. The proclamation shall also announce the date for the close of filing of nomination papers for the office, which shall be ten days after the issuance of the election proclamation, or sixty days before the primary election, whichever comes later. The election shall be held in accordance with the election laws of the state insofar as otherwise applicable.

The person elected as the successor shall serve out the unexpired term of the person he succeeds commencing at 12 o'clock meridian on the first Monday of December following his election."

SECTION 3. Charter material to be repealed is bracketed. New charter material is underscored.

SECTION 4. This amendment shall take effect upon its approval by the voters.

PROPOSED CHARTER AMENDMENT "8"

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

SECTION 1. Section 13-4(d), Hawaii County Charter, is amended to read as follows:

"Section 13-4(d). No member whose term has expired shall continue to serve on such board or commission[.], except that if the member's term expires less than one month after the commencement of the term of a new mayor, the member shall hold over for thirty days, or until a successor is appointed and confirmed, whichever comes first."

SECTION 2. Charter material to be repealed is bracketed. New charter material is underscored.

SECTION 3. This amendment shall take effect upon its approval by the voters.

PROPOSED CHARTER AMENDMENT "9"

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

Section 1. Section 13-4, Hawaii County Charter, is amended by adding a new subsection to be designated as Section 13-4(1):

"Section 13-4(1). The council shall act to confirm or reject any appointment made to a board or commission by the mayor within forty-five days after receiving notice of the appointment from the mayor. If the council does not confirm or reject any such appointment within forty-five days, the appointee shall be deemed to have been confirmed."

SECTION 2. Section 13-8, Hawaii County Charter, is amended to read as follows:

"Section 13-8. Term of Office of Department Heads. The term of office of department heads, deputies and assistants shall be co-terminous with that of the appointing authority; provided, that where a successor has not been appointed [and qualified], a department head, deputy or assistant, as the case may be, shall continue in office pending such appointment [and qualification]. The council shall confirm or deny confirmation within sixty days of the appointment of any department head. If the council does not act within sixty days, the department head shall be deemed to be confirmed. The department head shall take office upon appointment but shall not continue in office if the council denies confirmation."

SECTION 3. Charter material to be repealed is bracketed.
New charter material is underscored.

SECTION 4. This amendment shall take effect upon its
approval by the voters.

PROPOSED CHARTER AMENDMENT "10"

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

SECTION 1. Section 3-11, Hawaii County Charter, is amended by amending subsection 3-11(c) to read as follows:

"(c) Bills embracing: (1) the fixing of special assessments for the cost of improvements; (2) the appropriation of public funds or authorization of the issuance of general obligation bonds or (3) the imposition of a duty or penalty on any person, shall pass first reading by a vote taken by ayes and noes, and digests of such bills shall be advertised once in [a] at least two daily newspapers of general circulation in the county, with ayes and noes, at least three days before final reading by the council. Not less than three copies of such bills shall be filed for use and examination by the public in the office of the county clerk at least three days prior to the final reading thereof."

SECTION 2. Section 3-11, Hawaii County Charter, is amended by amending subsection 3-11(h) to read as follows:

"(h) After enactment, ordinances shall be published once in [a] at least two daily newspapers of general circulation in the county. Such publication shall be by title only and shall specify the ayes and noes."

SECTION 3. Section 5-4.3, Hawaii County Charter, is amended by amending subsection 5-4.3(h) to read as follows:

"(h) Hold public hearings whenever necessary and in every case prior to the granting of any rezoning request, variance, special exception, or other related application. Notice of the time and place of the hearing shall be published at least ten days prior to such hearing in [a] at least two daily newspapers of general circulation in the county."

SECTION 4. Section 10-4, Hawaii County Charter, is amended to read as follows:

"Section 10-4. Operating Budget and Capital Budget: Notice and Hearing. A public hearing shall be held on the operating budget and capital budget not more than four weeks after submission thereof. At this hearing all persons interested shall have an opportunity to be heard. At least two weeks before the hearing, the county council shall publish in [a] at least two daily newspapers of general circulation in the county, the general summaries of the operating budget and capital budget and a notice setting forth the time and place for public hearing thereon and for their consideration by the council."

SECTION 5. Section 13-20, Hawaii County Charter, is amended by amending subsection 13-20(c) to read as follows:

"(c) The time and place of all regular meetings of the council, board or commission shall be provided in the rules adopted for the conduct of its business. Except as otherwise provided in this charter, a special meeting may be called by the

presiding officer of the council, board or commission when the date, time and place of such special meeting are announced prior to adjournment of a regular meeting; otherwise a special meeting can be called only upon the publication of a notice of such meeting in [a] at least two daily newspapers of general circulation in this county at least twenty-four hours in advance of such meeting. If the requirement with respect to publication of notice cannot be met because of insufficient time, the meeting notice shall be made by broadcasting a minimum of three announcements in the English language over FCC licensed public radio stations in this county or television stations with local audience. Such announcements shall be broadcast at least twenty-four hours in advance of such meeting. To assure the widest possible coverage, the meeting notice shall be released to radio stations in this county and the announcements shall be programmed to be heard between the hours of 7:00 A.M. to 5:00 P.M. In addition to the above requirements, notice of such special meeting shall be conspicuously posted on the bulletin board of the Hawaii County Building. A brief resume of the principal business to be taken up at such meeting shall be stated in the posted notice as well as in the notice released to the news media."

SECTION 6. Section 15-3, Hawaii County Charter, is amended to read as follows:

"Section 15-3. Mandatory Charter Review. The charter shall

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

The commission shall hold at least one public hearing in each of the geographical areas. The commission may propose amendments to the existing charter or a draft of a new charter which shall be submitted to the county clerk. Upon receipt of the amendments or charter, the county clerk shall provide for the submission of such amendments or charter to the electors of the county at either a special election as determined by the commission or at the first general election following the charter review year.

The ~~cc~~mission shall publish not less than forty-five days before any election, at least once in [a] at least two daily newspapers of general circulation within the county, a brief digest of the amendments or charter and the purpose thereof and an notice to the electorate that copies of the amendments or charter are available at the office of the county clerk.

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

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

SECTION 7. Charter material to be repealed is bracketed. New charter material is underscored.

SECTION 8. This amendment shall take effect upon its approval by the voters.

PROPOSED CHARTER AMENDMENT "11"

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

SECTION 1. Section 4-5, Hawaii County Charter, is amended by amending subsection 4-5(a) to read as follows:

"Section 4-5. Powers and Duties of Agency Heads. Subject to the provisions of this charter, the administrative heads of each agency or executive agency of the county shall have the power to:

(a) Appoint and remove a deputy or assistant and a private secretary and such positions shall be exempt from civil service laws and classifications. No such appointment shall be made unless the positions have been created and appropriations therefor have been made by the council[.], unless the deputy position has been specifically established by this charter."

SECTION 2. Section 5-3.1, Hawaii County Charter, is amended to read as follows:

"Section 5-3.1. Organization. There shall be a department of finance consisting of the director of finance, deputy director of finance, and the necessary staff."

SECTION 3. Section 6-1.1, Hawaii County Charter, is amended to read as follows:

"Section 6-1.1. Organization. There shall be a position of managing director in the office of the mayor, and a deputy

managing director. [He] The managing director shall be the principal management aide of the mayor."

SECTION 4. Charter material to be repealed is bracketed.
New charter material is underscored.

SECTION 5. This amendment shall take effect upon its approval by the voters.

PROPOSED CHARTER AMENDMENT "12"

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

SECTION 1. Article XII, Chapter 1, sections 12-1.1 to 12-1.5, Hawaii County Charter, are amended to read as follows:

"ARTICLE XII

REMOVAL OF ELECTED OFFICERS

CHAPTER 1

RECALL

Section 12-1.1. Recall Procedure. In addition to impeachment procedures, any elective officer may be removed from office by the voters of the county. The procedure to effect such removal shall be in accordance with this article.

A petition demanding that the question of removing such official be submitted to the voters shall be addressed to the council and filed with the county clerk.

(a) A petition demanding recall of an official elected at-large, or by voters of the entire county, as the case may be, shall be signed by qualified voters equal to or greater [not less] than twenty-five percent of the total number of persons who registered in the last general election.

(b) A petition demanding recall of a district councilman shall be signed by qualified voters equal to or greater [not less] than twenty-five percent of the total number of persons who registered in his district in the last general election.

(c) The term "qualified voter" means a person who is

registered to vote in the county on the day that the clerk begins the examination to determine the sufficiency of the signatures on the petition.

Section 12-1.2. Petitions. Petition papers shall be procured only from the county clerk, who shall keep a sufficient number of such blank petition papers on file for distribution as herein provided. Prior to the issuance of such petition papers, an affidavit shall be made by one or more voters and filed with the clerk, stating the name and office of the officer sought to be removed.

Section 12-1.3. Signatures. Each signer of a recall petition shall print his name, add his signature, his residence or mailing address, his social security number and the date of signing on said petition. To each such petition paper there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper was made in his presence and is believed to be the genuine signature of the person whose name it purports to be, and that each signer understood the nature of the recall petition.

Section 12-1.4. Filing and Certification. All papers comprising a recall petition shall be assembled and filed with the county clerk as one instrument within thirty (30) days after the filing with the clerk of the affidavit stating the name and office of the officer sought to be removed. Within [twenty] thirty working days from the filing of such petition, the clerk

shall determine [the sufficiency thereof] if the petition contains sufficient signatures and [attach thereto] prepare a certificate showing the result of his examination. If the clerk shall certify that the petition is insufficient, he shall set forth in the certificate the particulars in which the petition is defective and shall return a copy of the certificate to the person designated in such petition to receive it.

Section 12-1.5. Supplemental Petitions. In the event the initial petition contained insufficient signatures, such recall petition may be supported by the supplemental signatures of voters signed in the manner required in Section 12-1.3 of this article appended to petitions issued, signed, and filed as required for the original petition at any time within ten days after the date of the certificate of insufficiency by the clerk. The clerk shall, within five working days after such supplemental petitions are filed, make a like examination of them, and if his certificate shall show the same to be still insufficient, he shall return it in the manner described in Section 12-1.4 of this article to the person designed in such petition to receive the same, and no new petition for the recall of the officer sought to be removed shall be filed within one year thereafter."

(remainder of chapter remains unchanged.)

SECTION 2. Charter material to be repealed is bracketed.
New charter material is underscored.

SECTION 3. This amendment shall take effect upon its approval by the voters.

PROPOSED CHARTER AMENDMENT "13"

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAII

SECTION 1. Section 13-4, Hawaii County Charter, is amended by amending subsection 13-4(i) to read as follows:

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

SECTION 2. Section 13-4, Hawaii County Charter, is amended by amending subsection (j) to read as follows:

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

SECTION 3. Section 3-8, Hawaii County Charter, is amended to read as follows:

"Section 3-8. Meetings; Rules and Journal; Voting and Quorum. The county council shall meet regularly at least twice

in every month at such times and places as shall be established by rule of the council. The council shall determine its rules and order of business and shall provide for keeping a journal of its proceedings, which shall be a public record, in which the ayes and noes shall be entered as required by this charter or at any other time upon the demand of any member. The affirmative vote of a majority of the entire membership shall be necessary for council action. A majority of the entire membership of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members. Whenever the term "entire membership" appears in this charter pertaining to council voting, it means the entire membership of nine members, even if there are vacancies."

SECTION 4. Charter material to be repealed is bracketed. New charter material is underscored.

SECTION 5. This amendment shall take effect upon its approval by the voters.

PROPOSED CHARTER AMENDMENT "14"

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

SECTION 1. The Hawaii County Charter shall be amended to change any language which contains a male or female gender term to language that is neutral in gender.

SECTION 2. This amendment shall take effect upon its approval.

PROPOSED CHARTER AMENDMENT "15"

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

SECTION 1. Section 15-3, Hawaii County Charter, is amended to read as follows:

"Section 15-3. Mandatory Charter Reviews. The charter shall be reviewed in 1989 and every tenth year thereafter. Not later than the fifteenth day of January of the charter review year, the mayor with the confirmation of the council, shall appoint a charter commission composed of eleven members to study and review the operation of the government of the county under this charter. Commission members, no more than a majority of whom shall belong to the same political party, shall be representative of the various geographical areas of Puna, Ka'u, Kona, Kohala, Hamakua, and Hilo. The council shall appropriate funds to enable the commission to carry out its duties, including the hiring of necessary staff.

The commission shall hold at least one public hearing in each of the geographical areas. The commission may propose amendments to the existing charter or a draft of a new charter which shall be submitted to the county clerk. Upon receipt of the amendments or charter[,] in the form as proposed by the commission, the county clerk shall provide for the submission of such amendments or charter to the electors of the county at either a special election as determined by the commission or at the first general election following the charter review year.

The commission shall prepare the language of the question to be submitted to the voters for each of the amendments it proposes.

The commission shall publish not less than forty-five days before any election, at least once in a daily newspaper of general circulation within the county, a brief digest of the amendments or charter and the purpose thereof and a notice to the electorate that copies of the amendments or charter are available at the office of the county clerk.

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

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

SECTION 2. Charter material to be repealed is bracketed.
New charter material is underscored.

SECTION 3. This amendment shall take effect upon its approval by the voters.

PROPOSED CHARTER AMENDMENT "16"

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

SECTION 1. Section 5-4.3, Hawaii County Charter, is amended to read as follows:

"Section 5-4.3. Planning Commission. The planning commission shall consist of nine members who shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4. Commission membership shall be representative of the community and of the county geographical areas of Puna, Ka'u, Kona, Kohala, Hamakua, and Hilo. In addition, the chief engineer of the county and the manager of the department of water supply or their designated representatives shall serve as ex-officio members of the commission without power to vote. The commission shall establish its rules of procedure and shall:

(a) Advise the mayor, council and the planning director in matters concerning planning programs.

(b) Review the general plan, its amendments and other plans and modifications thereof and transmit such plans with recommendations thereon through the mayor to the council for consideration and action. The commission shall recommend approval, in whole or in part, with or without modifications, or rejection of such plans.

(c) Review subdivision and zoning ordinances and amendments thereto drafted by the director and transmit such ordinances with

recommendations thereon through the mayor to the council for consideration and action. The commission shall recommend approval, in whole or in part, with or without modifications, or rejection of such ordinances.

(d) Adopt rules and regulations having the force and effect of law pursuant to the subdivision and zoning ordinances.

[(e) Review and recommend to the state land use commission any change of land use boundaries.]

[(f) Hear and determine appeals from the actions of the director on rezoning applications, and special exceptions from the permitted uses of each district of the zoning ordinance.]

[(g)](e) Hear and determine appeals requesting variances or other exceptions from the subdivision and zoning ordinances where, due to special conditions, a literal enforcement of the provisions of the ordinances will result in unnecessary hardship and the granting of the variances or other exceptions will not be contrary to the public interest.

[(h)](f) Hold public hearings whenever necessary and in every case prior to [the granting of] action on any rezoning request, variance, special exception, or other related applications. Notice of the time and place of the hearing shall be published at least ten days prior to such hearing in a daily newspaper of general circulation in the county."

SECTION 2. Section 7-1.2, Hawaii County Charter, is amended to read as follows:

"Section 7-1.2. Civil Service Commission. The civil service commission shall consist of [seven] five members who shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4. Commission membership shall be representative of the community [and of the county geographical areas of Puna, Ka'u, Kona, Kohala, Hamakua, and Hilo] and the members shall all be in sympathy with and believe in the principles of the merit system in public employment."

SECTION 3. Section 10-14, Hawaii County Charter, is amended to read as follows:

"Section 10-14. Centralized Purchasing.

(a) The department of finance shall be responsible for the procurement of all materials, supplies, equipment and services required by any agency of the county, except as otherwise provided by this charter or any law.

(b) There shall be a standardization committee composed of five members. The mayor shall appoint four members without necessity of council confirmation, each of whom shall be from a separate department. The fifth member shall be a representative of the department of finance who shall serve as chairman of the committee. The committee shall classify all materials, supplies and equipment commonly used by the various agencies of the county and shall prepare and adopt standards and specification for such materials, supplies and equipment.

(c) All purchases and contracts for materials, supplies, equipment and services shall be made by advertising, except that such purchases and contracts may be negotiated without advertising if:

(1) The public exigency will not admit of the delay incident to advertising.

(2) The aggregate amount involved does not exceed [\$4,000.00] \$8,000.00; however, any purchases or contracts involving sums between [\$500.00] \$1,000.00 and [\$4,000.00] \$8,000.00 shall be based on competitive bids which shall be in writing.

(3) It is impracticable to secure competitive bidding for materials, supplies and equipment, including animals, plants, food and fodder for animals of the zoo, non-processed agricultural products, patented or proprietary articles and books and publications.

(4) It is determined that the procurement of equipment determined to be technical equipment is necessary to assure standardization of the equipment and interchangeability of parts and that such standardization and interchangeability are necessary in the interest of economy.

(5) Any other procedure or matter will promote the effective, efficient and timely procurement of goods and services."

SECTION 4. Section 13-7, Hawaii County Charter, is amended to read as follows:

"Section 13-7. Rules and Regulations. Except as otherwise provided in this charter, all rules and regulations having the force and effect of law adopted by any board, commission or administrative head of a department shall be approved by the [council and] the mayor before going into effect. The provisions of this section shall be applicable to service rates or fees, license fees and other charges."

SECTION 5. Charter material to be repealed is bracketed. New charter material is underscored.

SECTION 6. This amendment shall take effect upon its approval by the voters.

