

BOARD OF WATER SUPPLY

KURT AKAMINE CHAIR
JULIE SIMONTON, VICE CHAIR
TOM SHIGEMOTO, SECRETARY

MICAH FINNILA, MEMBER
LAWRENCE DILL, MEMBER
KA'AINA HULL, MEMBER
TROY TANIGAWA, MEMBER



JOSEPH E. TAIT
MANAGER AND CHIEF ENGINEER

REGULAR MONTHLY MEETING NOTICE AND AGENDA

Thursday, August 17, 2023
9:30 a.m. or shortly thereafter

Meetings of the Board of Water Supply, County of Kaua'i will be conducted in-person at the Department of Water Board Room, 2nd Floor located at 4398 Pua Loke Street, Lihue, Kauai, Hawaii, and remotely in accordance with Act 220, Session Laws of Hawai'i 2021 via interactive conference technology as follows:

Click on the link below to join on your computer or mobile app by VIDEO:

<https://us06web.zoom.us/j/85057115099>

Passcode: 977454

OR

Dial phone number and enter conference ID to call in and join by AUDIO:

Phone: 888 788 0099 US Toll-free

Phone Conference ID: 850 5711 5099

Please Note: If you do not provide a name, unique identifier, or alias when joining the meeting, you will be renamed to allow staff to address and manage individual guests.

In the event of a lost connection the Board will recess for up to 30 minutes to restore the connection. If the connection cannot be restored within 30 minutes, the Board will continue the meeting to 12:00 p.m. or shortly thereafter. If the visual link cannot be restored, the Board may reconvene with an audio-only link using the above dial-in phone number and conference ID. A lost connection only applies to remote connections provided as part of the remote meeting but does not apply to a public member being unable to access the meeting due to a connectivity issue on their end.

CALL TO ORDER

ROLL CALL

ANNOUNCEMENTS

Next Scheduled Meeting: Thursday, September 21, 2023 – 9:30 a.m.

APPROVAL OF AGENDA

MEETING MINUTES

1. Regular Board Meeting – July 20, 2023

PUBLIC TESTIMONY

CORRESPONDENCE

1. Letter dated July 10, 2023 from Chair Bronson Bautista of the Charter Review Commission re: Request for Proposals to Amend the Charter

NEW BUSINESS

1. Manager's Report No. 23-32 Discussion and possible action to request Board Approval for a Memorandum of Understanding for Kuhio Highway Intersection Improvements at Kolo Road and Kalamania Road between the Board of Water Supply, County of Kaua'i and Kaua'i District, Hawai'i Department of Transportation, Highways Division
2. Water Systems Investment Plan Briefing (**Information only; non-action item**)
3. Discussion and Possible Action on Correspondence Item 1., letter from the Charter Review Commission re: request for proposals to amend the County Charter
4. Discussion and Possible Action on Manager's Annual Evaluation timeline, process and criteria

STAFF REPORTS

1. Fiscal:
 - a. Monthly dashboard
 - b. Budget Report for July 2023
2. Operations – Monthly dashboard
3. Engineering – Monthly dashboard
4. Administration:
 - a. Monthly dashboard
 - b. Public Relations – updates on Public Notices & Announcements, Community Outreach & Education, and Upcoming Events
 - c. Human Resources – updates on Personnel Vacancies
 - d. Information Technology – Monthly update
5. Manager and Chief Engineer – Required communications to the Board, and update of Department activities

TOPICS FOR NEXT BOARD OF WATER SUPPLY MEETING:

TOPICS FOR FUTURE BOARD OF WATER SUPPLY MEETING:

1. CIP Update

EXECUTIVE SESSION:

Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Board may, when deemed necessary, hold an executive session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such executive session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a).

1. Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(3), and 92-5(a)(4), the purpose of this Executive Session is to deliberate on the acquisition of public property, specifically, property identified by tax map key: 4-3-018-001 and for the Board to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities as they relate to this agenda item.

ADJOURNMENT

WRITTEN TESTIMONY

The Board is required to afford all interested persons an opportunity to present testimony on any agenda item. The Board encourages written testimony at least two (2) business days prior to a scheduled Board meeting. At each Board meeting, the Board will accept oral and written testimony on any agenda item during the Public Testimony portion.

Please include:

1. Your name and if applicable, your position/title and organization you are representing
2. The agenda item that you are providing comments on; and
3. Whether you are a registered lobbyist and, if so, on whose behalf you are appearing.

Send written testimony to:

Board of Water Supply, County of Kaua'i
C/O Administration
4398 Pua Loke Street
Līhu'e, Hawai'i 96766

E-Mail: board@kauaiwater.org
Phone: (808) 245-5406
Fax: (808) 245-5813

Public Testimony

You do not need to register to provide oral testimony on the day of the meeting. Please note that public testimony is taken after the approval of the meeting agenda to ensure public testimony is received before any action is taken on an agenda item. The length of time allocated to present oral testimony may be limited at the discretion of the chairperson.

SPECIAL ASSISTANCE

If you need an auxiliary aid/service or other accommodation due to a disability, or an interpreter for non-English speaking persons, please call (808) 245-5406 or email board@kauaiwater.org as soon as possible. Requests made as early as possible will allow adequate time to fulfil your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

A horizontal splash of clear blue water with bubbles, positioned behind the text.

DRAFT

MINUTES

MINUTES
BOARD OF WATER SUPPLY
Thursday July 20, 2023

The Board of Water Supply, County of Kaua‘i, met in a regular meeting in Līhu'e on Thursday, July 20, 2023. Chair Kurt Akamine called the meeting to order at 9:32 a.m. The following Board members were present:

BOARD:

Mr. Kurt Akamine, *Chair*
Mr. Larry Dill
Ms. Micah Finnila
Mr. Ka‘aina Hull (*entered at 9:35 a.m. Remote*)
Mr. Tom Shigemoto
Mr. Troy Tanigawa

EXCUSED:

Ms. Julie Simonton, *Vice Chair*

Quorum was achieved with 5 members present at Roll Call.

ANNOUNCEMENTS

Next Scheduled Meeting: Thursday, August 17, 2023

APPROVAL OF AGENDA

The agenda was approved with no objections.

APPROVAL OF MEETING MINUTES

1. Regular Board Meeting – June 15, 2023

The meeting minutes were approved with no objections.

PUBLIC TESTIMONY

None

NEW BUSINESS

1. Discussion and Adoption of Resolution No. 23-10, Farewell to Neal Iseri (Retiree), Lead Electronics Tradesperson, Operations Division

Resolution No. 23-10 was adopted by the Board.

STAFF REPORTS

1. Fiscal:
 - a. Monthly dashboard
 - b. Budget Report for May 2023
 - c. Quarterly BAB Statement

Waterworks Controller Renee Yadao provided a summary of the Fiscal Division Dashboard, Monthly Budget Report, and Quarterly BAB Statement. She highlighted that all Fiscal positions have been filled with the exception of the Account Clerk position which will remain on hold until they determine the need. There is one Customer Service Representative scheduled to start on August 1, and an Accountant II will start on August 16. Ms. Yadao introduced the new Assistant Waterworks Controller Sherri Silva

2. Operations – Monthly dashboard

Assistant Chief of Operations Ryan Smith provided a summary of the Operations monthly dashboard, highlighting the addition of a new Water Service Investigator and have just finished interviews for Pipefitter helper. There are additional candidates about to be tested for Pipefitter Helper, Lead Electrician, and Helper positions. They will be posting the position for the Lead Electronics Tradesperson position that retiree Neal Iseri just vacated.

3. Engineering – Monthly dashboard

Engineering Division Chief Jason Kagimoto provided a summary of the Operations Division monthly dashboard highlighting the recent hiring of 2 new Microbiologists. They are still in the same situation with trying to hire civil engineers which is their biggest area of need. They do have a new intern that will be with Engineering for 2 months. Mr. Kagimoto provided an overview of Engineering's Quarterly update.

4. Administration:

- a. Monthly dashboard
- b. Public Relations – updates on Public Notices & Announcements, Community Outreach & Education, and Upcoming Events
- c. Human Resources – updates on Personnel Vacancies
- d. Information Technology – updates on Corrective Action Plan

Deputy Manager Michael Hinazumi provided an overview of the Administration Division sections, noting that Administration continues to have staffing challenges and is currently 40% vacant. They are currently looking at methods of reorganization and changing of duties as well as recruitment to fill those positions. He expressed his appreciation to staff members in all 3 divisions who have come forward to help beyond their current scope of duties. Overtime is currently exceeding what was anticipated due to these staffing shortages. Mr. Hinazumi reminded the Board that Project Wet is coming up in September.

Board member Finnilla stated that she is hearing a continuing theme of HR and recruitment being an issue and asked if it would be appropriate to invite HR to come and speak to the Board about their processes. Chair Akamine stated that he and Board member Shigemoto did have an opportunity to speak with the Mayor, and subsequently with DHR and could perhaps provide an update on those conversations at the next meeting.

5. Manager and Chief Engineer – Required communications to the Board, and update of Department activities

Deputy Manager Michael Hinazumi provided a summary of the Manager and Chief Engineer's monthly update. Board member Shigemoto asked how the hiring process is going with the other divisions. Mr. Hinazumi stated that the lack of Engineering candidates has resulted in a shortfall not only with the County, but also the State. The current compensation methodology does not promote competitive rates to recruit outside engineers. Mr. Shigemoto acknowledged that the County may not be able to compete salary-wise, but the County has a lot of benefits that private sector doesn't offer. He asked if those benefits are emphasized with potential candidates to which Mr. Hinazumi stated yes, they are emphasized. However, the pay disparity is often still

hugely detrimental. For example, a Civil Engineer position would be offered approximately \$50,000/year, where private sector is offering upwards of \$70,000. Another benefit the private sector has over the County is allowing for remote work which many candidates consider a great benefit. Mr. Hinazumi added that all of DOW's engineering positions are listed as continuous recruitment so that they can receive applications at any given time. Chair Akamine commented that his understanding is that roughly 80% of the County's compensation is benefits (paid holidays, paid vacation and sick leave, etc.) and asked Ms. Finnila how that compares to the private sector. Ms. Finnila stated that the County does have very nice benefits packages, and private sector generally provides between 5 and 7 percent which could equate to around \$15 – 20,000 on top of base salary. Ms. Finnila added that while working from home can be desirable, she feels that a position like engineering would benefit from working with colleagues in person and hopes we can make adjustments to make people want to come back to working in the office.

TOPICS FOR NEXT BOARD OF WATER SUPPLY MEETING:

1. Discussion and Possible action to determine criteria for Annual Evaluation of the Manager and Chief Engineer

TOPICS FOR FUTURE BOARD OF WATER SUPPLY MEETING

1. Water Systems Investment Plan Briefing *(July/August)*
2. CIP Update

EXECUTIVE SESSION:

Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Board may, when deemed necessary, hold an executive session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such executive session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a).

ADJOURNMENT

The meeting was adjourned at 10:12 a.m.

Respectfully submitted,

Cherisse Zaima
Commission Support Clerk

A horizontal splash of clear blue water with bubbles and a small wave crest, centered on the page. The word "CORRESPONDENCE" is overlaid on the water in a blue, serif font.

CORRESPONDENCE

OFFICE OF BOARDS & COMMISSIONS

ELLEN CHING, ADMINISTRATOR



DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

July 10, 2023

Chair Kurt Akamine
Board of Water Supply
c/o Department of Water
4398 Pua Loke St.
Lihue, Hawaii 96766

RE: Requesting proposals to amend the Charter

Dear Chair Akamine and Members of the Board of Water Supply:

The Charter Review Commission invites the Board of Water Supply to present any proposals on any Charter amendments for the Charter Commission to consider for the 2024 ballot.

Please provide a brief background on the issue and how the amendment will address or solve the issue to the Charter Review Commission by September 30, 2023. As part of the deliberations of the Commission, should the Commission in earnest consider your proposal, they may be requesting more information at that time.

Please note that the September 30, 2023, is not a flexible deadline. Once the Commission decides to place a question on the ballot, the Commission works over the next 10 months on the wording of the question, the background information, and the purpose to give the ballot question the best chance of adoption.

Should you have any questions, please feel free to contact, Ellen Ching at eching@kauai.gov or at 241-4922.

Sincerely,

Bronson Bautista, Chair
Charter Review Commission

A horizontal splash of clear blue water with bubbles and ripples, set against a white background. The water is positioned behind the text.

NEW

BUSINESS

DEPARTMENT OF WATER

County of Kaua'i

"Water has no Substitute – Conserve It!"

MANAGER'S REPORT No. 20-32

August 17, 2023

Re: Discussion and Possible Action for Board Approval to enter a Memorandum of Understanding No. 2416 between the Hawai'i Department of Transportation and the Board of Water Supply, County of Kaua'i for the Hawai'i Department of Transportation's Kuhio Highway Intersection Improvements at Kolo Road and Kalamania Road, Federal Aid Project No. STP-056-1(065).

RECOMMENDATION:

It is recommended that the Board enter a Memorandum of Understanding No. 2416 for the Hawai'i Department of Transportation Kuhio Highway Intersection Improvements at Kolo Road and Kalamania Road, Federal Aid Project No. STP-056-1(065).

FUNDING: N/A

BACKGROUND:

The Hawai'i Department of Transportation (HDOT) is proposing to construct a new roundabout at the intersection of Kuhio Highway, Kolo Road, and Kalamania Road. The improvements of this project require the relocation of DOW facilities including: adjustment of a water valve box at the intersection of Kuhio Highway and Kolo Road/Kalamania Road, replacement of existing 8-inch Abestos Cement waterlines (on Kuhio Highway and Kolo Road) with new 12-inch DIP waterline (on Kuhio Highway) and new 8-inch DIP waterline (on Kolo Road), new fire hydrant, 6-inch gate valve concrete block, 8-inch x 6-inch tee, (2) 8-inch 1/8 bend concrete blocks, 8-inch transition coupling, 8-inch gate valve concrete block, (2) 12-inch transition couplings, (4) 12-inch 1/8 bend concrete blocks, (2) 12-inch gate valves, and 12-inch x 8-inch tee, at an estimated cost of \$242,350.00. Furthermore, if DOW provides inspection services for the aforementioned work, the cost of such services shall be borne by the HDOT.

OPTIONS:

Option 1: Approve Memorandum of Understanding No. 2416.

Pro: This will allow HDOT to perform the above described work on the existing water system at no cost to the DOW.

Con: None

Option 2: Do not approve Memorandum of Understanding No. 2416.

Pro: None

Con: Not approving the submittal of Memorandum of Understanding No. 2416 would prevent HDOT from performing the above described work on the existing water system. The DOW should always work with State and County agencies for the best interest of the public.

JK/cz

Attachment(s): Memorandum of Understanding No. 2416 between the Hawai'i Department of Transportation and the Board of Water Supply

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
KAUAI DISTRICT
1720 HALEUKANA STREET
LIHUE, HAWAII 96766

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
EDWIN H. SNIFFEN

IN REPLY REFER TO:
HWY-K X.XXX

STP-056-1(065)

April 21, 2023

Scott Suga
County of Kauai, Department of Water
4398 Pua Loke Street
Lihue, HI, 96766

Attention: Scott Suga

Dear Mr. Suga:

Subject: Memorandum of Understanding for Kuhio Highway Intersection Improvements at Kolo Road and Kalamania Road, Federal Aid Project No. STP-056-1(065)

Please endorse this Memorandum of Understanding for the subject project and return the original for our files. The improvements of this project require the adjustment of a water valve box at the intersection of Kuhio Highway and Kolo Road/Kalamania Road, replacement of existing 8-inch ACP waterlines (on Kuhio Highway and Kolo Road) with new 12-inch DIP waterline (on Kuhio Highway) and new 8-inch DIP waterline (on Kolo Road), new fire hydrant, 6-inch gate valve concrete block, 8-inch x 6-inch tee, (2) 8-inch 1/8 bend concrete blocks, 8-inch transition coupling, 8-inch gate valve concrete block, (2) 12-inch transition couplings, (4) 12-inch 1/8 bend concrete blocks, (2) 12-inch gate valves, and 12-inch x 8-inch tee, at an estimated cost of \$242,350.00. Furthermore, if the County provides inspection services for the aforementioned work, the cost of such services shall be borne by the State.

This letter of endorsement covers the above-mentioned work only. Other relocation/adjustment work that may occur will require additional plans, estimate and agreement acceptable to all parties concerned.

Enclosed is a set of plans and specifications for the adjustment work to be incorporated as part of our contract documents. If the above requirements and the enclosed Exhibit A are acceptable, your approval is requested.

Your prompt attention to this matter will be greatly appreciated since this project is scheduled to be advertised for bids in January, 2024.

In response to this request, please reply to the attention of Eric Fujikawa, Hawaii Department of Transportation, Kauai District, Highways Division and reference letter number 2416 as noted

above. Should you have any questions, please call Eric Fujikawa at 808-241-3015 or email at eric.i.fujikawa@hawaii.gov.

Sincerely,

Lawrence Dill
District Engineer
Kauai District, Hawaii Department of Transportation, Highways Division

APPROVED:

[NAME]
County of Kauai Department of Water

Date

JKA:ttm

Enclosure

bc: Kimo Aiu

EXHIBIT A

1. Any facilities of County of Kauai Department of Water (KDOW) not affected or relocated under this Memorandum of Understanding but which are situated within the right-of-way of this project may continue to remain in place upon the express condition, however, that the provisions of paragraphs 2 and 3 below, shall be applicable to said facilities.
2. KDOW shall bear all costs of servicing and maintaining its facilities and shall not perform such work from the through traffic lanes during peak traffic and high volume hours, except in emergencies and then only under the condition that such work shall be performed most expeditiously and with least possible interference with free flow of traffic and safe operation of highway facilities.
3. The cost of any future removal, relocation, replacement, reconstruction or adjustment of the utility facilities of KDOW, due to construction, reconstruction or maintenance of the highway, shall be borne by KDOW/or the STATE in accordance with the provisions of Section 264-33, Hawaii Revised Statutes.
4. KDOW and the STATE shall not be responsible nor liable for any injury, death or damage arising or growing out of the acts or omissions of the other party in their performance of work covered by this Memorandum of Understanding.
5. Construction notes for KDOW shall be included in the contract plans.
6. Approval of this Memorandum of Understanding shall be valid for a period of one year from the date of notification of approval. In the event construction does not commence within this one year period, the STATE will be required to resubmit construction plans and another Memorandum of Understanding for KDOW's review and approval.
7. When applicable, at its own expense, KDOW will be required to remove any of its underground facilities which it constructs, in the event the utility abandons the use of the

facilities, unless the STATE consents in writing to allow abandonment in place. Notwithstanding any such consent by the STATE for abandonment in place, KDOW agrees to be responsible for the removal costs and any costs of clean-up and remediation for any pollution or contamination caused by the facilities, if such action becomes necessary in the future. KDOW further agrees to indemnify and hold harmless, the STATE, from any and all liabilities which may arise from KDOW acts or omissions relating to such pipelines or facilities.

8. Pursuant to regulations and requirements of the Federal Highway Administration (FHWA) and Hawaii state law, KDOW is prohibited from assigning or subleasing any facilities that are allowed to be abandoned in place in the highway right-of-way without the express permission of, and arrangements with the STATE or unless such assignment or sublease is required by law. KDOW shall give the STATE ten (10) days prior written notice of any use by third parties of KDOW facilities that KDOW is required by law to allow. Any unauthorized use of KDOW's facilities by any other utility or third party is strictly prohibited.

9. The reference/file number for this endorsement shall be Memorandum of Understanding.

Brown AND Caldwell

County of Kauai, Department of Water

Water System Investment Plan (WSIP) Board Presentation

August 17, 2023



1

Agenda

-  WSIP Overview and Objectives
-  Elements of the WSIP
-  CIP and FRC Development
-  Progress
-  Questions

Brown and Caldwell

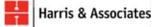
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Consultant Team




Ann Hajnosz Karyn Johnson



Dean, Michelle, Stan, Marissa, Dustin, Susan



Brown and Caldwell

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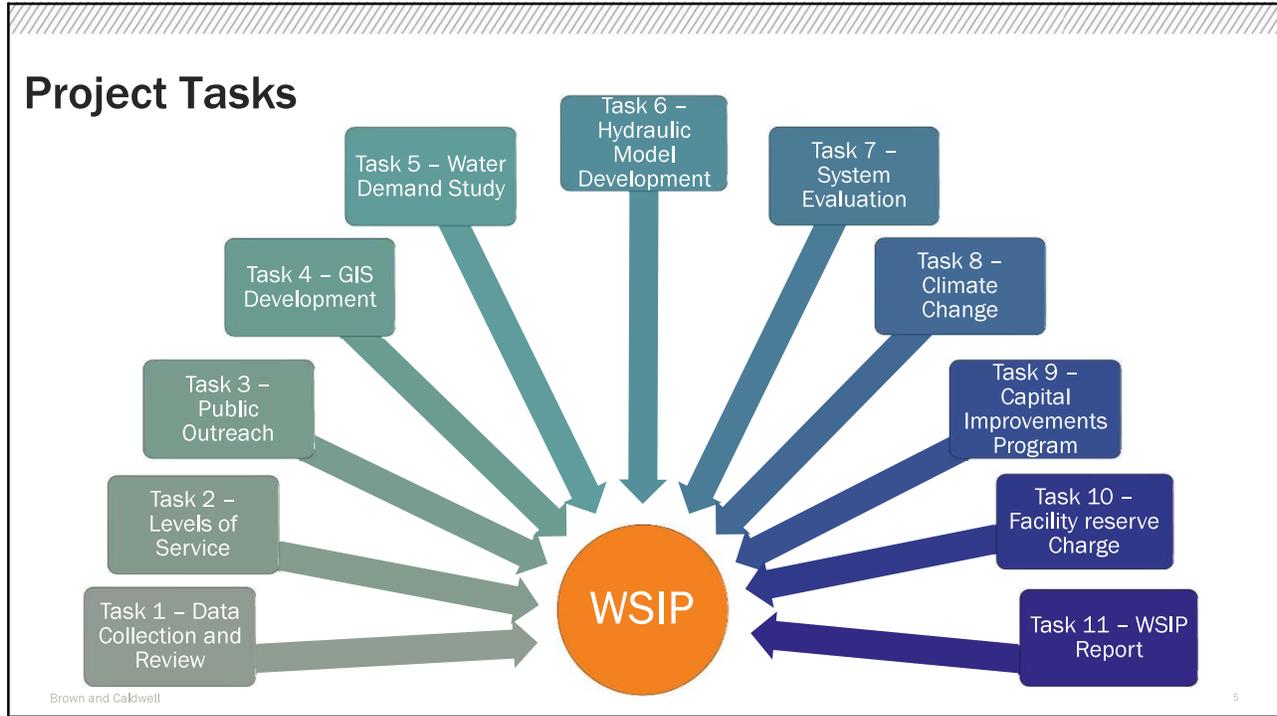
WSIP Project Purpose



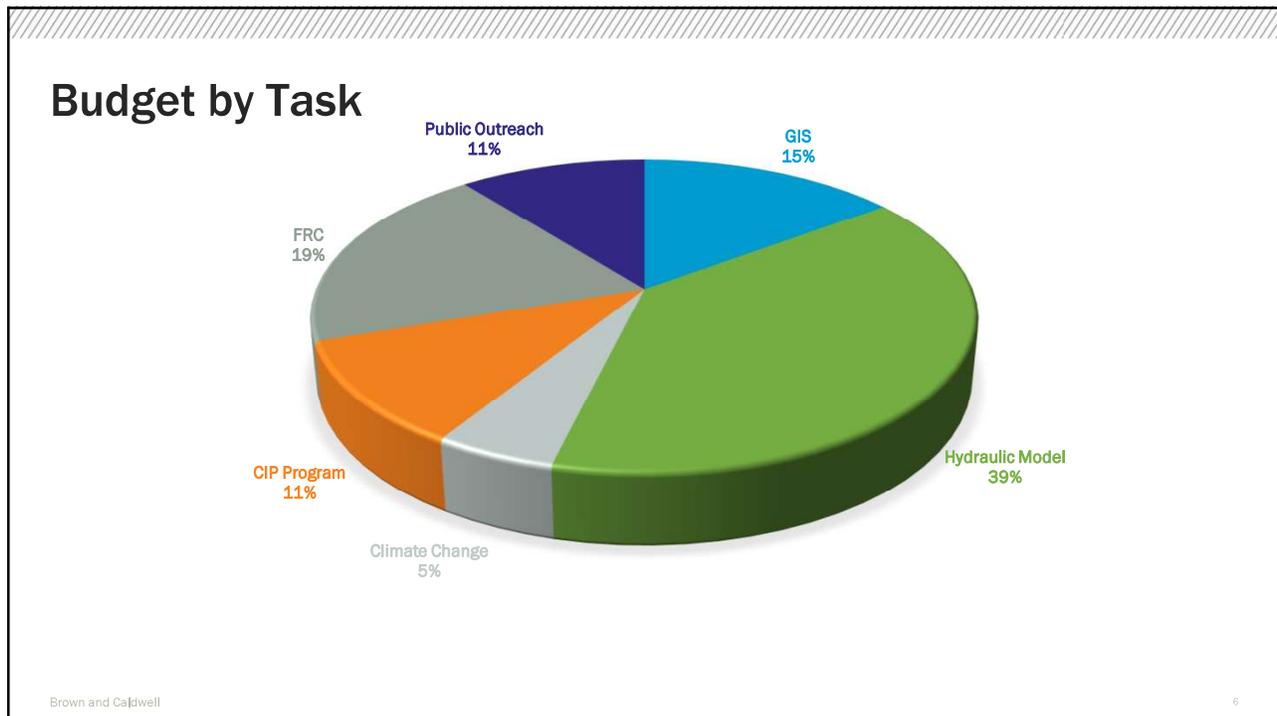
-  Develop robust **GIS** and **hydraulic modeling** tools that support utility planning and system operations.
-  Provide in-person and virtual **training** sessions so that KDW staff are prepared to leverage tools.
-  Use tools to develop a **20-year Capital Improvement Program**, supporting KDW's goals and objectives.
-  Establish a justifiable **Facility Reserve Charge** aligned with the WSIP Capital Improvement Program.

Brown and Caldwell

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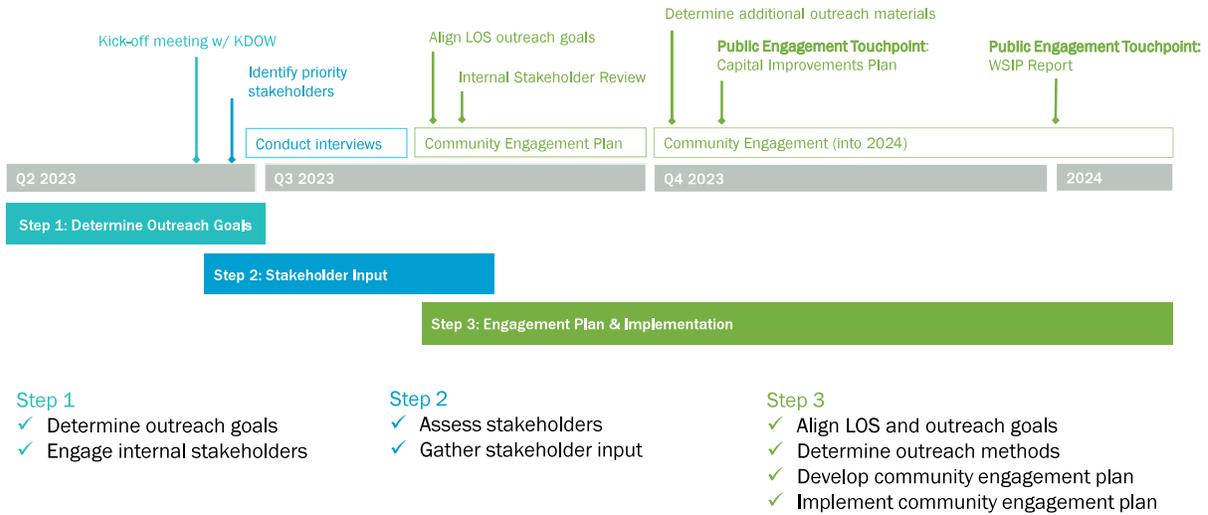


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Task 3: Public Engagement Scope and Timeline



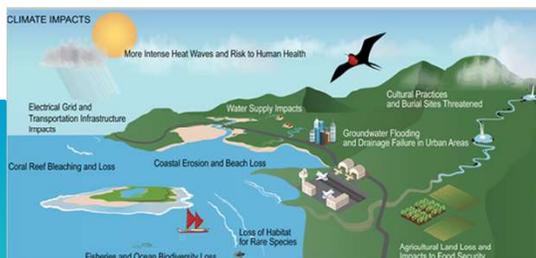
Brown and Caldwell

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Task 8: Climate Change and Resiliency

- Identify sea level rise (SLR) hazards and scenarios
- Discuss and summarize climate change-related impacts
- Use GIS data to produce maps showing impacts



Brown and Caldwell

8

8

Task 4 - GIS Development

Organize data & identify gaps

Populate missing data

Determine database format

Setup standardized tools

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Text String	BC_Response	Response	Responder				
1	WHAT IS THIS S-INC...	Delete, unless KDOW...	Delete, appears to be...				jkagimoto
2	WHAT ARE THESE PIP...	As-Builts for Koloa W...	Remove pipes in GIS...				jkagimoto
3	SHOULD THIS BE B-L...	As-Builts for Koloa W...	Record drawings sho...				jkagimoto

9

9

Document GIS Processes and Provide Training

- User roles identified for KDOW staff across divisions
- Anticipated functions identified for each user role
- Comprehensive 130-page training document developed
- In-person trainings to be held at KDOW offices

Figure 2-26. This web map after following...

Figure 3-13. To add a label and/or attach notes to a message...

Figure 4-10. Use the Explorer tool to manage...

Figure 4-72. To access the legend properties pane...

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GIS Outcomes

Outcomes and Benefits

- Database that supports KDOW activities across divisions
- Easily assessable by KDOW staff
- Consistent standardized framework
- Documentation and training on processes and tools

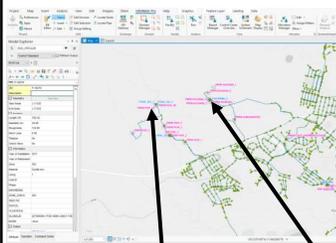
Key Uses

- Access to information on facilities
- Development of system maps
- Mobile access supporting operation and maintenance activities
- Integration with software for hydraulic model development and analysis



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Task 6 – Hydraulic Model



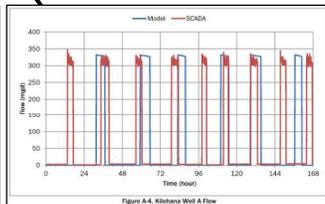
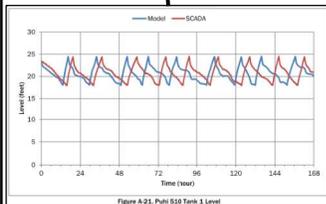
Develop model from GIS



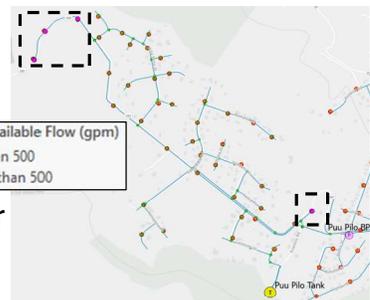
Perform field testing



Calibrate model



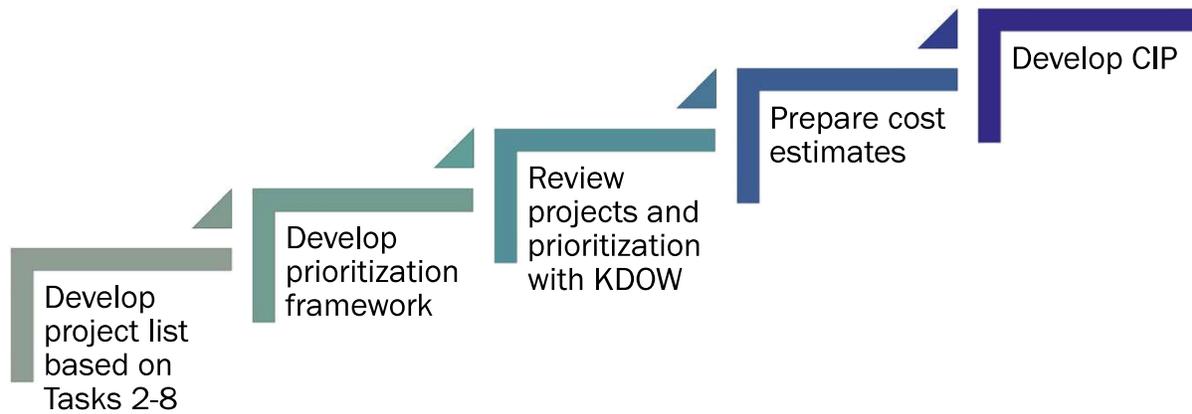
Evaluate water system



Brown and Caldwell

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Task 9 – Capital Improvements Program (CIP) Development



Brown and Caldwell

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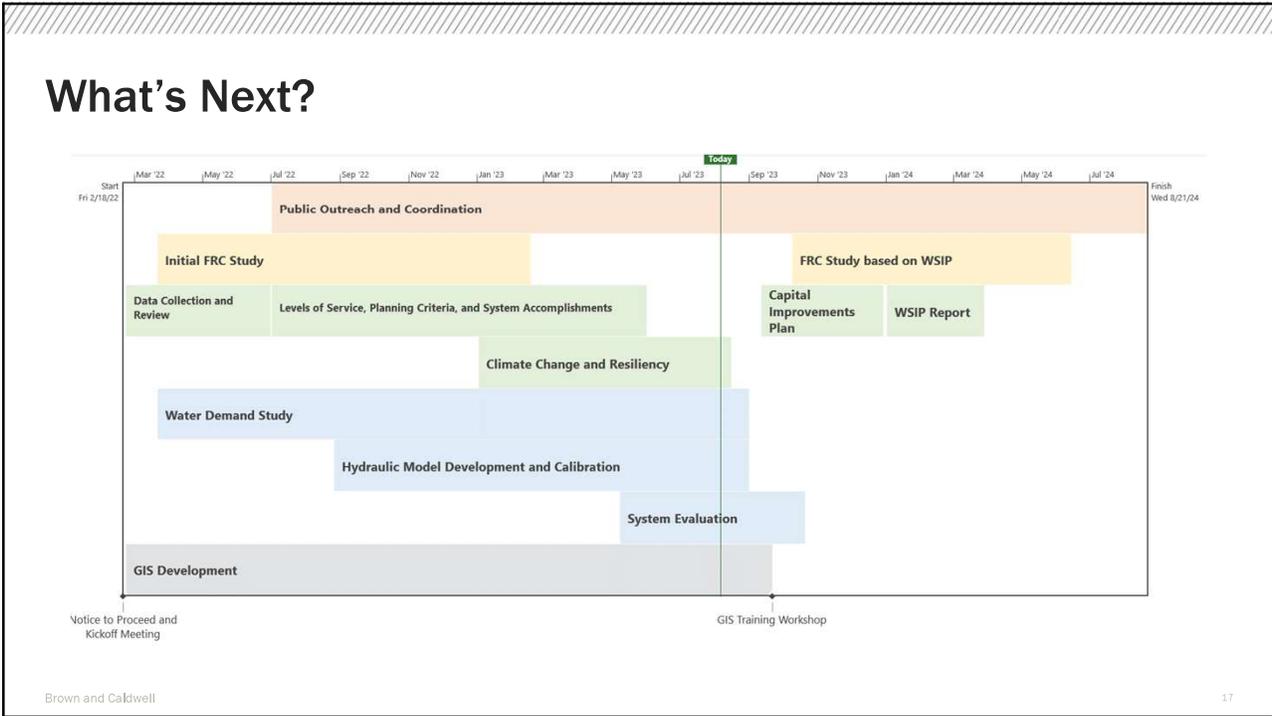
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Task 10 - Facility Reserve Charge (FRC) Update

- Major Tasks
 - Building public understanding around FRCs versus water user rates
 - Update fee analysis
 - Update alternative fee structures to accomplish KDOW policy goals
- Key Assumptions
 - Growth related capital projects from WSIP will be used in the analysis
 - Planning data will be based on current Kauai General Plan

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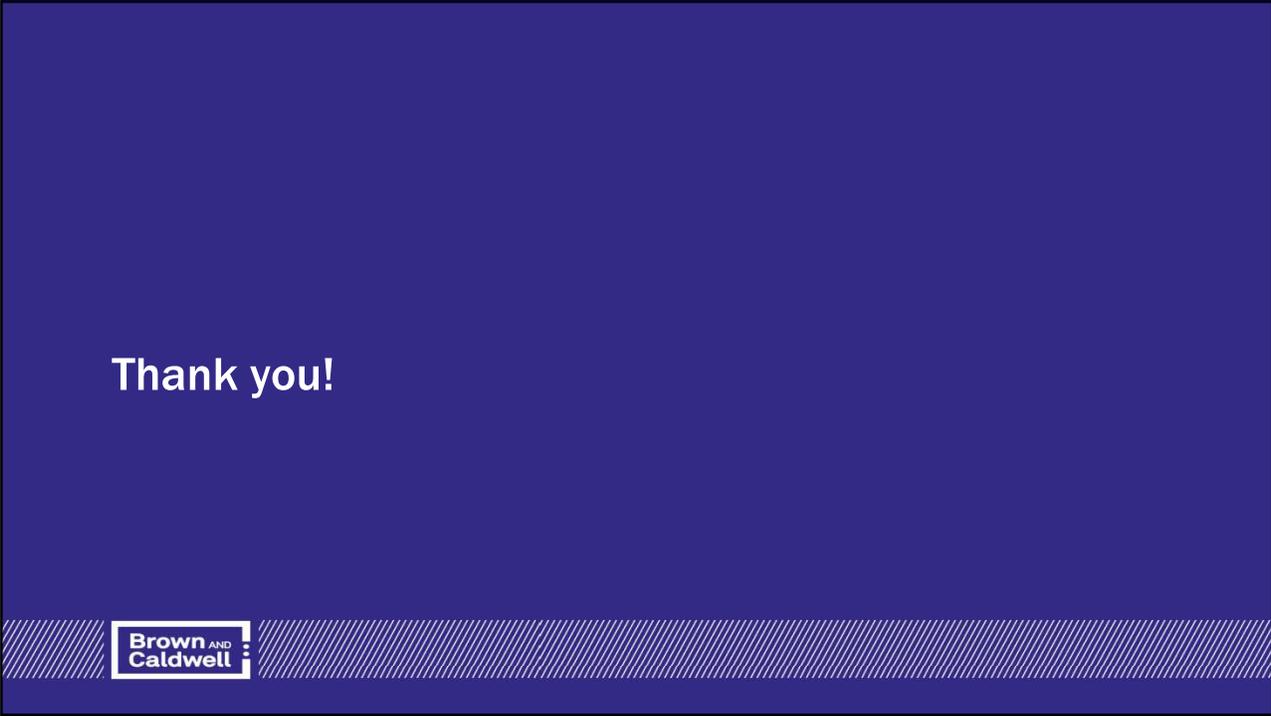


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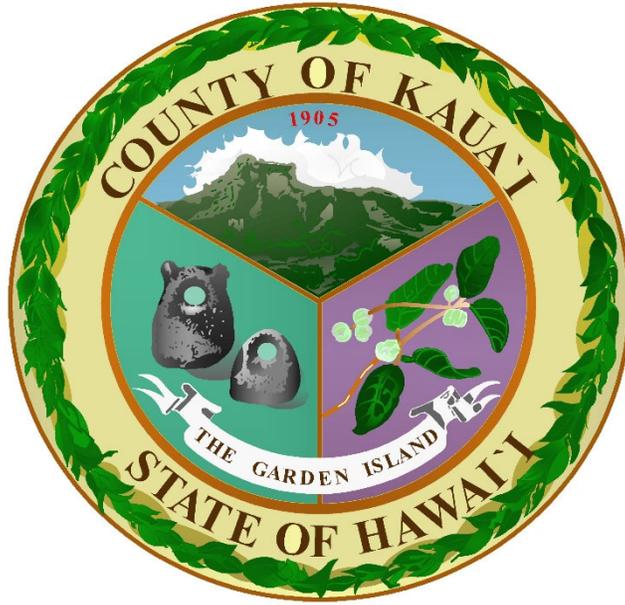
Questions?

Brown AND Caldwell

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THE CHARTER OF THE COUNTY OF KAUA'I

(2022 Codified Version)

THE CHARTER
OF THE
COUNTY OF KAUAI

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ARTICLE I THE COUNTY AND ITS GOVERNMENT

Section 1.01. Incorporation. The people of the County of Kauaʻi are and shall continue to be a body politic and corporate in perpetuity under the name of “County of Kauaʻi”, referred to hereinafter as the “county”.

Section 1.02. Geographical Limits. The islands of Kauaʻi and Niʻihau and all other islands lying within three nautical miles off the shore thereof, and the waters adjacent thereto, shall constitute the County of Kauaʻi with its county seat at Līhuʻe.

Section 1.03. County Elections.

A. Nonpartisan elections. County elections shall be conducted in accordance with the state election laws insofar as applicable, but all elective county officers shall be elected by nonpartisan elections. (Amended 2012)

B. Offices of the mayor and prosecuting attorney.

1. For the offices of mayor and prosecuting attorney, the names of the two candidates receiving the highest number of votes for these offices in the primary election shall be placed on the ballot for the general election. However, if there is only one candidate for each of said offices, such candidate shall be elected in the primary election. (Amended 2012)

2. At the general election, the candidates receiving the highest number of votes for mayor and prosecuting attorney shall be elected. (Amended 2012)

3. Tie votes. In the event of a tie vote for mayor and prosecuting attorney in the primary or general election, the winner shall be determined by a method of chance as determined by the county clerk. (Amended 2012)

C. Office of at-large councilmembers.

1. For at-large council offices, two candidates for each vacant at-large council office receiving the highest number of votes in the primary election shall be placed on the ballot for the general election. (Amended 2012)

2. At the general election, the candidates receiving the highest number of votes for each vacant at-large council office shall be elected. (Amended 2012)

3. Tie votes. In the event of a tie vote for the last remaining at-large council office in the primary election, the candidates receiving the same number of votes shall be placed on the ballot for the general election. (Amended 2012)

In the event of a tie vote for the last remaining at-large council office in the general election, the winner shall be determined by a method of chance as determined by the county clerk. (Amended 2012)

ARTICLE II POWERS OF THE COUNTY

Section 2.01. Powers. To promote the general welfare and the safety, health, peace, good order, comfort, and morals of its inhabitants, the county shall have and may exercise all powers necessary for local self-government, and any additional powers and authority, which may hereafter be granted to it, except as restricted by laws of this state. The enumeration of express powers in this charter shall not be deemed to be exclusive. In addition to the express powers enumerated herein or implied thereby, it is intended that the county shall have and may exercise all powers it would be competent for this charter to enumerate expressly.

Section 2.02. Exercise of Powers. All powers of the county shall be carried into execution as provided by this charter, or, if the charter makes no provision, as provided by ordinance of the county council.

ARTICLE III COUNTY COUNCIL

Section 3.01. Legislative Power. The legislative power of the county shall be vested in and exercised by the county council, except as otherwise provided by this charter.

Section 3.02. Composition. There shall be a council of seven members elected at-large.

Section 3.03. Terms. The terms of office of councilmembers shall be for two years beginning at twelve o'clock meridian on the first working day of December following their election. No person shall be elected to the office of councilmember for more than four consecutive two year terms. (Amended 1980, 1984, 2006)

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 of the county for at least two years immediately preceding such person's election or appointment.

B. Any councilmember who removes said councilmember's residence from the county or is convicted of a felony shall immediately forfeit the office.

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 Hawai'i.

Section 3.05. Vacancy in Office. In the event a vacancy occurs in the council, the remaining members of the council shall appoint a successor with the required qualifications to fill the vacancy for the unexpired term. If the council is unable to fill a vacancy within thirty days after its occurrence, the mayor shall make the appointment to such vacancy. The foregoing provisions shall apply in the event a person elected as councilmember dies before taking office; provided, however, that the vacancy shall be filled by the newly elected council within thirty days after the beginning of the new term.

Section 3.06 Compensation. The salary of each councilmember shall be established in accordance with the provisions of article XXIX of this charter. (Amended 1988, 2006)

Section 3.07. Organization of Council; Officers; Rules; Employees.

A. The council shall meet in the council room at the county building or in the Kaua'i War Memorial Convention Hall for its organization promptly after its inauguration and swearing-in ceremony at which time it shall elect one of its members as chair and presiding officer of the council. Until such time as the chair is elected, the mayor shall preside at the council meetings, provided that the mayor shall not have a vote. The council shall also elect one of its members as vice-chair who shall act as the presiding officer in the event of the chair's absence. The council shall appoint a presiding officer pro tempore from its members in the event of the absence of both the chair and vice-chair. A majority of the entire membership of the council shall constitute a quorum and, except as otherwise provided, the affirmative vote of a majority of the entire membership shall be necessary to take any action. (Amended 1984)

B. The council shall adopt such rules as it may deem necessary for the organization of committees and the transaction of its business.

C. The council shall keep a journal of its proceedings.

D. The council may, upon an affirmative vote of at least two-thirds of its entire membership, suspend without pay for not more than one month any member for disorderly or contemptuous behavior in its presence. The presiding officer or the council by a majority vote may expel any other person who is guilty of disorderly, contemptuous, or improper conduct at any meeting.

E. The council shall meet regularly at least twice in every month at such times as the council may prescribe by rule. Special meetings may be held on the call of the mayor, chair, or by five or more members. All council and council committee meetings shall be open to the public except as provided for in chapter 92, Hawai'i Revised Statutes. (Amended 2008)

F. Council Staff. The council may appoint the necessary personnel for the transaction of its business, and such appointments shall be subject to the civil service and classification requirements. The chair of the council shall be the administrative officer of the staff employees. (Amended 2008)

Section 3.08. Mayor May Appear Before Council. The mayor may propose in writing any motion, resolution, or ordinance, or amendments thereto, but shall have no right to vote thereon.

Section 3.09. Eminent Domain. The council shall by resolution determine and declare the necessity of taking property for public purposes, describing the property and stating the uses to which it shall be devoted.

Section 3.10. Annual Budget and Capital Program. The council shall enact an annual budget ordinance, which shall include both the operational and capital expenditures for the fiscal year and the method of financing same. The council shall provide sufficient revenues to assure a balanced budget.

Section 3.11. Adoption of Pay Plan. The council by ordinance shall appropriate the salaries of all officers and employees who are exempt from civil service in accordance with the provisions of section 7.05E and article XXIX of this charter. All other officers and employees shall be classified and paid in accordance with law. (Amended 1984, 1988, 2006)

Section 3.12. Audit.

A. Financial audit. At least once every two years and at any other time as may be deemed necessary, the council shall cause an independent audit of all county funds and accounts to be made by a certified public accountant or firm of certified public accountants. The scope of the audit shall be in accordance with the terms of a written contract to be signed by the chair which shall provide for the completion of the audit within a reasonable time. If the state makes such an audit, the council may accept it as satisfying the requirements of this section. The audit shall be a matter of public record.

B. Performance audit. To ensure and determine whether government services are being efficiently, effectively, and economically delivered, the council may at any time provide for a performance audit of any or all of the offices, agencies, departments, programs, and operations for which the county is responsible. The council may exercise its authority to conduct performance audits through the hiring of a qualified in-house auditor, through the hiring of a qualified contract auditor, or both. The scope of the audit shall be in accordance with the terms of an assignment referred to the office of the county clerk by the county council or a written contract to be approved by the council and signed by the presiding officer of the council, but may include the following

activities:

(1) Examination and testing of county offices', agencies', programs', and departments' implementation processes to determine whether the laws, policies, and programs of the county are being carried out in the most effective, efficient, and economical manner.

(2) Examination and testing of the internal control systems of offices, agencies, programs, operations, and departments to ensure that such systems are properly designed to safeguard public assets against loss from waste, fraud, error, to promote efficient operations, and to encourage adherence to prescribed management policies.

Said assignment or contract shall encourage recommendations for changes in the organization, management, and processes which will produce greater efficiency and effectiveness in meeting the objectives of the programs or operations carried out by the respective county agencies, departments, offices, programs, and operations and shall provide for the completion of the audit within one calendar year. A copy of the audit report shall be filed with the county clerk and shall be public record. (Amended 2000)

Section 3.13. Creation of General Debt.

A. The council by the affirmative vote of at least five members may authorize the issuance of general obligation bonds in accordance with the Constitution and laws of the State of Hawai'i.

B. Each bond authorization shall specify the purpose for which moneys are to be borrowed and the maximum amount of bonds to be issued for that purpose.

C. Notwithstanding any limitation contained in this charter, the council may accept and receive participating or nonparticipating federal and state loans for public improvement projects or other purposes, the aggregate of which, together with any bonded indebtedness outstanding, shall not at any time exceed the total bonded indebtedness authorized by the Constitution of the State of Hawai'i.

D. The council may provide for the refunding of general obligation bonds.

Section 3.14. Creation of Special Assessment Debt. The council may authorize the issuance of improvement bonds to finance assessable public improvements in the manner provided by law.

Section 3.15. Revenue Bond Indebtedness. The council may authorize the issuance of revenue bonds for the purpose of initiating, constructing, acquiring, extending, replacing, or otherwise improving any revenue-producing facility as provided by law.

Section 3.16. Temporary Borrowing.

A. The council may borrow money in any fiscal year in anticipation of revenues to be derived from taxes for that year, and for any of the purposes to which the revenues are appropriated. No such borrowing shall be in excess of 25 percent of the amount of the uncollected taxes of that year.

B. When any warrants are presented to the county for payment, and the same are not paid for lack of funds, the director of finance shall issue a warrant note, equal in amount to the face value of the warrant or warrants so presented for payment. The warrant note shall be in a form and shall be due at a date prescribed by the director of finance. It shall bear interest at the lowest obtainable rate. The notes shall be a first charge on the moneys of any fund against which the warrants are issued.

C. The council upon recommendation of the mayor may authorize the director of finance to obtain temporary loans from the state.

Section 3.17. Investigation. The council or any authorized committee thereof shall have the power to conduct investigations of the operation of any agency or function of the county and any subject upon which the council may legislate. In investigations, the presiding officer shall have the right to administer oaths and in the name of the council to subpoena witnesses and compel the production of books and papers pertinent thereto. If any person subpoenaed as a witness or to produce any books or papers called for by the process of the council or committee shall fail or refuse to respond thereto, the circuit court upon request of the council shall have power to compel obedience to any process of the council and require such witness to answer questions put to the witness as aforesaid, and to punish, as a contempt of the court, any refusal to comply therewith without good cause shown therefor.

False swearing by any witness shall constitute perjury and be punished as such, and whenever the council is satisfied that a witness has sworn falsely in any hearing or investigation, it shall report same to the county attorney for prosecution. In any investigation which concerns the alleged gross misconduct, or alleged criminal action on the part of any individual, such individual shall have the right to be represented by counsel, the right of reasonable cross-examination of witnesses, and the right to process of the council to compel the attendance of witnesses in the individual's behalf.

Section 3.18. Restrictions on County Council and Councilmembers. The council and its members shall not interfere with the administrative processes delegated to the mayor.

Except for the purpose of investigative inquiries under section 3.17, the council or its members, in dealing with county employees, or with county officers who are subjected to the direction and supervision of the mayor, shall deal solely through the mayor, and neither the council nor its members shall give orders to any such employee or officer

either publicly or privately. Any willful violation of the provisions of this section by a member of the council shall be sufficient grounds for an action for the member's removal from office.

ARTICLE IV ORDINANCES AND RESOLUTIONS

Section 4.01. Actions of the Council. Every legislative act of the council shall be by ordinance except as otherwise provided. Non-legislative acts of the council may be by resolution. Transfer of funds within the same department, whether in the operating budget or capital budget, may be effected by resolution. The enacting clause of every ordinance shall be "Be it ordained by the council of the County of Kaua'i." and the enacting clause of every resolution shall be "Be it resolved by the council of the County of Kaua'i:".

Section 4.02. Introduction, Consideration, and Passage of Ordinances and Resolutions.

A. Every proposed ordinance shall be initiated as a bill and shall be passed only after two readings on separate days. The vote on final passage shall be taken by ayes and noes and entered in the journal. Full readings of a bill may be waived by vote of a majority of the council.

B. Every ordinance shall embrace but one subject, which shall be expressed in its title.

C. No bill shall be so amended as to change its original purpose. Every bill, as amended, shall be in writing before final passage.

D. When a bill fails to pass on final reading and a motion is made to reconsider, the vote on such motion shall not be acted upon before the expiration of twenty-four hours.

E. Except as otherwise provided in this charter, resolutions may be adopted on one reading. The reading shall be in full except by a majority consent of all councilmembers present, in which case the reading may be by title only.

F. Bills embracing (1) the fixing of special assessments for the cost of improvements, (2) the appropriation of public funds or the 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 ayes and noes, and digests of such bills shall be advertised once in a newspaper of general circulation in the county, at least seven days before final reading by the council. Copies of such bills shall be filed for use and examination by the public in the office of the county clerk at least seven days prior to the final reading thereof.

G. Upon the request of a majority of the council, a public hearing shall be held

on any proposed ordinance or resolution. Notice of the public hearing shall be by publication in a newspaper of general circulation in the county, and the public hearing shall be held not earlier than seven days prior to the final reading on the proposed ordinance or resolution.

H. All ordinances shall be promptly advertised once by title in a newspaper of general circulation in the county with the ayes and noes after enactment. Unless otherwise provided, resolutions need not be advertised either before or after adoption.

I. Resolution authorizing proceedings in eminent domain shall not be acted upon on the date of introduction, but shall be laid over for at least fourteen days before adoption. Such resolutions shall be advertised once in a newspaper of general circulation in the county at least fourteen days before adoption by the council. Copies of such resolutions shall be filed for use and examination by the public in the office of the county clerk at least fourteen days prior to the adoption thereof. Upon adoption, every such resolution shall be presented to the mayor, and the mayor may approve or disapprove it pursuant to applicable provisions governing the approval or disapproval of bills.

J. The council may adopt resolutions for the purpose of marking roads or regulating and adjusting the movement of traffic and pedestrians in connection with traffic ordinances, and such resolutions need not be published; provided that no person shall be punished for violating such resolutions so adopted unless the regulation, mark, or adjustment sought to be effected is clearly indicated in the places where effective by legible markers or signs.

K. Emergency ordinances. To meet a public emergency affecting life, health, or property, the county council may adopt one or more emergency ordinances, but such ordinances may not be used to levy taxes, regulate the rate charged by any public utility for its services, or authorize the borrowing of money.

(1) Every emergency ordinance shall be plainly designated as such and shall contain, after the enacting clause, a declaration stating that an emergency exists, and describing the claimed emergency in clear and specific terms. Except as thus indicated, it shall be introduced in the form and manner prescribed for ordinances generally. An emergency ordinance may be considered and may be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of all councilmembers present, or the affirmative vote of three-fourths of those elected, shall be required for adoption of such an ordinance. After adoption of an emergency ordinance, the council shall cause it to be printed and published as prescribed for other adopted ordinances.

(2) Every emergency ordinance, including any amendments made thereto after its adoption, shall automatically stand repealed as of the sixty-first day

following the date on which it was adopted.

Section 4.03. Submission of Ordinances to the Mayor.

A. Every bill which has passed the council and has been duly authenticated by the county clerk and the presiding officer shall be presented to the mayor for approval. If the mayor approves it, the mayor shall sign it and it shall then become an ordinance. If the mayor disapproves it, the mayor shall specify the mayor's objections thereto in writing and return the bill to the county clerk with the mayor's objections within ten days, excluding Saturdays, Sundays, and holidays after receiving it. If the mayor does not return it with the mayor's disapproval within that time, it shall take effect as if the mayor had signed it. The objections of the mayor shall be entered in the journal of the council and the council may, after five and within thirty days after the bill has been so returned, reconsider the vote upon the bill. If the bill, upon reconsideration, is again passed by the affirmative vote of five members of the council, the presiding officer shall verify that fact on the bill and when so certified, the bill shall then become an ordinance with like effect as if it had been signed by the mayor. If the bill fails to receive the vote of at least five members of the council, it shall be deemed void.

B. If any bill is presented to the mayor appropriating money, the mayor may veto any item or items or appropriations therefor by striking out or reducing the same. In case of such a veto, the mayor shall append to the bill at the time of signing it a statement of the item or items or portion or portions thereof to which the mayor objects and the reasons therefor. Each item so vetoed may be reconsidered by the council in the same manner as bills which have been disapproved by the mayor.

Section 4.04. Amendment, Revision, or Repeal; Adoption of Codes by Reference.

A. No ordinance shall be amended, revised, or repealed by the council except by ordinance. No resolution shall be amended, revised, or repealed except by resolution, but a resolution may be superseded by a subsequent ordinance.

B. Any ordinance or resolution may be repealed by reference to its number or section number. Revisions or amendments may be made in the same manner but the same, or the section, subsection, or paragraph thereof, revised or amended, shall be re-enacted at length as revised or amended; but when the amendment consists of adding new sections, subsections, paragraphs, or substituting a word, term, or number, it shall be sufficient to enact the new matter alone if reference thereto is made in the title.

C. Any code or portions thereof may be adopted by reference thereto by the enactment of an ordinance for that purpose. The code, or portions, need not be published in the manner required for ordinances, but not less than three copies thereof

shall be filed for use and examination by the public in the office of the county clerk not less than fifteen days prior to the final reading thereof, and notice of the availability of said copies shall be published by the clerk.

Section 4.05. Codification of Ordinances.

A. Within two years of the effective date of this charter, the council shall cause a code to be prepared and published, containing all of the ordinances of the county which are appropriate for continuation as law. Such a code shall be prepared and published at intervals of every ten years thereafter. The code may be prepared by the county attorney, or the council may contract for its preparation by professional persons or organizations experienced in the revision and codification of ordinances or statutes.

B. The code may be adopted by reference by the passage of an ordinance for that purpose. Copies of the code shall be made available to the public at a reasonable price prior to and after its adoption.

C. All proposed ordinances of general application introduced after the approval of the code shall be adopted as amendments of or additions to the code and by reference thereto.

**ARTICLE V
COUNTY CLERK**

Section 5.01. Powers, Duties, and Functions.

A. The council shall appoint and may remove the county clerk. The salary of the county clerk shall be set pursuant to article XXIX of this charter. (Amended 2006)

B. The county clerk shall:

(1) Be the clerk of the council.

(2) Take charge of, safely keep, and dispose of all books, papers, and records which may properly be filed in the county clerk's office and keep in separate files all ordinances, resolutions, regulations, and cumulative indices of the same, or exact copies thereof, enacted or adopted by the council.

(3) Have custody of the county seal, which shall be used to authenticate all official papers and instruments requiring execution or certification by the county clerk in the exercise of the county clerk's office.

(4) Conduct all elections held within the county pursuant to this charter, the laws of the State of Hawai'i or the United States of America.

(5) Perform other functions as required by this charter or by law or as assigned by the council.

C. The county clerk may appoint the necessary staff for which appropriations have been made by the council with the same powers with respect to the personnel of the county clerk's office as the department heads in the executive branch. (Amended 2006)

ARTICLE VI EXECUTIVE BRANCH

Section 6.01. Executive Power. The executive power of the county shall be vested in and exercised by the executive branch, which shall be headed by the mayor.

Section 6.02. Organization. Except as otherwise provided, within six months after the effective date of this charter, the mayor shall recommend and the council shall by ordinance adopt an administrative code providing for a complete plan of administrative organization of the executive agencies of the county government consistent with the provisions of this charter. Upon recommendation of the mayor, the council may, by a vote of five members, change, abolish, combine, or re-arrange the executive agencies of county government.

New functions may be assigned by the mayor to existing agencies, but to the extent that this is not practicable, the council by a vote of five members may upon the recommendation of the mayor create additional departments.

Section 6.03. Creation of Advisory Committees. The mayor or department heads, with the approval of the mayor, may each appoint advisory committees. Such advisory committees shall not exist beyond the term of office of the appointing authority. The members of advisory committees shall not be paid, but their authorized expenses shall be paid from appropriations to the appointing authority. Advisory committees shall have no employees but each appointing authority shall cause employees of the department to furnish such services as may be needed by the committees.

Section 6.04. Appointment and Removal of Officers and Employees.

A. The managing director and all department heads shall be appointed and may be removed by the mayor, except as otherwise provided by this charter.

B. Department heads may appoint the necessary staff for which appropriations have been made by the council. Department heads may also suspend, discharge, or discipline subordinate employees as may be necessary for the proper conduct of the departments and subject to the classification and civil service laws.

Section 6.05. Powers and Duties of Heads of Executive Agencies.

A. Subject to the provisions of this charter and applicable regulations adopted thereunder, the heads of the executive agencies of the county government are empowered to assign and reassign duties, supervise, manage, and control all employees and shall have the power and duty to make all personnel actions as provided by law.

B. Each head of an executive agency of county government may, subject to the approval of the mayor, prescribe such rules as are necessary for the organization and internal administration of the respective executive agencies.

ARTICLE VII MAYOR

Section 7.01. Election and Term of Office. The electors of the county shall elect a mayor whose term of office shall be four years beginning at twelve o'clock meridian on the first working day of December following the election of the mayor. No person shall serve as mayor for more than two consecutive full terms.

The four year term for mayor shall apply commencing with the 1990 General Election. (Amended 1980, 1984, 1988)

Section 7.02. Qualifications. Any citizen of the United States not less than thirty years of age who has been a duly qualified resident elector of the county for at least three years immediately prior to the citizen's election shall be eligible for election to the office of mayor. Upon removal of the mayor's residence from the county, the mayor shall by that fact be deemed to have vacated the office. (Amended 1980)

Section 7.03. Compensation. The salary of the mayor shall be established in accordance with the provisions of article XXIX of this charter. (Amended 2012)

Section 7.04. Contingency Fund. The council shall provide in the annual budget a contingency fund of not less than \$2,500 to be expended by the mayor for such public purposes as the mayor may deem proper.

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

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

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

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

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

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

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

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

H. Present messages or information to the council which in the mayor's opinion are necessary or expedient.

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

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

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

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

M. Exercise such other powers and perform such other duties as may be prescribed by this charter or by ordinance. (Amended 2006)

Section 7.06. Boards and Commissions Administrator.

A. There shall be a boards and commissions administrator and any necessary staff. The administrator shall have such training, education, or experience as shall qualify the administrator to perform the duties described in this section. The administrator shall be appointed and may be removed by the mayor.

B. The administrator shall assist in providing administrative and operational support to the various county boards and commissions. Such support shall include, but not be limited to: assisting in the recruitment, orientation, education, and training of board or commission members regarding their powers, duties, functions, and responsibilities under the charter, especially as such powers, duties, functions, and responsibilities may relate to the particular board or commission to which they have been appointed; helping to educate such members about applicable state and county ethics laws and the State Sunshine Law; assisting the office of the mayor to fill any vacancies on any board or commission; being a resource to assist the various county

boards or commissions in gathering such information, documents, and data as such boards or commissions may deem necessary to perform its functions; serving as a communications liaison between boards and commissions and the various county departments, offices, and agencies that such boards and commissions may interact with, to help ensure that various boards' and commissions' information needs are addressed in timely fashion.

C. The mayor and council shall provide an annual appropriation sufficient to provide the administrator with adequate personnel and administrative, operational, and clerical support to carry out the administrator's functions. (Amended 2006)

Section 7.07. Vacancy in Office.

A. In the event of a vacancy in the office of the mayor, the council shall select, by majority vote, one of its members as mayor to serve until the next general election and assumption of office in December by the person elected mayor. The vacancy in the council shall be filled as provided for in article III, section 3.05 of the charter. In the event the vacancy occurs prior to the mid-term election, the person elected mayor in the general election shall serve only for the unexpired term of the mayor elected in the prior election. In the event the vacancy occurs later than three days prior to the closing date for filing of nomination papers for the mid-term election, the mayor selected by the council shall continue to serve for the remainder of the term of the person he succeeded. The foregoing provisions shall also apply in the event the person elected as mayor dies before taking office. (Amended 1980)

B. During the temporary absence from the county or temporary disability of the mayor, or in case of a vacancy in the office of the mayor, until a new mayor is appointed or elected, the managing director shall act as mayor. In the event both the mayor and the managing director are temporarily absent or disabled, the finance director shall act as mayor during said period. (Amended 2010)

C. In the event the person elected as mayor dies before taking office, the person serving as managing director at the termination of the prior term shall continue to serve as acting mayor until a new mayor is elected. (Amended 2006, 2010)

Section 7.08. Managing Director.

The mayor shall appoint and may remove a managing director. The managing director shall be a citizen of the United States not less than thirty years of age and a resident elector of the county at least three years immediately prior to the appointment. The managing director shall have at least five years of experience in an administrative or managerial position with at least a bachelor's degree from an accredited institution in public administration, business, or a related field.

A. Powers, Duties, and Functions. Except as otherwise provided and under the supervision of the mayor, the managing director shall:

(1) Serve as the mayor's principal administrative aide.

(2) Oversee the administrative functioning of all administrative departments.

(3) Prescribe standards of administrative practice to be followed and evaluate the management and performance of all administrative departments under the director's oversight.

(4) Attend meetings of the council and its committees upon request and provide information and reports as they may require.

(5) Perform all other duties as required by the charter or assigned by the mayor.

B. The salary for the managing director shall be set pursuant to article XXIX of this charter. (Amended 2010)

ARTICLE VIII COUNTY ATTORNEY

Section 8.01. Organization. There shall be an office of the county attorney which shall be headed by the county attorney.

Section 8.02. Appointment and Removal. The county attorney shall be appointed and may be removed by the mayor, with the approval of the council.

Section 8.03. Qualifications. The county attorney shall be an attorney licensed to practice and in good standing before the Supreme Court of the State of Hawai'i and shall have engaged in the practice of law in the state for at least three years.

Section 8.04. Powers, Duties, and Functions. The county attorney shall be the chief legal adviser and legal representative of all agencies, including the council, and of all officers and employees in matters relating to their official powers and duties, and the county attorney shall represent the county in all legal proceedings. The county attorney shall perform all other services incident to the office of the county attorney as may be required by law.

Section 8.05. Deputy County Attorneys. The county attorney shall have the power to appoint such deputy county attorneys and necessary staff as shall be authorized by the council and within the appropriation made therefor. Such deputies shall serve at the pleasure of the county attorney.

Section 8.06. Special Counsel. The council may, by vote of five members, authorize the employment of special counsel for any special matter necessitating such employment. Any such authorization shall specify the compensation, if any, to be paid for said services.

Section 8.07. Service of Legal Process. Legal process against the county shall be served upon the county attorney or any deputy county attorney.

ARTICLE IX (RESERVED)

(This Article is intentionally left blank.) (Amended 2018)

ARTICLE IXA PROSECUTING ATTORNEY

Section 9A.01. Election and Term of Office. The electors of the county shall elect a prosecuting attorney, whose term of office shall be four years beginning at twelve o'clock meridian on the first working day of December following the election. (Amended 1972, 1980, 1984)

Section 9A.02. Qualifications. The prosecuting attorney shall be an attorney licensed to practice and in good standing before the Supreme Court of the State of Hawai'i and shall have engaged in the practice of law in the state for at least three years. The prosecuting attorney shall also have been a duly qualified elector of the county for at least one year immediately preceding the election of the prosecuting attorney. (Amended 1972)

Section 9A.03. Powers, Duties, and Functions. The prosecuting attorney shall:

A. Attend all courts in the county and conduct on behalf of the people all prosecutions therein for offenses against the laws of the state and the ordinances and regulations of the county.

B. Prosecute offenses against the laws of the state under the authority of the attorney general of the state.

C. Appear in every criminal case where there is a change of venue from the courts in the county, and prosecute the same in any jurisdiction to which the same is changed or removed. The expense of such proceeding shall be paid by the county.

D. Institute proceedings, or direct the chief of police to do so, before the district judge for the arrest of persons charged with or reasonably suspected of public offenses,

when the prosecuting attorney has information that any such offenses have been committed, and for that purpose take charge of criminal cases before the district judge, either in person, by a deputy, or by such other prosecuting officer as the prosecuting attorney shall designate.

E. Draw all indictments and attend before and give advice to the grand jury whenever cases are presented to it for its consideration. Nothing herein contained shall prevent the conduct of proceedings by private counsel before all courts of the state under the direction on the prosecuting attorney. (Amended 1972)

Section 9A.04. Staff. The prosecuting attorney may appoint deputies, investigators, and other necessary staff. The deputy who is designated as first deputy shall, during the temporary absence or disability of the prosecuting attorney, assume the power and perform the duties of the prosecuting attorney. (Amended 1972)

Section 9A.05. Vacancy in Office. A vacancy in the office of prosecuting attorney shall be filled in the following manner:

A. If the vacancy occurs more than three days prior to the closing date for filing of nomination papers for the mid-term election, the position will be filled with a special primary election and special general election held in conjunction with the mid-term election. The first deputy prosecutor shall serve until the winner of that election is seated as prosecutor. If the position of first deputy is vacant or if the first deputy is unable to serve, the mayor with the approval of the county council shall within 30 days of the vacancy or as soon thereafter as possible, appoint a qualified prosecuting attorney to serve until a new elected prosecutor is seated. (Amended 2020, 2022)

B. If the vacancy occurs later than three days prior to the closing date for filing of nomination papers for the mid-term election, the first deputy prosecutor shall serve for the remainder of the term. If the first deputy position is vacant or if the first deputy is unable to serve, then the mayor, with the approval of the county council, shall, within 30 days of the vacancy or as soon thereafter as possible, appoint a qualified prosecuting attorney to serve until a new elected prosecutor is seated. (Amended 1972, 2022)

ARTICLE X DEPARTMENT OF FINANCE

Section 10.01. Organization. There shall be a department of finance consisting of the director of finance and the necessary staff.

Section 10.02. Appointment and Removal of Director of Finance. The director of finance shall be appointed and may be removed by the mayor.

Section 10.03. Qualifications. The director of finance shall have had a minimum of five years of training or experience in fiscal management or accounting, at least three

years of which shall have been in a responsible administrative capacity.

Section 10.04. Powers, Duties, and Functions. The director of finance shall be the chief accounting, fiscal, and budget officer of the county and shall:

- A. Prepare the annual budget ordinance under the direction of the mayor.
- B. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to ensure that budget appropriations are not exceeded.
- C. Maintain a general accounting system for the county government and each of its offices, departments, and agencies; keep books for and exercise financial budgetary control over each office, department, and agency, except as otherwise provided by this charter or by law; audit the books and accounts of all county offices, departments, and agencies authorized or required by this charter or by law to maintain and keep books.
- D. Prepare for the mayor for submission to the council a quarterly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the county and a general projection of financial conditions for the remainder of the fiscal year.
- E. Prepare for the mayor at the end of each fiscal year a complete financial statement and report.
- F. Maintain the treasury and deposit moneys belonging to the county in depositories authorized by law.
- G. Be responsible for the management of county funds, including the short-term investment of cash, which is in excess of immediate requirements.
- H. Contract for services of independent contractors, purchase materials, supplies and equipment, and permit disbursements to be made pursuant to the provisions under this charter.
- I. Be responsible for issuing and selling, paying interest on, and redeeming bonds of the county.
- J. Prepare and issue warrants.
- K. Purchase, lease, rent, or otherwise acquire or secure the use of real or personal property and manage, operate, encumber, or dispose of the same as the interest of the county may require.
- L. Rent or lease county property and award concessions pursuant to policies established by the council, except property controlled by the board of water supply.
- M. Collect all moneys due the county or for the collection of which the county is

responsible, and receive all moneys receivable by the county from any source.

N. Maintain an inventory of all lands, structures, transmission and distribution systems, streets and roadways and other permanent improvements owned, leased, rented, or controlled by the county.

O. Maintain an inventory of all equipment owned or controlled by the county.

P. Review assessment rolls for assessable public improvements prior to approval by the council and issue bills therefor after such approval has been given.

Q. Have custody of all official bonds, except the bond of the director of finance, which shall be in the custody of the county clerk.

R. Provide a continuous internal audit and program of efficiency studies of all county activities and county departments and provide an annual report of such studies to the council. (Amended 2000)

S. Prepare and process applications for state, federal, or other funds on behalf of the county.

T. Operate and manage the real property tax functions as established by ordinance. (Amended 1980)

U. Perform such other duties and functions prescribed by law or assigned by the mayor. (Amended 2000)

Section 10.05. Cash Count. The director of finance or a designated assistant and the county clerk shall jointly at least once in every three months and at such other times as may be deemed necessary verify the amount of money in the treasury and make a certified report showing:

A. The amount of money that should be in the treasury.

B. The amount and kind of money actually therein.

A signed copy of such report shall be filed with the mayor and the council.

ARTICLE XI POLICE DEPARTMENT

Section 11.01. Organization. There shall be a police department consisting of a police commission, a chief of police, and the necessary staff. (Amended 1984)

Section 11.02. Police Commission. The police commission shall consist of seven members appointed by the mayor with the approval of the council. The commission shall hold regular public meetings at a designated time and place. (Amended 1984, 2006)

Section 11.03. General Powers of the Commission. The police commission shall:

A. Adopt such rules as it may consider necessary for the conduct of its business and the regulations of matters relating to the goals and aims of the department.

B. Review the annual budget prepared by the chief of police, and may make recommendations thereon to the mayor.

C. 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 within ninety days.

D. Refer all matters relating to administration of the department to the chief of police.

E. Adopt such rules to regulate political activities of the members of the police department. (Amended 1984)

Section 11.04. Chief of Police. The chief of police shall be appointed by the police commission. The chief of police may be removed by the police commission only after being given a written statement of the charges against the chief and a hearing before the commission. The chief of police shall have had a minimum of fifteen years of training and experience in law enforcement, of which at least ten years have been as a peace officer in a full-service, public sector, law enforcement agency, and at least three of those ten years have been in performing management-level duties at the rank of lieutenant or higher. The chief of police shall have a bachelor's degree in administration of justice, business administration, public administration, or a similar administrative field. The chief of police shall make such reports from time to time as the commission shall require and shall annually make a report to the commission of the state of affairs and condition of the police department. (Amended 1984, 2020)

Section 11.05. Powers, Duties, and Functions. 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, preservation of life, protection of the rights of persons and property, and enforcement and prevention or violations of law.

B. Train, equip, maintain, and supervise the force of police officers.

C. Be responsible for traffic safety and traffic safety education.

D. Serve process both in civil and criminal proceedings.

E. Perform such other duties as may be required by law or as may be assigned by the commission.

F. Promulgate rules and regulations necessary for the organization and internal administration of the department. (Amended 1984)

Section 11.06. Discipline and Removal. The dismissal, suspension, or demotion of any police officer or employee in the police department shall be under procedures set forth by civil service laws and regulations. (Amended 1984)

Section 11.07. Appeals. Appeals from personnel actions shall be in accordance with the applicable collective bargaining agreement executed pursuant to the provisions presently contained in chapters 76 and 89 of the Hawai'i Revised Statutes. (Amended 1984)

ARTICLE XII FIRE DEPARTMENT

Section 12.01. Organization. There shall be a fire department consisting of a chief, a fire commission, and the necessary staff. (Amended 2006)

Section 12.02. Fire Chief. The fire chief shall be appointed and may be removed by the fire commission. The fire chief shall have had a minimum of five years of training and experience in fire prevention and operations in private industry or government service, at least three years of which shall have been in a responsible administrative capacity. (Amended 1980, 2006, 2016)

Section 12.03. Powers, Duties, and Functions. The fire chief shall be the administrative head of the fire department and shall:

A. Appoint, train, equip, supervise, and discipline the personnel of the fire department in accordance with department rules and civil service regulations.

B. Provide for a safer community through effective leadership and programs in fire prevention, fire operations, hazardous materials, emergency medical services, ocean safety, rescue operations, and all hazards. (Amended 2016)

C. Control, manage, and account for all property in the custody of the fire department.

D. Execute such other powers and duties as may be prescribed by law. (Amended 2016)

Section 12.04. Fire Commission. There shall be a fire commission consisting of seven members. Commission members shall be appointed by the mayor and approved by the council, and be otherwise governed by the provisions of section 23.02 of the charter. (Amended 2006)

Section 12.05. Powers, Duties, and Functions of the Fire Commission. The fire commission shall:

A. Adopt rules necessary for the conduct of its business and review rules for the administration of the department.

B. Review the annual budget prepared by the fire chief and make recommendations thereon to the mayor and the council.

C. Review the department's operations, as deemed necessary, for the purpose of recommending improvements to the fire chief.

D. Evaluate at least annually the performance of the fire chief and submit a report to the mayor and the council.

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

F. Submit an annual report to the mayor and the council regarding its activities.

Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department. (Amended 2006)

ARTICLE XIII DEPARTMENT OF PUBLIC WORKS

Section 13.01. Organization. There shall be a department of public works consisting of a county engineer and the necessary staff.

Section 13.02. County Engineer. The county engineer shall be appointed and may be removed by the mayor. The county engineer may but is not required to be a registered engineer, and shall have had a minimum of five years of training and experience in an engineering related position, at least three years of which shall have been in a responsible administrative capacity. (Amended 1980, 2020)

Section 13.03. Powers, Duties, and Functions. The county engineer shall be responsible for the administration of the department of public works and shall:

A. Perform all engineering, designing, planning, and construction of all public

facilities and improvements undertaken by the county.

B. Maintain, repair, and upkeep all county facilities and improvements.

C. Collect and dispose of garbage and refuse.

D. Examine and enforce the construction requirements and standards of all public and private construction and improvements in accordance with the building code, subdivision code, or such other regulations as may be in effect in the county.

E. Design, install, inspect, maintain, and repair all traffic signs, traffic control facilities and devices, and street lighting systems.

F. Perform such other duties as may be assigned by the mayor or prescribed by law.

ARTICLE XIV PLANNING DEPARTMENT

Section 14.01. Organization. There shall be a planning department consisting of a planning commission, a zoning board of appeals, a planning director, and the necessary staff. (Amended 2016)

Section 14.02. Planning Commission Organization. The planning commission shall consist of seven members. At least two members shall have knowledge and awareness of environmental concerns by way of the person's education, training, occupation, or experience; at least two members shall have knowledge and awareness of business concerns by way of the person's education, training, occupation, or experience; and at least two members shall have knowledge and awareness of organized labor concerns by way of the person's education, training, occupation, or experience.

This amendment shall take effect upon its approval, and apply to appointments or reappointments made thereafter. All planning commissioners presently serving may continue to serve their remaining terms notwithstanding this amendment. The mayor shall phase in this requirement in any order the mayor deems appropriate as terms expire or vacancies arise. At the time of appointment, the mayor shall declare which interest the appointee represents. (Amended 1992)

Section 14.03. Duties and Functions of the Planning Commission. The planning commission shall:

A. Advise the mayor, council, and planning director in matters concerning the

planning program for the county.

B. Review the general plan and development plans and modifications thereof developed and recommended by the planning director. The commission shall transmit such plans with its recommendations thereon, through the mayor, to the council for its consideration and action.

C. Review zoning and subdivision ordinances and amendments thereto developed and recommended by the planning director. The commission shall transmit such ordinances with its recommendations thereon, through the mayor, to the council for its consideration and action. The commission shall recommend approval or rejection of such ordinances in whole or in part and with or without modifications.

D. Hear and determine applications for variance from zoning and subdivision ordinances with respect to a specific parcel of land, and may grant such a variance pursuant to provisions established by the council by ordinance. (Amended 2016)

E. Adopt regulations having the force and effect of law pertaining to the responsibilities of the department.

F. Prepare a capital improvement program with the advice of the mayor, complementing and reflecting the state and federal programs for the county.

G. Have the discretion to refer hearings to the zoning board of appeals. Once the planning commission refers a matter to the zoning board of appeals, the zoning board of appeals shall make all Findings of Fact, Conclusions of Law and Decisions and Orders without further review or approval by the planning commission. (Amended 2016)

H. Perform such other related duties as may be necessary to fulfill its responsibilities under this charter.

Section 14.04. Director. The planning director shall be appointed and may be removed by the commission. The planning director shall have a college degree in planning, engineering, or architecture, or the planning director shall have had a minimum of five years of training and experience in a responsible planning position, at least three years of which shall have been in an administrative capacity in charge of major planning activities. The planning director shall be the administrative head of the department.

Section 14.05. Powers, Duties, and Functions of the Director. The planning director shall:

A. Prepare a general plan and development plans for the improvement and development of the county.

B. Be charged with the administration of the zoning and subdivision ordinance and the regulations adopted thereunder.

C. Prepare zoning and subdivision ordinances, zoning maps and regulations, and any amendments or modifications thereto for the council.

D. Consolidate the lists of proposed capital improvements contemplated by the several departments in the order of their priority for the county.

E. Advise the mayor, council, and planning commission on matters concerning the planning programs of the county.

Section 14.06. General Plan. The council shall adopt and may, from time to time, modify a general plan setting forth in graphic and textual form policies to govern the future physical development of the county. Such plan may cover the entire county and all of its functions and services or may consist of a combination of plans covering specific functions and services or specific geographic areas which together cover the entire county and all its functions and services. The general plan shall serve as a guide to all future council action concerning land use and development regulations, urban renewal programs, and expenditures for capital improvements.

Section 14.07. Development Plan. “Development plan” means a relatively detailed scheme for the replacement or use of specific facilities within the framework of and implements the general plan.

Section 14.08. Adoption of the General Plan and Development Plans. The council shall adopt the general plan or any development plan by ordinance. The general plan and all development plans shall be kept on file in the office of the planning department. The current general plan and all development plans and all amendments thereto adopted by resolution prior to January 2, 1977, are hereby ratified without further action of the council. (Amended 1976)

Section 14.09. Subdivision or Consolidation of Land.

A. Subdivision ordinance. The council shall enact an ordinance governing the subdivision or consolidation of land pursuant to which subdivision regulations shall be promulgated.

B. Approval of subdivisions. After the enactment of the ordinance governing subdivisions or consolidations of land, no land may be subdivided unless the proposed subdivision plans are in conformity with the subdivision ordinance and regulations and have been approved by the planning commission.

C. Regulations of the board of water supply. The regulations of the board of water supply shall govern the extent to which water mains and all necessary appurtenances shall be installed to and within subdivisions.

Section 14.10. Zoning Ordinance. The council shall enact zoning ordinances which shall contain the necessary provisions to carry out the purpose of the general plan.

Section 14.11. Public Hearings.

A. Prior to the recommending of the general plan or any development plan or any zoning or subdivision ordinances or any amendment thereto, the planning commission shall hold a public hearing thereon at which interested persons shall be afforded a reasonable opportunity to be heard.

B. Prior to the granting of any variance, the planning commission shall hold a public hearing thereon at which interested persons shall be afforded a reasonable opportunity to be heard.

Section 14.12. Zoning Board of Appeals. The board shall consist of seven members appointed by the mayor with the approval of the council. Board membership shall be representative of the community, and at least one member should have knowledge and awareness of environmental concerns by way of the person's education, training, occupation, or experience; at least one member should have knowledge and awareness of business concerns by way of the person's education, training, occupation, or experience; and at least one member should have knowledge and awareness of labor concerns by way of the person's education, training, occupation, or experience. (Amended 2016)

Section 14.13. Duties and Functions of the Zoning Board of Appeals. In accordance with such principles, conditions, and procedures prescribed by ordinance or administrative rule, the zoning board of appeals shall:

- A. Conduct hearings in accordance with chapter 91, Hawai'i Revised Statutes regarding the violation of the zoning and subdivision ordinance and the regulations adopted thereunder;
- B. Hear and determine appeals alleging error from any person aggrieved by a decision or order of the director regarding the application, interpretation, or enforcement of zoning and subdivision ordinances as prescribed by ordinance;
- C. Conduct hearings for land-use-related appeals which the board may be required to pass on pursuant to the charter or ordinance; and
- D. Adopt rules of procedure for the conduct of the board's business.

The zoning board of appeals shall be part of the department for administrative purposes and the county shall provide necessary training, administrative, and legal assistance to the board. (Amended 2016)

Section 14.14. Appeals. Appeals from any decision of the planning commission or the zoning board of appeals shall be instituted in the circuit court within thirty days after service of a certified copy of the decision of the commission or the board. All commission and board proceedings and appeals shall be in conformity with the Hawai'i

Administrative Procedure Act. (Amended 2016)

ARTICLE XV DEPARTMENT OF HUMAN RESOURCES

Section 15.01. Organization. There shall be a department of human resources consisting of a civil service commission, a director, and the necessary staff for the purpose of establishing a system of personnel administration based upon merit principles, devoid of any bias or prejudice, and generally accepted methods governing classification of positions and the employment, conduct, movement, and separation of public officers and employees. (Amended 2014)

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

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

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

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

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

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

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

this charter. (Amended 2014)

Section 15.05. Human Resources Management Program. The director of human resources shall be responsible for the execution of the human resources management program, which shall include:

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

B. Labor relations and negotiations.

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

D. Workers' compensation.

E. Equal employment opportunities.

F. Workforce coordination and planning.

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

H. Other related duties as may be determined by the mayor. (Amended 2014)

ARTICLE XVI LIQUOR CONTROL COMMISSION

Section 16.01. Organization. There shall be a department of liquor control consisting of the liquor control commission, a director, and the necessary staff. (Amended 1980)

Section 16.02. Liquor Control Commission. The liquor control commission shall consist of seven members. (Amended 2006)

Section 16.03. Disqualifications of Liquor Control Commissioners. No person shall be a member of the liquor control commission who is or becomes engaged, or is directly or indirectly interested in any business for the manufacture or sale of liquor who advocates or is or becomes a member of, or is identified or connected with, any organization or association which advocates prohibition; who is an elected officer of the state or county government or who presents oneself as a candidate for election to any public office during the term of such person's appointment hereunder. This provision shall be enforced by the mayor by the removal of the disqualified member whenever such disqualifications shall appear.

Section 16.04. Powers and Duties of Commission. The liquor control commission shall:

A. Adopt rules and regulations having the force and effect of law for the administration of liquor control in the county and to enforce the liquor control laws.

B. Grant, refuse, suspend, and revoke any licenses for the manufacture, importation, and sale of liquors.

C. Investigate violations of liquor control laws through its inspectors, hear and determine all complaints and citations regarding violations of liquor control laws, and impose such fines or penalties as may be provided by law upon conviction thereof. Appeal from the decision of the commission may be made as provided for in the Hawai'i Administrative Procedure Act. (Amended 1980)

Section 16.05 Director. The director shall be appointed and may be removed by the liquor control commission. The director shall have had a minimum of five years of business experience, at least three of which shall have been in a responsible administrative capacity. The director shall be the head of the department and shall be responsible for the management, supervision, and control of all subordinate members of the department's staff. (Amended 1980)

ARTICLE XVII DEPARTMENT OF WATER

Section 17.01. Organization. There shall be a department of water supply consisting of a board of water supply, manager and chief engineer, and the necessary staff.

Section 17.02. Board of Water Supply Organization. The board of water supply shall consist of seven members, four of whom shall be appointed by the mayor with the approval of the council. The state district engineer of the department of transportation, the county engineer, and the planning director shall be ex-officio voting members of the board. The ex-officio members shall not serve as chair or vice-chair of the board. The board shall hold at least one regular meeting each month. It shall adopt rules and regulations necessary for the conduct of its business. (Amended 1980, 1996)

Section 17.03. Powers and Duties of the Board. The board shall manage, control, and operate the waterworks of the county and all property thereof for the purpose of supplying water to the public and shall collect, receive, expend, and account for all sums of money derived from the operation thereof and all other moneys and property provided for the use or benefit of such waterworks.

A. The board shall maintain accounts to show its complete financial status and the activities of management and operation including current projects. It shall submit

a written report quarterly to the mayor and council on its financial status and operations. (Amended 1980)

B. Review the state and county general plans with the board's general plan for water sources and system. The board shall transmit such review and plans through the mayor to the council. The board's general plan for water sources and system shall implement the county general plan. (Amended 1980)

C. The board may provide for a reserve fund, issue revenue bonds, provide for payment of bonds, expend bond funds and other funds, establish rates and charges, acquire property, sue and be sued, and engage in and undertake all other activities as provided for in Chapter 145-A, Revised Laws of Hawai'i 1955, and as may be hereafter provided for by law.

D. The board may make and, from time to time, alter, amend, and repeal rules and regulations relating to the management, control, operation, preservation, and protection of the waterworks. Such rules and regulations shall have the force and effect of law. Penalties for the violation of any rule or regulation shall be set forth in the rules and regulations.

Section 17.04. Staff. The manager and chief engineer shall be appointed and may be removed by the board of water. Said person shall be the head of the department. The manager and chief engineer may but is not required to be an engineer duly registered under Hawai'i state laws pertaining to registration of engineers, and shall have had a minimum of five years of training and experience in an engineering related position, at least three years of which shall have been in a responsible administrative capacity. Said person shall have the powers and duties prescribed by the board. (Amended 1980, 2020)

ARTICLE XVIII EMERGENCY MANAGEMENT AGENCY

Section 18.01. Emergency Management Agency. There shall be an emergency management agency whose powers, duties, functions, and organization shall be as provided by law. (Amended 2016)

Section 18.02. Mayor to Declare State of Emergency. The power to declare a state of disaster or emergency is conferred on the mayor. The mayor may declare an emergency when the peace, life, property, health, or safety of the community are endangered. (Amended 1984, 2016)

Section 18.03. Emergency Management Contingency Fund. The council shall provide in the annual budget an emergency management contingency fund of not less than \$50,000 to be expended by the mayor for public purposes during any state of emergency or disaster. A report containing a complete accounting of all such expenditures shall be made as soon as practicable to the council. (Amended 1984, 2016)

Section 18.04. Organization. The county, under the mayor's direction, shall provide a county-level administrator or director of the county emergency management agency, and technical, administrative, and other personnel; office space; furniture; equipment; supplies; and funds necessary to carry out the purposes of this chapter. The administrator or director of the county emergency management agency shall be subject to chapter 76 of the Hawai'i Revised Statutes. (Amended 2016)

ARTICLE XIX FINANCIAL PROCEDURES

Section 19.01. Fiscal Year. The fiscal year shall begin on July 1 and end on June 30 of the succeeding year. (Amended 1992)

Section 19.02. The Proposed Annual Budget Ordinance.

A. The proposed annual budget ordinance, consisting of the operating and capital budgets for the ensuing fiscal year, shall be prepared by the director of finance and submitted by the mayor to the council, together with a budget message and any proposed revenue measure, on or before March 15 of each year. If March 15 falls on a Saturday, Sunday, or legal holiday, the proposed annual budget ordinance shall be submitted on the prior working day.

On or before May 8 of each year, the mayor may submit one communication to the council which suggests modifications to the proposed annual budget ordinance. The communication shall describe the mayor's suggested modifications to the proposed annual budget and the reasoning justifying such modifications. (Amended 1980, 1992)

B. On or before the date specified by the mayor, the head of each county department, office, or agency shall furnish the mayor with estimates for the ensuing fiscal year covering the revenues and expenditures of the department, office, or agency, together with such other information as the mayor may request. (Amended 1992)

Section 19.03. The proposed and adopted annual budget ordinance shall be a balanced budget; the total expenditures and appropriations shall not exceed the estimated revenues and other resources. (Amended 1992)

Section 19.04. The operating budget shall include salaries, materials and supplies, including equipment and fixtures, necessary for the upkeep, maintenance, and operation of the departmental or agency functions, and other expenses incident to the operational requirements of the department or agency. (Amended 1992)

Section 19.05.

A. The capital budget shall reflect and fund the capital program to be undertaken during the ensuing fiscal year from current revenues; provided, however, that any project or projects to be financed by bond fund proceeds to be undertaken during the fiscal year shall be included and reflected as part of the capital program.

B. Amendments to the capital budget shall constitute and be effective to amend the capital program. (Amended 1992)

Section 19.06. Budget Message. The mayor's budget message shall explain the budget 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 and describe the most important features of the budget plan. 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. (Amended 1992)

Section 19.07. Consideration and Adoption by Council.

A. Upon receipt of the proposed annual budget, the council shall immediately publish a notice in a newspaper of general circulation in the county, setting forth (1) a summary of the estimated revenues, including any new sources of revenues and expenditures; (2) that copies of the budget are available at the office of the county clerk; (3) the date, time, and place at which the council will commence its public hearings upon the proposed budget, which shall not be less than ten days after the date of the publication of such notice.

Upon receipt of the mayor's communication which suggests modifications to the proposed annual budget ordinance, the council shall hold a public hearing on the mayor's communication suggesting modifications to the proposed annual budget ordinance. The public hearing shall comply with the provisions of chapter 92, Hawai'i Revised Statutes, as amended. After the public hearing and before final reading of the proposed annual budget ordinance, the council shall approve, deny, or receive the suggested modifications in the mayor's communication.

Upon the conclusion of the hearings, the council may reduce any item or items in the mayor's proposed budget by a majority vote, and may increase any item or items therein or add new items thereto by an affirmative vote of two-thirds of the entire membership. The council shall pass on final reading the annual budget ordinance on or before June 7 of the fiscal year currently ending. If final reading is not taken on or prior to such day, the annual budget ordinance as submitted by the mayor on or before March 15 shall be deemed to have been enacted as the budget for the ensuing fiscal year.

B. Amendments to the adopted annual budget ordinance may be submitted by the mayor, unless otherwise provided, and considered by the council under the same procedures prescribed in section 19.07A for the enactment of the operating budget ordinance, but no amendment shall increase the aggregate of authorized expenditures to any amount greater than the estimate of revenues for the fiscal year. (Amended 1992)

Section 19.08. Administration and Enforcement of the Annual Budget Ordinance.

A. The enactment of the annual budget ordinance shall constitute an appropriation of the sums specified therein for the purposes and from the funds

indicated. Such appropriation shall be considered valid only for the fiscal year for which made, and any part of such appropriation which is not encumbered or expended shall lapse at the end of the fiscal year, except that appropriations to the fund established by paragraph C of section 19.15 shall not lapse, but shall remain in the fund, accumulating from year-to-year. Agencies authorized to make expenditures under the annual budget ordinance may proceed without other authority from the council to incur obligations or make expenditures for proper purposes to the extent that the moneys are available and as allotted. (Amended 2002)

B. Immediately following the enactment of the annual budget ordinance, the heads of all agencies shall submit to the director of finance schedules showing the expenditures anticipated for each quarter of the fiscal year.

C. The approval of an expenditure schedule by the mayor shall constitute a budgetary allotment which shall, unless a revision thereof is approved by the mayor, be binding upon such agencies, and the director of finance shall approve or issue no requisition, purchase order, voucher, or warrant that is not in accordance with such allotment.

D. The allotment herein provided may be altered at any time by the mayor. The mayor shall direct appropriate revisions in allotments to keep expenditures within the revenues received or anticipated.

E. Any part of an allotment which is not expended or encumbered shall be deemed re-allotted for the next allotment period.

F. The mayor may at any time transfer an unencumbered appropriation balance or portion thereof within a division or between divisions in the same department. Transfers between departments, boards, or commissions shall be made only by the council by ordinance adopted pursuant to section 19.07B, upon the recommendations of the mayor. (Amended 1992)

G. The council may approve or appropriate moneys to be expended as grants; provided that the council shall neither expend nor administer any grant moneys. (Amended 1996)

Section 19.09. Capital Program and Capital Budget.

A. The capital program shall include:

(1) Permanent public improvements, including planning, engineering, and administrative costs, but not the repair or maintenance thereof.

(2) The acquisition of land or any interest therein for any permanent

public improvements.

(3) The furnishings, fixtures, and appurtenances of any permanent improvement when first constructed or acquired.

B. The planning commission shall prepare the capital program for each of the ensuing five fiscal years, predicated upon the requests of the several agencies and based upon the finance director's statement of moneys likely to be available and the amount of bonds which the mayor believes would be proper for the county to issue.

C. The capital program shall be appended to the capital budget, and shall be submitted to the council for its approval. The council may adopt the capital program pursuant to section 19.07A with or without amendments.

D. Bond fund proceeds shall be appropriated and expended in accordance with law. (Amended 1992)

Section 19.10. Appropriations and Changes.

A. If, during any fiscal year, the mayor or council certifies that there are available for appropriations (1) revenues received from sources not anticipated in the adopted annual budget for that year or (2) revenues received from anticipated sources but in excess of the budget estimates therefor, the council may introduce and make supplemental appropriations for that year up to the amount of the additional revenues so certified. Such appropriations shall be made by ordinance adopted pursuant to section 19.07B. (Amended 1992)

B. To meet a public emergency affecting life, health, or property, the council, upon written request by the mayor, may make emergency appropriations. Nothing in this section shall preclude the council from introducing and adopting an emergency appropriation ordinance pursuant to section 18.02. Such appropriations shall be made by ordinance adopted pursuant to section 4.02K except that such ordinance shall be approved by a majority of all councilmembers present. (Amended 1992)

C. Any unappropriated surplus or unencumbered balances certified by the mayor as available for appropriation under section 19.14 may be appropriated by amendment to the annual budget ordinance. Such amendments may be introduced by the mayor or the council. (Amended 1992)

Section 19.11. Appropriations: Reduction and Transfer.

A. 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, the mayor shall report to the county council without delay indicating the estimated amount of the deficit, any remedial action taken by the mayor, and the mayor's recommendations as to any further action to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit. For that purpose, it may, by ordinance adopted pursuant to section 19.07B, reduce one or more appropriations; but no appropriation for debt service may be reduced, and no appropriation may be reduced by more than the amount of the unencumbered balance thereof or below any amount required by law to be appropriated. (Amended 1992)

Section 19.12. Lapse of Appropriations. Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered, except appropriations to the fund established by paragraph C of section 19.15 and appropriations for capital budget items where any portion of said appropriation has been expended. (Amended 1992, 2002)

Section 19.13. Payments and Obligations.

A. With the exception of debt service charges, no payment shall be authorized or made and no obligation incurred against the county, except in accordance with appropriations duly made and under such procedures and policies as may be established by ordinance. Every obligation incurred and every authorization of payment in violation of the provisions of this charter shall be void. Every payment made in violation of the provisions of this charter shall be void. Every payment made in violation of the provisions of this charter shall be illegal, and all county officers who knowingly authorize or make such payment or any part thereof, shall be jointly and severally liable to the county for the full amount so paid or received. If any county officer or employee knowingly authorizes or makes any payments or incurs any obligation in violation of the provisions of this charter or in violation of the provisions of the procedures and policies established by ordinance, or takes part therein, that action shall be cause for that person's removal.

B. Nothing contained in this section or other sections of this charter shall be construed to prevent the making or authorizing of payments, or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, nor shall it prevent the making, when permitted by law, of any contract or any lease providing for the payments of funds at a time beyond the end of the fiscal year in which the contract or lease is made. But any contract, lease, or other obligation requiring the payment of funds from appropriations of a later fiscal year, or of more than one fiscal year, shall be made or approved by ordinance. (Amended 1992)

Section 19.14. Surplus and Reserves. Any unappropriated surplus and any unencumbered balances of any appropriations in any fund at the end of any fiscal year shall be available for appropriation for the succeeding fiscal year. The mayor shall certify to the council the amount of any unappropriated surplus or unencumbered balances by January 1 following the close of the fiscal year. (Amended 1992)

Section 19.15. Fund Administration.

A. Deposit of funds. Money received by officers and employees shall be deposited promptly to the county's account in depositories authorized by law.

B. Creation of funds. In addition to the funds established by this charter, the mayor, with the approval of the council, may establish other funds when necessary and when no appropriate class of funds exists. Nothing in this section shall preclude the council from introducing and adopting other funds by ordinance.

C. Public access, open space, natural resources preservation fund.

(1) In adopting each fiscal year's budget and capital program, the council shall appropriate a minimum of one-half of one percent of the certified real property tax revenues to a fund known as the public access, open space, natural resources preservation fund. The moneys in this fund shall be utilized for purchasing or otherwise acquiring lands or property entitlements and any corresponding improvement of those lands or property entitlements for land conservation purposes in the County of Kaua'i for the following purposes: public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; preserving forests, beaches, coastal areas, and agricultural lands; protecting watershed lands to preserve water quality and water supply; conserving land in order to reduce erosion, floods, landslides, and runoff; improving disabled and public access to, and enjoyment of, public land, and open space; acquiring disabled and public access to public land, and open space.

(2) The moneys in this fund may also be used for the payment of interest, principal, and premium, if any, due with respect to bonds issued pursuant to sections 3.13, 3.14, or 3.15 of the charter, in whole or in part for the purposes enumerated in paragraph (1) of this section and for the payment of costs associated with the purchase, redemption, or refunding of such bonds.

(3) The moneys in this fund may also be used to improve public pedestrian access to coastal areas.

(4) At any given time, no more than 5 percent of this fund shall be used for administrative expenses.

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

(6) The council shall by ordinance establish procedures for the administration and priorities for the expenditure of moneys in this fund. Such ordinances shall include the following provisions:

(a) Utilizing a community-based process that incorporates countywide community input, for the purposes of establishing annual recommended priorities of lands or other property entitlements to be acquired for those land conservation purposes described in paragraph C of section 19.15 of the charter. (Amended 1992, 2002, 2018)

Section 19.16. Insurance. The director of finance shall procure insurance for the protection of designated properties of the county in such amounts and under such conditions as the council shall, by ordinance, prescribe from companies licensed to do business in the state. The council may also instruct the director of finance to procure insurance coverage for any of the county activities it deems should be covered by insurance.

Section 19.17. Surety Bonds. Except as otherwise provided, the council shall determine which officers and employees shall be required to furnish surety bonds and shall determine the kind and amount of each individual or blanket bond. All officers concerned with the receipt, collection, custody, or disbursement of public funds shall be bonded. The director of finance shall procure all such surety bonds from companies licensed to do business in the state. All such bonds shall be in favor of and the premiums thereon shall be paid by the county.

Section 19.18. Contracts.

A. Before execution, all written contracts to which the county is a party shall be approved by the county attorney as to form and legality. All such contracts shall be signed by the mayor, except that contracts for purchase of materials, supplies, equipment, personal services, and public works contracts shall be signed by the director of finance.

B. Before execution, contracts involving financial obligations of the county shall also be approved by the director of finance as to the availability of funds in the amounts and for the purposes set forth therein.

Section 19.19. Centralized Purchasing.

A. The department of finance shall be responsible for the procurement of all goods, services, and construction required by any department, office, or agency of the county, except the department of water. (Amended 2010)

B. All procurements shall be conducted pursuant to state law. (Amended 2010)

C. The director of finance shall, from time to time, secure from all agencies estimates of their needs for articles of common use and shall, when practicable, consolidate requisitions in order to secure the benefits of quantity purchases and to that end, cooperate with other public agencies. (Amended 2010)

D. The director of finance may, by rules, provide for petty cash funds. (Amended 2010)

E. All county storerooms (other than departmental) shall be supervised and operated by the director of finance. (Amended 2010)

F. The director of finance shall require such guarantees of performance by vendors as in the director's opinion may be necessary or may be prescribed by ordinance. (Amended 2010)

Section 19.20. Disposition of Surplus Property.

Surplus property means any property that no longer has any use to the agency or department that has custody of the item. All departments, offices, or agencies having materials, supplies, or equipment which are not useful to them shall return custody of the item to the director of finance, who shall, from time to time and at least annually, circulate a list of surplus items to the various departments and agencies of the county or other governmental agencies for redistribution and use. If the surplus property is found to be unusable for public purposes, the director of finance shall, after fixing a minimum price for the property, provide for the sale by sealed bid with or without advertising, to the highest bidder for not less than the minimum price established by the director of finance. Advertised auctions shall be published on two non-consecutive days in a daily newspaper of general circulation in the County of Kaua'i or the county website, and the proceeds shall be a realization of the general fund unless required otherwise by statute, ordinance, rule, grant, or gift.

Surplus property determined to be of no use to any county agency may be used for bid purposes, as a trade-in for credit to be applied to the final purchase price of the

procurement solicitation.

Surplus property determined to be hazardous or that may potentially pose a danger to the public may be disposed of at the direction of the director of finance. The means by which said items are to be disposed of shall be determined solely by the director of finance or designee, provided such means are legal and appropriate for the specific item.

Surplus property having little or no monetary or salvage value as determined and certified by the director of finance or designee, and further determined to be impractical to be offered by auction, may be legally disposed of. (Amended 2010)

Section 19.21. Past Due Accounts. The finance director shall promptly collect all past due accounts. Unless otherwise provided by law any account more than ninety days past due shall be referred to the county attorney's office for collection. (Amended 1984)

ARTICLE XX CODE OF ETHICS

Section 20.01. Standards of Conduct. In order to establish a high standard of integrity and morality in government service, a code of ethics is hereby established.

Section 20.02. No officer or employee of the county shall:

A. Solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of the officer or employee's official duties or is intended as a reward for any official action on the officer or employee's part.

B. Disclose information which, by law or practice, is not available to the public and which the officer or employee acquires in the course of the officer or employee's official duties or use such information for the officer or employee's personal gain or for the benefit of anyone.

C. Acquire financial interest in business enterprises which the officer or employee may be directly involved in official action to be taken by the officer or employee.

D. Appear on behalf of private interests before any county board, commission, or agency.

E. Use the officer or employee's official position to secure a special benefit, privilege, or exemption for the officer or employee or others.

F. Use county property for other than public activity or purpose.

Section 20.03. Contracts.

A. The county shall not enter into any contract with an officer or employee or with a firm in which an officer or employee has a substantial interest involving services or property of a value in excess of \$1,000 unless the contract is made after competitive bidding. (Amended 2010)

B. The county shall not enter into a contract with any person or firm which is represented or assisted personally in the matter by a person who has been an employee of the agency within the preceding one year and who participated while in county employment with the subject matter of the contract. (Amended 2010)

C. This section shall not apply to a personal employment contract.

Section 20.04. Disclosure.

A. The mayor, councilpersons, managing director, heads and deputies of all departments, agencies, and divisions, members of boards and commissions, the purchasing administrator, and regulatory employees shall, within thirty days of assuming office, file with the board a list of all real property within the county in which such person has any right, title, or interest, a list of all business firms which contract for county business in which such person has any interest, and all of such person's places of employment, including part-time employment, all sources and amounts of income, business ownership, officer and director positions, debts, creditor interests in insolvent businesses, and the names of persons represented before government agencies. Amendments to the list, including additions, deletions, or changes in title, interest in property or of employment, shall be made within thirty days of the occurrence of the amendment. The list shall be a matter of public record; provided that the lists of regulatory employees shall not be open to public inspection. (Amended 2008, 2010, 2020)

B. Any elected official, appointed officer, employee, or any member of a board or commission who possesses or acquires such interest as might reasonably tend to create a conflict with such person's duties or authority, or who is an owner, officer, executive director, or director of an organization, or whose member of such person's immediate family, which includes parents, siblings, spouse, or children, is an owner, officer, executive director, or director of an organization in any matter pending before such

person shall make full disclosure of the conflict of interest and shall not participate in said matter. (Amended 1976, 1980, 2006, 2008)

C. Penalties.

(1) Any violation of any of the provisions of this section shall, at the option of the director of finance, render forfeit and void the contract, work, business, sale, or transaction affected.

(2) Any violation of any of the provisions of this section shall constitute cause for fine, suspension, or removal from office or employment.

D. The council shall, by ordinance, adopt and may, from time to time, revise and amend such complementary provisions as may be necessary to supplement the code of ethics.

E. The mayor, the council, and the board of ethics shall be responsible for the enforcement of provisions of this article. (Amended 2008)

Section 20.05. Board of Ethics. There shall be a board of ethics.

A. The board shall consist of seven members. (Amended 2006)

B. The board shall annually select a chair and a secretary from among its members and shall adopt rules necessary for the conduct of its meetings.

C. The board shall meet at the call of the chair or of a majority of its members. A majority of the membership shall constitute a quorum for the conduct of business, and the affirmative vote of at least a majority shall be necessary to take any action.

D. It shall be the function of the board:

(1) To initiate, receive, hear, and investigate complaints of violations of the code of ethics and to transmit its findings to the council as to complaints involving county officers and to the civil service commission as to employees. It may also, on its own, file impeachment proceedings in the circuit court.

(2) To render advisory opinions or interpretations with respect to application of the code on request. All requests for advisory opinions shall be answered within forty-five days of its filing and failure to submit an advisory opinion within said forty-five days shall be deemed a finding of no breach of the code. Opinions rendered or deemed rendered shall be binding on the board in any subsequent charges concerning the officer or employee of the county until said opinion is amended or revoked by the board. (Amended 2010)

(3) To prescribe a form for the disclosure provided in this section and to implement the requirements of the disclosure provisions.

(4) To examine all disclosure statements filed and to comment on or advise corrective action to any matters that may indicate a conflict of interest. (Amended 1976)

(5) To propose revisions of the code to assure its effectiveness.

E. In the course of its investigations, the board shall have the power to administer oaths and subpoena witnesses and to compel the production of books and papers pertinent thereto.

F. All hearings on complaints shall be closed to the public. Only findings of violations shall be referred to the council or the civil service commission. Upon referral to the council or civil service commission, the violations shall be treated as any other similar item of council or civil service commission business.

G. If any officer or employee or former officer or employee shall obtain an advisory opinion from the board and shall govern oneself accordingly or shall act in accordance with the opinions of the board, such person shall not be held guilty of violating any of the provisions of the code.

H. Cooperations. The council and mayor shall cooperate and provide financing and personnel help required by the board in the performance of its duties. (Amended 2010)

ARTICLE XXI SPECIAL ASSESSMENT IMPROVEMENTS

Section 21.01. Improvements by Special Assessment. The council shall enact the provisions of section 146-130 to 146-171 of the Revised Laws of Hawai'i 1955, as amended, with the exception of section 146-167, as a county ordinance. No changes, however, shall be made by the council regarding any matter under the control of the board of water supply without the prior approval of its board. Exemptions from special assessments and reimbursement of costs to the county shall be as provided by law.

ARTICLE XXII INITIATIVE AND REFERENDUM

Section 22.01. Power of Initiative and Referendum.

A. The power of voters to propose ordinances (except as provided in section 22.02) shall be the initiative power.

B. The power of the voters to approve or reject ordinances that have been passed

by the county council (except as provided in section 22.02) shall be the referendum power. (Amended 1976)

Section 22.02. Limitations to Powers. The initiative power and the referendum power shall not extend to any part or all of the operating budget or capital budget; any financial matter relating to public works; any ordinance authorizing or repealing the levy of taxes; any emergency legislation; any ordinance making or repealing any appropriation of money or fixing the salaries of county employees or officers; any ordinance authorizing the appointment of employees; any ordinance authorizing the issuance of bonds; or any matter covered under collective bargaining contracts. (Amended 1976)

Section 22.03. Submission Requirement.

A. Voters seeking to propose an ordinance by initiative shall submit an initiative petition addressed to the council and containing the full text of the proposed ordinance. The initiative petition shall be filed with the clerk of the council at least ninety-six hours prior to any regular council committee 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 or each referendum petition must be signed by registered voters comprising not less than 20 percent of the number of voters registered in the last general election. (Amended 2012)

D. If an initiative or referendum measure is to be placed on the ballot in a general election, the initiative and referendum petitions must be submitted not less than one hundred twenty calendar days prior to the day scheduled for the general election in the county. (Amended 1976, 2012)

Section 22.04. Petitioner's Committee. For each initiative or each referendum petition there shall be a petitioner's 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 by this article. (Amended 1976)

Section 22.05. Initiative and Referendum Petition: Form and Sufficiency.

A. For immediate acceptance of the petition, the clerk of the council shall require reasonable compliance with the following:

- (1) The petitions indicate by name and address, the five signers who

constitute the petitioner's committee for that petition.

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

(3) The signatures to petitions be filed on papers of uniform size and style and assembled as one instrument.

(4) Each signature on the petition shall be followed by the name (printed) and the place of residence of the person signing.

(5) The petition be signed by the required number of qualified registered voters of the county.

B. Signatures are invalid and petitions insufficient:

(1) If signers are not given an opportunity to read the full text of the ordinance sought to be reconsidered and if the full text of the ordinance is not contained in or attached to each signature paper or set of signature papers of an initiative or referendum petition 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 petitions 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 it purports to be.

C. 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 thereof by the individual with the clerk of the council. (Amended 1976)

Section 22.06. Procedure After Filing.

A. Certificate of clerk; amendment. 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 petitioner's committee of the contents of the certificate. If a petition is certified sufficient, the clerk shall present the clerk's certificate to the county council at its next meeting. If the clerk certifies a petition insufficient, the clerk's certificate shall show the particulars wherein the petition is defective. A majority of the petitioner's 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 the clerk's certificate to the county council at its next meeting.

B. Supplementary petition. 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 supplementary 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.

C. Council review. A majority of the petitioner's committee may request the county council to review a 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.

D. Court review; new petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose. (Amended 1976)

Section 22.07. 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 article IV 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 action 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 ordinance, repeal, or, by resolution, sustain the ordinance.

B. If the council rejects an initiative amendment proposal or passes it with an amendment unacceptable to a majority of the petitioner's committee, or if the council fails to repeal an ordinance reconsidered pursuant to a referendum petition, it shall submit the originally proposed initiative ordinance or refer the reconsidered ordinance

concerned to the voters of the county at the next general election.

C. The council may, in its discretion, and, under appropriate circumstances, provide for a special election.

D. The ballot for such measures shall contain an objective summary of the substance of the measure and shall have below the ballot title designated spaces in which to mark a ballot FOR or AGAINST the measure. Copies of initiative or referendum ordinances shall also be made available at the polls.

E. Suspension of ordinance. When a referendum petition or amended petition has been certified as sufficient by the county clerk, the ordinance sought to be repealed in the petition shall not be effective and shall be deemed suspended from the date the petition is certified as sufficient until the voters have voted on the measure and the election results have been certified as provided in this article. (Amended 1976, 1980)

Section 22.08. Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the sixtieth day immediately preceding the day scheduled for a vote in the county by filing with the county clerk a request for withdrawal signed by at least four members of the petitioners committee. Upon the filing of the request, the petition shall have no further force or effect and all proceedings thereon shall be terminated. (Amended 1976)

Section 22.09. Results of Election. If a majority of the voters voting upon a proposed initiative ordinance shall vote in favor of it, the ordinance involved shall be considered adopted upon certification of the election results. If a majority of the voters voting upon a referendum ordinance shall vote against it, the ordinance involved shall be considered repealed upon certification of the election results. (Amended 1976)

Section 22.10. Upon approval by a majority of the votes cast on the proposal, the charter amendment shall take effect upon all legislative acts not excluded herein enacted after January 2, 1977. (Amended 1976)

Section 22.11. A referendum that nullifies an existing ordinance shall not affect any vested rights or any action taken or expenditures made up to the date of the referendum. (Amended 1976)

ARTICLE XXIII GENERAL PROVISIONS

Section 23.01. Definitions.

A. The term “agency” shall mean any office, department, board, commission, or other governmental unit of the county.

B. The term “employee” shall mean any person, except an officer, employed by the county or any department thereof, but the term shall not include any independent contractor.

C. The term “law” shall mean any law of the State of Hawai‘i or any ordinance of the County of Kaua‘i or any rule or regulation of any department having the force and effect of law.

D. The term “officer” shall include the following:

(1) Mayor, prosecuting attorney, and members of the council.

(2) Any person excluded from chapter 76, HRS and the position classification plan who is appointed as administrative head of any department or agency of the county or as a member of any board or commission.

(3) Deputies appointed by the administrative head of any department or agency of the county who are excluded from chapter 76, HRS and the position classification plan. (Amended 2012)

E. The term “state” shall mean the State of Hawai‘i.

Section 23.02. Boards and Commissions. The council may create such other boards and commissions, not provided herein, by ordinance. All boards and commissions, including those which are specifically provided for herein, shall be organized, appointed, and vested with the power and authority as provided hereunder which are not in conflict with the provisions of this charter.

A. All boards and commissions established by charter shall consist of at least seven members. (Amended 2006)

B. All members of boards and commissions shall be appointed and may be removed by the mayor, with the approval of the council, except that members of boards and commissions established by ordinance may be appointed and removed as provided by ordinance. Such ordinance shall provide for either of the following appointing and

removal methods:

(1) Appointment and removal of members by the mayor, with the approval of the council; or

(2) Joint appointing powers under which the mayor and the council each appoint an equal number of members, and one additional member is selected by the members previously appointed by the mayor and council. Members appointed by the mayor may be removed by the mayor with the approval of the council. Members appointed by the council may be removed by the council with the approval of the mayor. The one additional member selected by the previously appointed members may be removed by the mayor with the approval of the council.

A board or commission member who is absent from three consecutive meetings without prior excuse of the chair shall be expelled from membership. Upon notification of such expulsion by the chair, the applicable appointing authority shall within fifteen days of the notice, begin the appointment process. (Amended 1980, 1986)

C. The members of all boards or commissions shall serve for staggered terms of three years and until their successors are appointed. However, no holdover term shall extend beyond ninety days. All members currently serving shall serve their term as set when they were appointed. All appointments after January 1, 1977 shall be for three-year terms. Notwithstanding the holdover period or period of any vacancy, the term of any appointment shall be deemed to have commenced immediately after the normal termination date of the appointee's predecessor. The council may, by ordinance, provide for the staggering of terms provided that no terms of members already appointed shall be changed. (Amended 1976, 1980)

D. Each commissioner shall be, at the time of the commissioner's appointment, a duly qualified resident elector of the county.

E. No more than a bare majority of the members of any board or commission shall belong to the same political party.

F. Any vacancy occurring on any board or commission shall be filled for the unexpired term.

G. Each board or commission shall elect its chair or other officers. The term of office of the chair of any board or commission shall be one year, and no member of any such board or commission shall serve two consecutive terms as chair.

H. No member of any board or commission shall be eligible for more than two consecutive terms on the same board or commission or on two different boards or commissions of the county. After the expiration of two consecutive terms, no person shall be eligible for appointment to any county board or commission until one year has elapsed after such service. Any partial term of more than two years shall be considered

a term as used herein. (Amended 1976)

I. Employees and officers of the state or county may be eligible to serve on boards or commissions, provided that such service does not result in a conflict of interest or is expressly prohibited by law.

J. A majority of all the members to which a board or commission is entitled shall constitute a quorum to do business, and the concurrence of a majority of all the members to which such board or commission is entitled shall be necessary to make any action of such board or commission valid.

K. All boards and commissions shall have the power to subpoena witnesses and administer oaths to witnesses as to all matters within the scope of such boards or commissions.

L. The members of boards and commissions shall receive no compensation but shall be entitled to be paid for necessary expenses incurred by them in the performance of their duties.

M. Except for purposes of inquiry, no board or commission, nor its members, shall interfere in any way with the routine administrative affairs of its department normally administered by the department head.

N. Each board or commission shall have power to establish its own rules of procedures necessary for the conduct of its business, except as otherwise provided in this charter.

Section 23.03. Title to Property. Except as otherwise provided by law, title to all property acquired by any agency of the county shall be vested in the county.

Section 23.04. Facsimile Signatures. Whenever any person is required to sign negotiable instruments or multiple bonds, the signature may be a facsimile.

Section 23.05. Expenses. All officers and employees of the county shall be entitled to their traveling or other necessary expenses incurred in the performance of their public duties.

Section 23.06. Claims. No action shall be maintained for the recovery of damages for death or injury to person or property by reason of negligence of any officer or employee of the county unless a written statement stating fully when, where, and how the damages occurred, the extent thereof and the amount claimed therefor, has been filed with the county clerk within the time period provided in Hawai'i Revised Statutes section 46-72. (Amended 2020)

Section 23.07. Annual Reports.

A. Not later than ninety days after the close of the fiscal year, each agency of the county shall make an annual written report of its activities to the mayor in such form and under such rules as the mayor may prescribe. Copies of such reports shall be filed in the office of the county clerk.

B. Not later than one hundred eighty days after the close of the fiscal year, the mayor shall make an annual report concerning the activities of all agencies of the county. A copy of such report shall be filed in the office of the county clerk.

Section 23.08. Records and Meetings Open to Public.

A. All books and records of every department shall be open to the inspection of any person at any time during business hours, except as otherwise provided by law. Certified copies or extracts from such books and records shall be given by the officer having custody of the same to any person demanding the same, and paying or tendering a reasonable fee to be fixed by ordinance for such copies or extracts.

B. All meetings of boards and commissions shall be held in the county building or other public places, and no such body shall take any official action except at a meeting open to the public.

Section 23.09. Rules and Regulations. Unless otherwise authorized by law, all rules and regulations having the force and effect of law adopted by any board, commission, or administrative head of a department, must first be approved by the mayor prior to going into effect.

Section 23.10. Penalties. Any violation of a charter provision, any ordinance, or duly enacted rule or regulation having the effect of law shall be subject to a fine not exceeding \$1,000 or one year's imprisonment or both unless the charter, ordinance, rule, or regulation provides for a specific penalty in which case the specific penalty shall control. Prosecution for any violation shall be as provided by law for the prosecution of misdemeanors. (Amended 1980)

Section 23.11. County Elections. County elections shall be conducted in accordance with the election laws of the state insofar as applicable, but the county primary and general elections shall be held in every two years following the initial election.

Section 23.12. Oaths of Office. Before entering upon the duties of the office, each officer elected or appointed shall take and subscribe to such oath or affirmation as shall be provided by law.

Section 23.13. Impeachment of Officers. Any officer appointed or elected may be impeached for malfeasance, misfeasance, or nonfeasance in office. Such impeachment proceeding shall be commenced in the Fifth Circuit Court, State of Hawai'i. The charge or charges shall be set forth in writing in a verified petition for impeachment signed by not less than 5 percent of the voters registered in the last general election, except as to charges filed by the ethics board. If the court sustains the charge or charges, such officer

shall be deemed removed from office. The petitioners seeking the impeachment shall bear their own attorneys' fees and other costs of such proceedings, except proceedings initiated by the ethics board, the cost of which shall be paid by the county.

A. Whenever any officer is sought to be impeached for matters relating to the officer's official powers or duties, and the impeachment is not being sought by the ethics board, such officer may request legal representation by the county or at county expense.

(1) Such request for legal representation shall be accompanied by a signed statement in a form approved by the county attorney, in which the officer agrees to reimburse the county for all expenses incurred in such legal representation, if the officer is impeached.

(2) Determination of expenses shall be made by the county attorney and approved by the council and shall be conclusive.

(3) Any officer being impeached for matters not relating to their official powers or duties shall bear their own attorneys' fees and costs of such proceedings.

B. Legal representation for impeachment relating to an officer's official powers or duties, and which is not being sought by the ethics board, shall be as follows:

(1) By the county attorney's office if requested by the officer and agreed to by the county attorney.

(2) By outside legal counsel selected by the officer. The mayor and council shall appropriate reasonable amounts for such legal services. In the alternative, existing funds which have been appropriated for legal services may be used, provided the council approves of the amount.

C. Nothing in this section shall preclude the officer sought to be impeached from recovering attorneys' fees as provided by law. If legal representation is provided at county expense, such recovery shall be reimbursed to the county. (Amended 1992)

Section 23.14. Coordination of Work. The mayor shall devise a practical and working basis for the cooperation and coordination of work by the various departments, eliminating duplication and overlapping of functions, and shall have the various agencies cooperate with each other in the use of employees, land, buildings, quarters, facilities, and equipment. The head of any department may empower or require an employee of another department, subject to the consent of the head of such other department, to perform any duty which such department head might require of the employees of his or her department. Whenever in this charter power is vested in a department to inspect, examine, or secure data or information or to procure assistance from any other department, a duty is hereby imposed upon the department upon which demand is made to render such power effective.

Section 23.15. Cooperation With Other Organizations. In the performance of its functions, each department shall cooperate with private organizations and with organizations of the governments of the United States, the state, and any other state and any of their political subdivisions having similar functions.

Section 23.16 Provisions of Charter Inoperative, When. If any provision of this charter jeopardizes the receipt by the county of any federal grant-in-aid or other federal allotment of money, such provision may, insofar as such fund is jeopardized, be waived by the council upon the recommendation of the mayor.

Section 23.17. Titles, Subtitles, Personal Pronouns: Construction. Titles and subtitles shall not be used for purposes of construing this charter.

When any personal pronoun appears in this charter, it shall be construed to mean any gender.

ARTICLE XXIV CHARTER AMENDMENT

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

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

B. By petition presented to the council, signed by registered voters comprising not less than 5 percent of the number of voters registered in the last general election, setting forth the proposed amendments. Such petitions shall designate and authorize not less than three nor more than five of the signers thereto to approve any alteration or change in the form or language or any restatement of the text of the proposed amendments which may be made by the county attorney. (Amended 2012)

Upon filing of such petition with the council, the county clerk shall examine it to see whether it contains a sufficient number of valid signatures of registered voters. (Amended 2012)

Section 24.02. Elections to be Called.

A. Any resolution of the council or petition of the voters proposing amendments to the charter shall provide that the proposed amendments shall be submitted to the voters of the county at the next general election.

B. The county clerk shall have summaries of the proposed amendments published in a newspaper of general circulation in the county and the entire text published by electronic or online publication on the official website of the County of Kaua'i at least thirty days prior to submission of the proposed amendments to the voters of the county at the next general election. (Amended 2014)

C. Should the majority of the voters voting thereon approve the proposed amendments to this charter, the amendments shall become effective at the time fixed in the amendment, or, if no time is fixed therein, thirty days after its adoption by the voters of the county. Summaries of any charter amendment shall be published in a newspaper of general circulation in the county and the entire text published by electronic or online publication on the official website of the County of Kauaʻi within thirty days of the effective date of such amendment. (Amended 2014)

Section 24.03. Charter Review. The mayor with the approval of the council shall appoint, with appropriate staffing, a charter commission composed of seven members who shall serve in accordance with section 23.02C of this charter to study and review the operation of the county government under this charter. In the event the commission deems changes are necessary or desirable, the commission may propose amendments to the existing charter or draft a new charter which shall be submitted to the county clerk. The county clerk shall provide for the submission of such amendments or new charter to the voters at any general or special election as may be determined by the commission. The commission shall publish summaries of any such amendments or new charter not less than thirty days before any election at least once in a newspaper of general circulation within the county and the entire text of the amendments or new charter by electronic or online publication on the official website of the County of Kauaʻi. (Amended 2006, 2014, 2016)

A. Unless a new charter is submitted to the voters, each amendment to the charter shall be voted on separately.

B. If a 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, or if no time is fixed, thirty days after its adoption by the voters. Summaries of any new charter or amendment shall be published in a newspaper of general circulation within the county, and the entire text published by electronic or online publication on the official website of the County of Kauaʻi not more than thirty days after its adoption. (Amended 2014)

ARTICLE XXV SEVERABILITY

Section 25.01. Severability. If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE XXVI TRANSITIONAL PROVISIONS

Section 26.01. Schedule. After the approval of this charter by the voters, this charter shall be in effect to the extent necessary in order that the first election of members of the county council and mayor may be conducted in accordance with the applicable election laws of the state. This charter shall take full effect on January 2, 1969.

Section 26.02. Initial Election Under the Charter. The first county primary and general elections under this charter shall be held in the year 1968.

Section 26.03. Existing Laws and Conflicting Laws. All laws, ordinances, resolutions, rules, and regulations in force at the time this charter takes full effect, and not in conflict or inconsistent with this charter, are hereby continued in force until repealed, amended, or superseded by proper authority. All laws relating to or affecting this county or its agencies, officials, or employees, and all county ordinances, resolutions, orders, and regulations which are in force when this charter takes full effect, are repealed to the extent that they are inconsistent with or interfere with the effective operation of this charter or of ordinances or resolutions adopted by the county council under the provisions of this charter.

Section 26.04. Status of Departments and Transfer of Functions.

A. All departments, the status of which are not specifically changed or abolished by this charter, are hereby recognized, continued, and established and shall have such powers, duties, and functions as provided by law. Members of the various boards, commissions, and committees holding office at the effective date of this charter shall continue in office unless they resign or until their terms of office shall expire.

B. The offices of the county auditor and the county treasurer are abolished and their functions transferred to the department of finance.

C. The offices of the elected county clerk and the county attorney are abolished.

Section 26.05. Transfer of Records and Property. All records, property, and equipment of any office, division, department, board, or commission, the functions of which are assigned to another agency by this charter, shall be transferred and delivered to the agency to which such functions are so assigned.

Section 26.06. Status of Present Employees. All civil service employees and full-time employees whose positions are exempt from civil service presently employed by any department or agency which is merged or abolished under this charter, shall be transferred and continued in employment in accordance with sections 138-44 and 138-45, Revised Laws of Hawai'i 1955, as amended, to a comparable position in an agency where such function has been transferred.

Section 26.07. Heads of Departments Continued in Office. Notwithstanding any provision to the contrary, all officers and department heads, whether appointed or elected, holding office immediately prior to the time this charter takes effect, shall

continue in employment for a period of not more than forty-five days thereafter, or until they are replaced pursuant to the provisions of this charter, whichever occurs later.

Section 26.08. Temporary Budget and Capital Program. During the transitional period, the mayor shall submit and the council shall adopt, with or without amendments, a temporary current expense budget and a capital program based on the revenues anticipated during said period. Until the adoption of such temporary current expense budget and capital program, the then existing budget and capital program shall remain in effect.

Section 26.09. Pending Proceedings. All petitions, hearings, and other proceedings pending before any office, department, board, or commission abolished by this charter, and all legal proceedings and investigations begun by such office, department, board, or commission and not completed at the effective date of this charter, shall continue and remain in full force and effect and shall be completed before or by the office, department, board, or commission which succeeds to the powers and functions of such office, department, board, or commission.

Section 26.10. Lawful Obligations of the County. All lawful obligations of the county existing on the effective date of this charter, all fines, taxes, penalties, forfeitures, obligations, and right due, owing, or accruing to the county, and all writs, prosecutions, actions, and proceedings by or against the county shall remain unaffected by the adoption of this charter.

ARTICLE XXVII RECALL

Section 27.01. Recall Procedure. Any elected officer serving a four-year term as provided for in this charter 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 filed with the county clerk. Such petitions shall be signed by currently registered voters numbering not less than 20 percent of the voters registered in the last general election. (Amended 1984)

Section 27.02. 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. (Amended 1984)

Section 27.03. Signatures. Each signer of a recall petition shall print and sign said person's name and shall place thereon after the name said person's social security number, place of residence, and voting precinct. 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, that each signature appended to the paper was made in the circulator's presence and is believed to be the genuine signature of the person whose name it purports to be, and that each signer understood it to be a recall petition of a specific elected officer. (Amended 1984)

Section 27.04. Filing and Certification. All papers comprising a recall petition shall be assembled and filed with the county clerk as one instrument within thirty days after the filing, with the clerk, of the affidavit stating the name and office of the officer sought to be removed. Within ten days from the date of the filing of such petition, the clerk shall determine the sufficiency thereof and attach thereto a certificate showing the result of the clerk's examination. If the clerk shall certify that the petition is insufficient, the clerk 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. (Amended 1984)

Section 27.05. Supplemental Petitions. In the event the initial petition contained insufficient signatures, such recall petition may be supported by supplemental signatures of voters signed in the manner required in section 27.03 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 days after such supplemental petitions are filed make a like examination of them, and if the clerk's certificate shall show the same to be still insufficient, the clerk shall return it in the manner described in section 27.04 of this article to the person designated 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. (Amended 1984)

Section 27.06. Recall Election. If a recall petition or supplemental petition shall be certified by the clerk to be sufficient, the clerk shall promptly notify in writing the officer sought to be recalled of such action. If the official whose removal is sought does not resign within five days after mailing of such notice, the clerk shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than seventy-five nor more than ninety days after the petition has been presented to the official, at the same time as any other special county or state election held within such period, but if no such election is to be held within such period, the clerk shall call a special recall election to be held within the time aforesaid. If less than 50 percent of the total number of voters registered in the last general election shall vote at such recall election, the officer sought to be recalled shall not be deemed recalled regardless of the outcome of the election. (Amended 1984)

Section 27.07. Ballots. The ballots at such recall election shall, with respect to each person whose removal is sought, submit the question: "Shall (name of person) be removed from the office of (name of office) by recall?" Immediately following each such question, there shall be printed on the ballots the two propositions in the order set forth: "For the recall of (name of person)." "Against the recall of (name of person)." Immediately next to the proposition there shall be designated spaces in which to mark the ballot FOR or AGAINST the recall. A majority vote shall be sufficient to recall such officer, subject to the provisions of section 27.06 of this article. (Amended 1984, 2014)

Section 27.08. Succeeding Officer. The incumbent, if not recalled in such election, shall continue in office for the remainder of the incumbent's unexpired term subject to the recall as before, except as provided in this charter. If recalled in the recall election, the incumbent shall be deemed removed from office upon the clerk's certification of the results of that election, and the office shall be filled as provided by this charter for the filling of vacancies of elected officials. The successor of any person so removed shall hold office during the unexpired term of the person removed. (Amended 1984)

Section 27.09. Immunity to Recall. The question of the removal of any officer shall not be submitted to the voters until such person has served six months of the term during which such person is sought to be recalled, nor, in case of an officer retained in a recall election, until one year after that election. (Amended 1984)

ARTICLE XXVIII COST CONTROL COMMISSION

Section 28.01. There shall be a county cost control commission composed of seven members not employed in government service. (Amended 1984, 2006)

Section 28.02. Goal. The goal of the commission is to reduce the cost of county government while maintaining a reasonable level of public services. (Amended 1984, 2006)

Section 28.03. Repealed (Amended 2006)

Section 28.04. Duties. The commission shall review personnel costs, real property taxes, travel budgets, contract procedures; review with the aim of eliminating programs and services available or more efficiently supplied by other governments or organizations; eliminate or consolidate overlapping or duplicate programs and services; scrutinize for reduction any county operation. (Amended 1984)

Section 28.05. Reports. The commission shall prepare and advertise a written annual report summarizing its recommendations prior to the end of each calendar year. Thereafter, the commission may request that any of its recommendations be drafted in ordinance form for its introduction through the mayor. The mayor shall, with mayor's comments thereon and within thirty working days of receipt, submit to the council for its immediate consideration all ordinances proposed by the commission. (Amended 1984, 1996)

Section 28.06. Rules and Regulations. The commission shall adopt rules and regulations relating to the operation and management of the commission in order that the commission can accomplish its goals and objectives. (Amended 1984)

Section 28.07. Appropriation. The mayor and council shall provide an annual appropriation sufficient to enable the commission to secure clerical help and pay other operational costs. The commission shall be provided with the latest mayor's annual report and the council's latest audit report. The commission is empowered to secure from any department, agency, official, or employee any report or information the

commission requests that is appropriate to its function. All such requests shall be made through the office of the mayor or the chair of the council for information within their respective jurisdictions. (Amended 1984)

ARTICLE XXIX SALARY COMMISSION

Section 29.01. Organization. There shall be a salary commission composed of seven members to establish the maximum salaries of all elected and appointed officers as defined in section 23.01D of this charter. (Amended 1988, 2006, 2012)

Section 29.02. Policies. The commission shall adopt and, when it deems necessary, may change the policies governing its salary-setting decisions. (Amended 1988, 2006)

Section 29.03. Resolution. The commission's salary findings shall be adopted by resolution of the commission and forwarded to the mayor and the council on or before March 15 of any calendar year. The resolution shall take effect on July 1 of the same calendar year. The respective appointing authority may set the salary of an appointee at a figure lower than the maximum figure established by the salary commission for the position, provided that elected officers may voluntarily accept a salary lower than the maximum figure established by the salary commission for their position, or forego accepting a salary. (Amended 1988, 2006, 2012, 2022)

Section 29.04. Rules. The commission shall establish its rules of procedures and adopt rules and regulations pursuant to law. (Amended 1988, 2006)

Section 29.05. Changes in Salary. No change in the 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. (Amended 1988, 2006)

Section 29.06. Administration and Operation. The mayor and council shall provide an annual appropriation sufficient to enable the commission to secure clerical or technical assistance and pay other operational costs in the performance of its duties. (Amended 1988, 2006, 2012)

ARTICLE XXX (RESERVED)

(This Article is intentionally left blank.) (Amended 2022)

ARTICLE XXXI DEPARTMENT OF PARKS AND RECREATION

Section 31.01. Organization. There shall be a department of parks and recreation consisting of a parks and recreation director and any necessary staff. (Amended 2006)

Section 31.02. Director. The parks and recreation director shall be appointed and may be removed by the mayor. The director shall have had a minimum of five years of experience in a responsible administrative capacity, either in public service or private business or both, and shall be the administrative head of the department. (Amended 2006)

Section 31.03. Powers, Duties, and Functions. Except as otherwise provided by law, the director of parks and recreation shall:

A. Plan, design, construct, operate, and maintain all parks and recreational facilities of the county.

B. Develop and implement programs for the cultural, recreational, and other leisure-time activities for the people of the county.

C. Beautify the public parks and recreational facilities of the county.

D. Perform such other duties as may be prescribed by the mayor or by ordinance. (Amended 2006)

ARTICLE XXXII COUNTY AUDITOR

Section 32.01. Office of the County Auditor.

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

B. The county auditor shall possess adequate professional proficiency for the office, demonstrated by relevant certification, such as certification as a certified internal auditor or certified public accountant, or have an advanced degree in a relevant field with at least five years of experience in the field of government auditing, evaluation, or analysis. A certified internal auditor or certified public accountant shall be preferred. The county auditor shall have a bachelor's degree in accounting, business administration, or public administration or related field. If financial statement audits are conducted, the county auditor shall be a certified public accountant.

C. Except for exercising the right to vote, neither the auditor nor any member of

the office of the county auditor shall support, advocate, or aid in the election or defeat of any candidate for county public office.

D. The county auditor may appoint the necessary staff for which appropriations have been made by the county council. Subject to the provisions of this charter and applicable rules and regulations adopted thereunder, the county auditor shall have the same powers with respect to the personnel of the office of the county auditor as department heads have over their personnel. Staff shall be appointed by the county auditor in a manner consistent with the merit principles, devoid of any bias or prejudice. (Amended 2008)

Section 32.02. Powers, Duties, and Functions.

A. Pursuant to county charter article III, section 3.17, Investigation, the county council is empowered to establish the office of county auditor. It shall be the duty of the auditor to conduct or cause to be conducted:

1. The independent annual or biennial audit of all county funds and accounts to be conducted by a certified public accountant or firm of certified public accountants as required by section 3.12 of the county charter;

2. Performance audits of the funds, programs, and operations of any agency or operation of the county as requested by the council by resolution, as authorized by section 3.12;

3. Performance and financial audits of the funds, programs, and operations of any agency or operation of the county, as determined by the county auditor to be warranted. Before the commencement of each fiscal year, a plan of the audits proposed to be conducted by the county auditor during the fiscal year shall be transmitted to the county council for review and comment, but not approval. The plan also shall be transmitted to the mayor and filed with the county clerk as public record; and

4. Follow-up audits and monitoring of compliance with audit recommendations by audited entities. The county auditor shall conduct or cause to be conducted all audits in accordance with government auditing standards.

B. Audit findings and recommendations shall be set forth in written reports of the county auditor, a copy of which shall be transmitted to the mayor and to the county council and filed with the county clerk as public record.

C. For the purposes of carrying out any audit, the county auditor shall have full, free, and unrestricted access to any county officer or employee and shall be authorized to examine and inspect any record of any agency or operation of the county, to administer oaths and subpoena witnesses and compel the production of records pertinent thereto. If any person subpoenaed as a witness or compelled to produce records shall fail or refuse to respond thereto, the proper court, upon the request of the county auditor, shall have the power to compel obedience to any process of the county

auditor and to punish, as a contempt of the court, any refusal to comply therewith without good cause. The county auditor may retain special counsel, in the manner authorized by the county council, to represent the county auditor in implementing these powers. False swearing by any witness shall constitute perjury and shall be referred by the county auditor to the prosecuting attorney for prosecution. In any audit which concerns the alleged gross misconduct or alleged criminal conduct on the part of any individual, such individual shall have the right to be represented by counsel and the right to have the county auditor compel the attendance of witnesses on behalf of the individual.

D. The county auditor's performance shall be evaluated annually by the county council. The county auditor's audit activities shall be subject to quality review in accordance with applicable government auditing standards by a professional, non-partisan, objective group. The written report of the independent review shall be transmitted to the county council and mayor and filed with the county clerk as public record.

E. For the purpose of this section and section 3.12:

"An agency or operation of the county" includes any administrative agency, semi-autonomous agency, council office, and other establishment of county government supported, in whole or in part, by county or public funds.

"Council office" includes the county council itself, the office of a councilmember and the councilmember's immediate staff, the office of the county clerk. This definition applies only to those sections. It shall not be construed as excluding the office of the county auditor and the legislative branch.

"Record" includes any account, book, paper, and document, and any financial affair, notwithstanding whether any of the preceding is stored on paper or electronically. (Amended 2008)

Section 32.03. Audit Committee.

A. The county council may establish an audit committee, the members of which shall individually advise the county auditor on the following: formulation of the plan of audits proposed to be conducted by the county auditor pursuant to section 32.02C; conduct of audits, follow up of audits; selection of private contractors to perform audits for the county auditor; evaluation of preliminary audit findings and recommendations and county agency, officer, or employee responses to the preliminary findings and recommendations; and evaluation of the county auditor's performance during each fiscal year. If established, the audit committee shall consist of five members.

1. One member shall be the chair of the county council committee with jurisdiction over the administrative budget ordinances; and

2. The other members shall be appointed by the county council. The county council shall appoint members who are qualified by experience, expertise, and independence to perform the duties of the audit committee. A member appointed by the county council shall not hold any other office or position with the county while on the audit committee. The method of appointment, terms, and specific qualifications of the appointed members shall be established by the county council by ordinance or rule. The county council also may establish by ordinance or rule provisions for the removal of an appointed member for cause. The audit committee shall be within the office of the county auditor.

B. Members of the audit committee shall advise the county auditor. All audit committee meetings shall be open to the public except as provided for in chapter 92, Hawai'i Revised Statutes.

C. The chair of the audit committee shall be appointed by the county council in the manner provided by ordinance or rule. A meeting of the audit committee may be called by the committee chair or county auditor.

D. Members appointed by the county council shall not be entitled to compensation for serving on the committee. The member from the county council shall not be entitled to compensation for serving on the committee that is additional to the compensation received as a councilmember. All members, however, shall be entitled to be reimbursed for travel and other necessary expenses incurred by them in the performance of their official duties.

E. Section 23.02. Boards and Commissions shall not apply to the members of the audit committee. (Amended 2008)

Section 32.04. Transition Provision Concerning the Transfer of Audit Functions to the Office of the County Auditor.

A. All lawful obligations and liabilities owed by or to the office of the county clerk relating to financial and performance audits on June 30, 2009, shall remain in effect on July 1, 2009. The obligations and liabilities shall be assumed by the office of the county auditor. All contracts held by the office of the county clerk relating to financial and performance audits, which are to remain effective after June 30, 2009, shall be assumed by the office of the county auditor. The contracts shall continue in effect until fulfilled or lawfully terminated. All financial and performance audit activities administered by the office of the county clerk on June 30, 2009, shall be assumed by the office of the county auditor on July 1, 2009.

B. On July 1, 2009, all records, data, and information held by the office of the

county clerk relating to financial and performance audits which have not been completed as of June 30, 2009, shall be transferred to office of the county auditor.

C. The legislative auditor (program analyst V) and program support tech positions in the office of the county clerk on June 30, 2009, shall continue with the office of the county auditor on July 1, 2009. These employees, if positions were already filled, shall continue service without any loss of vacation allowance, sick leave, service credits, retirement benefits, or other rights and privileges because of the charter amendments. Nothing in this subsection, however, shall be construed as preventing future changes in the employees' status pursuant to the county auditor's powers with respect to personnel in the office of the county auditor. (Amended 2008)

APPENDIX

2004 CHARTER AMENDMENT

(Relating to Real Property Taxation)

Declared unconstitutional pursuant to Article VIII, Section 3 of the Hawai'i Constitution. County of Kaua'i v. Bryan J. Baptiste, Mayor, County of Kaua'i, et al., 115 Hawai'i 15, 165 P.3d 916 (August 6, 2007), *as corrected* August 7, 2007, *reconsideration denied* September 6, 2007.

It is the policy of the County that resident taxpayers should be equitably protected when there are significantly rising real estate values and government costs. Therefore, for County residents who have owned and occupied their place of residence beginning in or before the fiscal year 1998-1999, then for the next fiscal year after the adoption of this section real property taxes with respect to such residence shall not exceed the amount of such tax assessed for the 1998-1999 fiscal year. For County residents acquiring their place of residence after the fiscal year 1998-1999 their real property taxes with respect to such residence for the next fiscal year after the adoption of this section shall not exceed the amount of tax assessed for the fiscal year the ownership and residence commences. For all such taxpayers in no fiscal year after the year in which the tax was restored to the amount in 1998 – 1999 or the year of acquisition, whichever is applicable, shall the percentage increase in real property tax with respect to such residence exceed the lesser of the percentage rate applicable at the commencement of such fiscal year for the cost of living adjustments in retirement benefits by the Social Security Administration, or two percent (2%). Promptly following its adoption the County shall notify in writing all owners of residential property in its property tax records of the principal terms of this section. The County shall adopt such ordinances, laws, rules and regulations as are necessary to carry out and are consistent with the purpose of the foregoing policy and the terms of this section. *(2004 General Election Charter Amendment Question)*

2008 CHARTER AMENDMENT

(Relating to Implementation of the General Plan)

The United States Federal District Court, in Kaua'i Beach Villas-Phase II, LLC, v. County of Kaua'i, Kaua'i County Council, Kaua'i Planning Department, et al., Civil No. 12-00483 LEK-RLP, held that Section 3.19 of the Kaua'i County Charter was an improper zoning initiative and, pursuant to *Kaiser Hawai'i Kai* and Haw.Rev.Stat. § 46-4(a), ruled that Section 3.19 is invalid.

Section 3.19. Implementation of the General Plan

A. The power to process and to issue any zoning, use, subdivision, or variance permit for more than one transient accommodation unit shall be vested in and exercisable exclusively by the council. As used in this Section, "transient accommodation unit" shall mean an accommodation unit or a portion thereof in a hotel, timeshare facility, resort condominium, fractional ownership facility, vacation rental unit or other similarly-used dwelling that is rented or used by one or more persons for whom such accommodation unit is not the person's primary residence under the Internal Revenue Code.

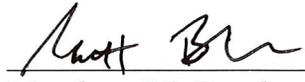
B. Any applicant seeking the issuance of a zoning, use, subdivision or variance permit for more than one accommodation unit shall certify to the planning department whether any use of the units as a transient accommodation unit is projected by the applicant. Prior to granting any such permit for a transient accommodation unit, the council shall conduct a public hearing and make a finding that granting such permit would be consistent with the planning growth range of the general plan and in the best interest of the county and its people. Approval of any such application shall require a favorable vote of two thirds (2/3) of the entire membership of the council. Appeals of any decision by the council relating to such permits must be instituted in the circuit court within thirty (30) days after entrance of the final decision of the council.

C. The council may by ordinance authorize the planning commission to process and issue such permits, or certain of them, on terms and conditions as the council may deem advisable, only upon the council's enactment of a rate of growth ordinance that limits the rate of increase in the number of transient accommodation units in the county to no greater than one-and-one half percent (1.5%) per annum on a multi-year average basis, or such growth rate that is within the planning growth range of a future general plan adopted pursuant to Section 14.08.

D. The council shall adopt such ordinances, laws, rules and regulations as are necessary to carry out the terms and intent of this amendment to the Charter.

E. If any provision of this amendment shall be held by a final order of a court of competent jurisdiction to be invalid, all of the other terms of the amendment shall remain in full force and effect.

Approved as to Form:



Matthew M. Bracken
County Attorney

I, Jade K. Fountain-Tanigawa, County Clerk, do hereby certify that the foregoing is a true and correct copy of The Charter of the County of Kaua'i.



Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

Līhu'e, Hawai'i
February 21, 2023

A horizontal splash of clear blue water with bubbles, positioned behind the text.

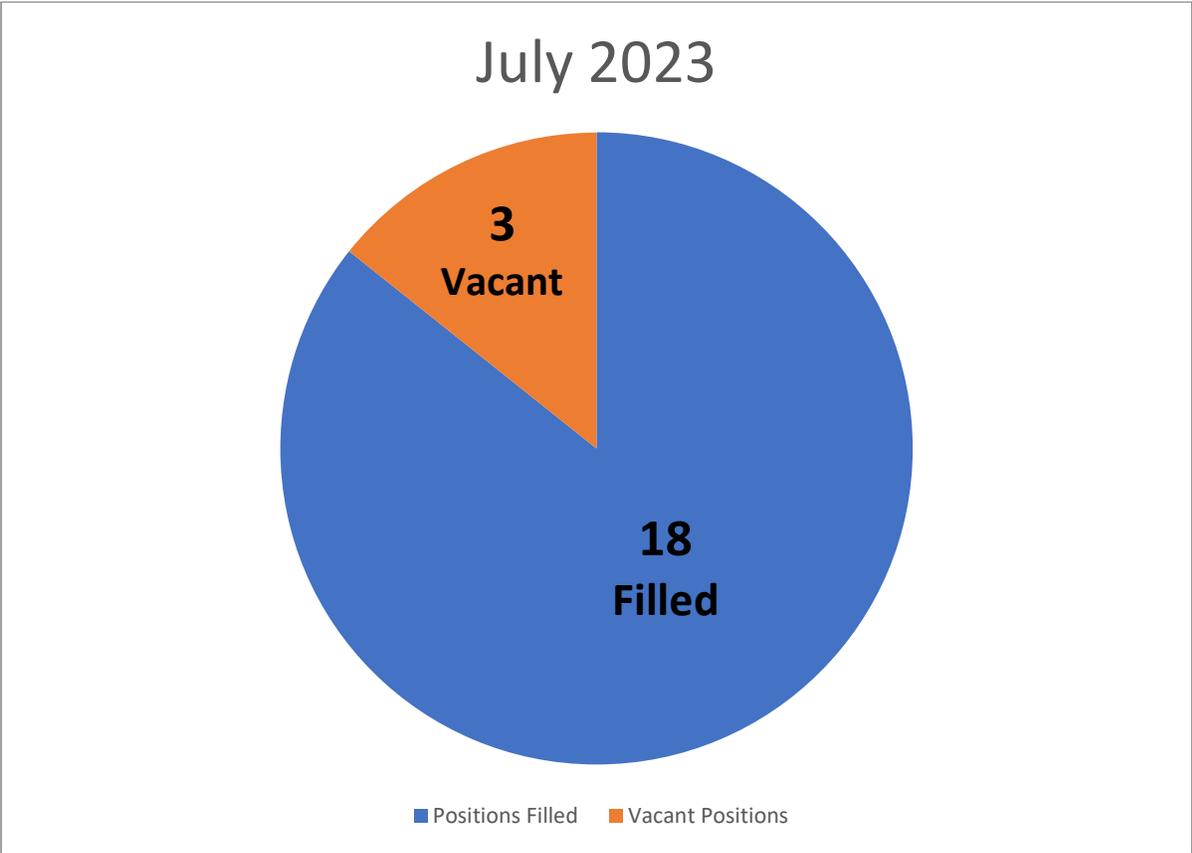
STAFF

REPORTS

FISCAL DIVISION DASHBOARD



Staffing



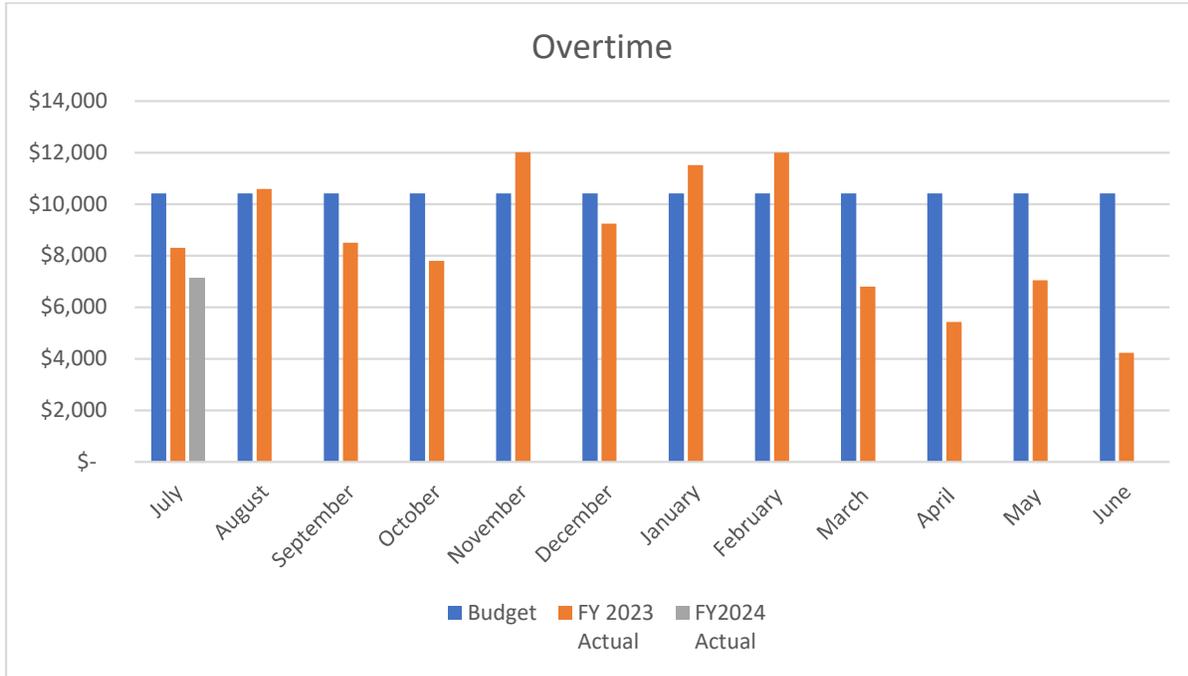
Dashboard information listed above is provided as of July 2023; however, the following is being provided as of August 9, 2023:

- Position 2447. Customer Service Representative I. Start date August 1st.
- Position 2448. Accountant II. Target start date initially August 16th; however, we now anticipate a start date of September 1st.
- Position 2463. Account Clerk. Recruitment is on hold, pending assessment of current needs.

FISCAL DIVISION DASHBOARD



Overtime

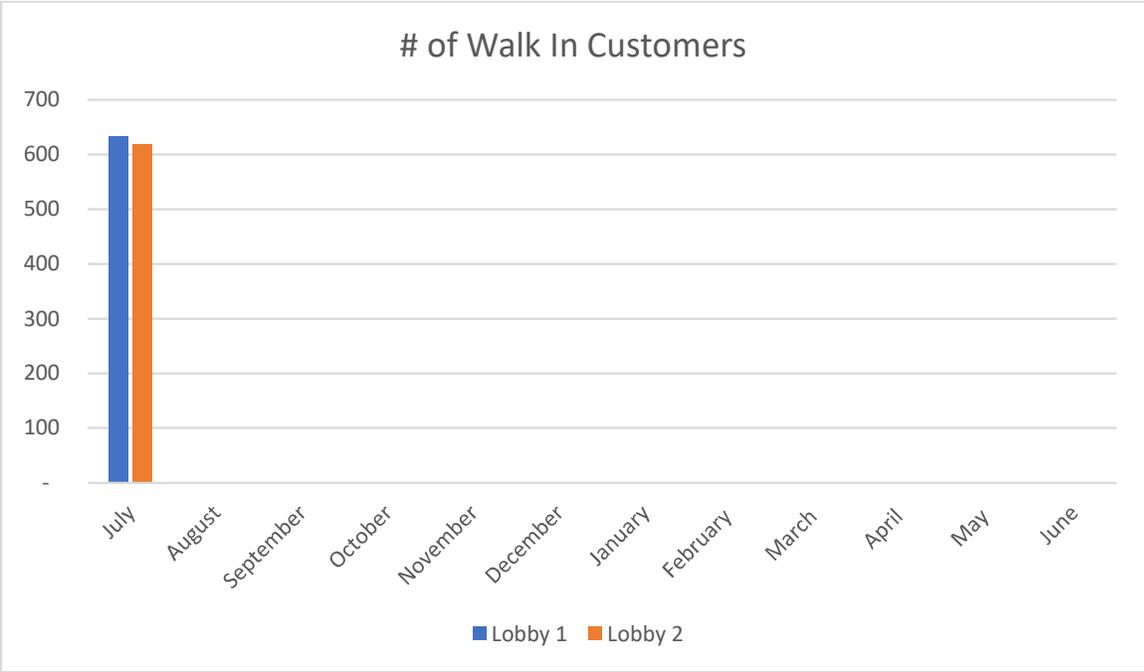


Note: July 2023 includes amounts posted from July 1st through July 15th (pay date July 30th) and “pending” transactions from July 16th through July 31st. Once HR Payroll reconciles and processes the payroll closing batches, the Central Accounting Division will post the payroll transactions to the general ledger.

FISCAL DIVISION DASHBOARD

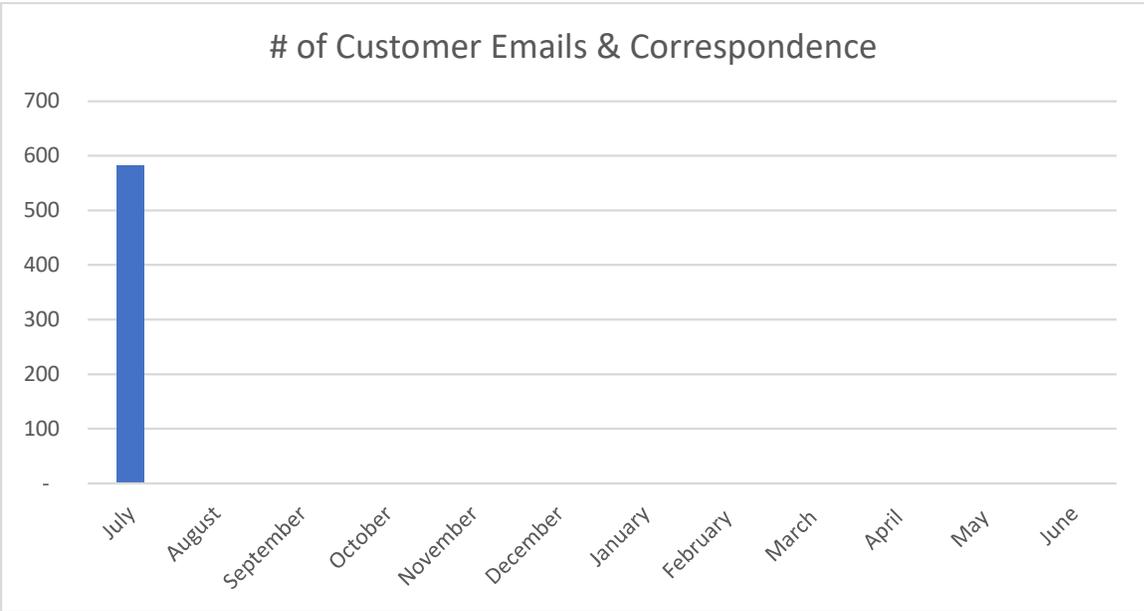


Walk-In Customers



Note: Billing Section currently operates two (2) payment windows, Lobby 1 and Lobby 2. There are a total of 19 meter reading routes island-wide with varying billing cycles. Starting August 2023, the Billing Section will add the number of phone calls received as part of their Dashboard.

Customer Emails & Correspondence



Department Of Water Budget Report for July 2023

	July 2023			Fiscal Year 2024			
	Budget	Actual	Variance	Year to Date Budget	Year to Date Actual	Variance	Variance %
Operating Revenue *	\$ 2,777,499.00	\$ 2,450,775.75	\$ (326,723.25)	\$ 2,777,499.00	\$ 2,450,775.75	\$ (326,723.25)	(12.%)
Expenses							
Labor	\$ 1,075,032.00	\$ 1,173,797.92	\$ (98,765.92)	\$ 1,075,032.00	\$ 1,173,797.92	\$ (98,765.92)	(9.%)
Services	828,127.00	258,931.03	569,195.97	828,127.00	258,931.03	569,195.97	69.%
Utilities & Materials	647,822.00	437,027.70	210,794.30	647,822.00	437,027.70	210,794.30	33.%
Debt Service Principal & Interest	4,790,739.00	4,962,454.50	(171,715.50)	4,790,739.00	4,962,454.50	(171,715.50)	(4.%)
Operating Expenses	\$ 7,341,720.00	\$ 6,832,211.15	\$ 509,508.85	\$ 7,341,720.00	\$ 6,832,211.15	\$ 509,508.85	7%
Net Operating Income (Loss)	\$ (4,564,221.00)	\$ (4,381,435.40)	\$ 182,785.60	\$ (4,564,221.00)	\$ (4,381,435.40)	\$ 182,785.60	4.%

Capital Projects and Purchases*

	Fiscal Year Budget	July 2023 actual	Fiscal Year to Date Actual	Remaining Budget
Water Utility Funded Projects				
Ops Capital Purchases	1,020,991.00	13,475.30	13,475.30	1,007,515.70
	\$ 1,020,991.00	\$ 13,475.30	\$ 13,475.30	\$ 1,007,515.70

* Capital projects and capital purchases with no activity in the 2024 fiscal year are not presented.

Selected Divisions

	July 2023			Fiscal Year 2024			
	Budget	Actual	Variance	Year to Date Budget	Year to Date Actual	Variance	Variance %
Engineering	\$ 454,613.00	\$ 220,687.66	\$ 233,925.34	\$ 454,613.00	\$ 220,687.66	\$ 233,925.34	51.%
Fiscal	222,259.00	169,199.75	53,059.25	222,259.00	169,199.75	53,059.25	24.%
Operations	1,257,036.00	1,057,584.82	199,451.18	1,257,036.00	1,057,584.82	199,451.18	16.%
	\$ 1,933,908.00	\$ 1,447,472.23	\$ 486,435.77	\$ 1,933,908.00	\$ 1,447,472.23	\$ 486,435.77	25%

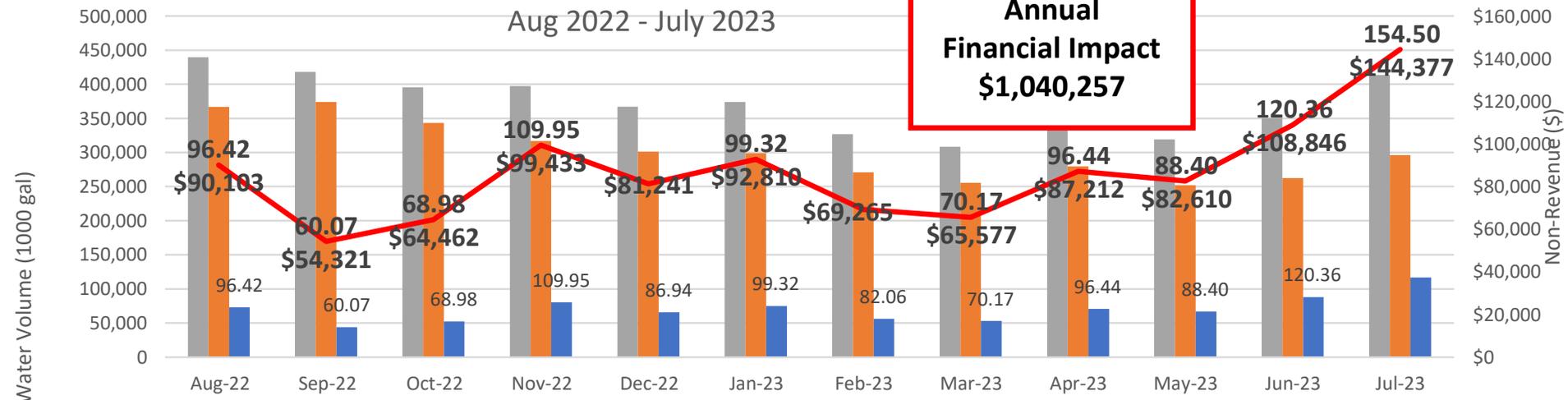


OPERATIONS DASHBOARD

Ops Highlights:

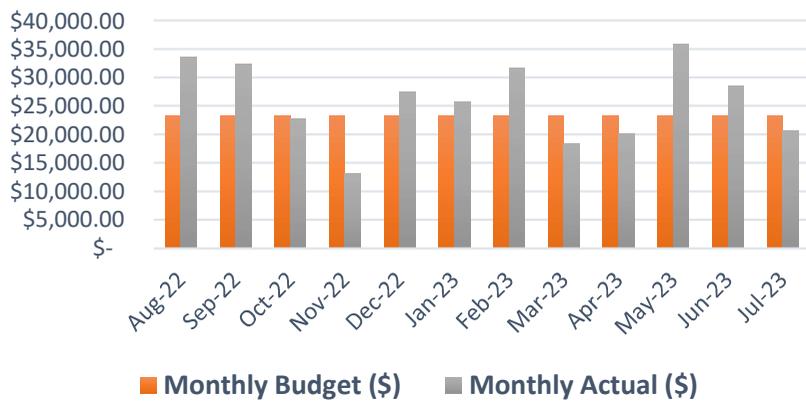
1. Continuing recruitment for Pipefitter Helper and Plant Electrician Helper.
2. Interviews scheduled for Meter Mechanic.
3. Recruiting for Lead Electronics Tradesperson and Electronics Tradesperson.
4. Water Service Investigators providing valuable leak location to crews, located 5 of 22 potential leaks for repair.

Monthly Water Audit
Aug 2022 - July 2023

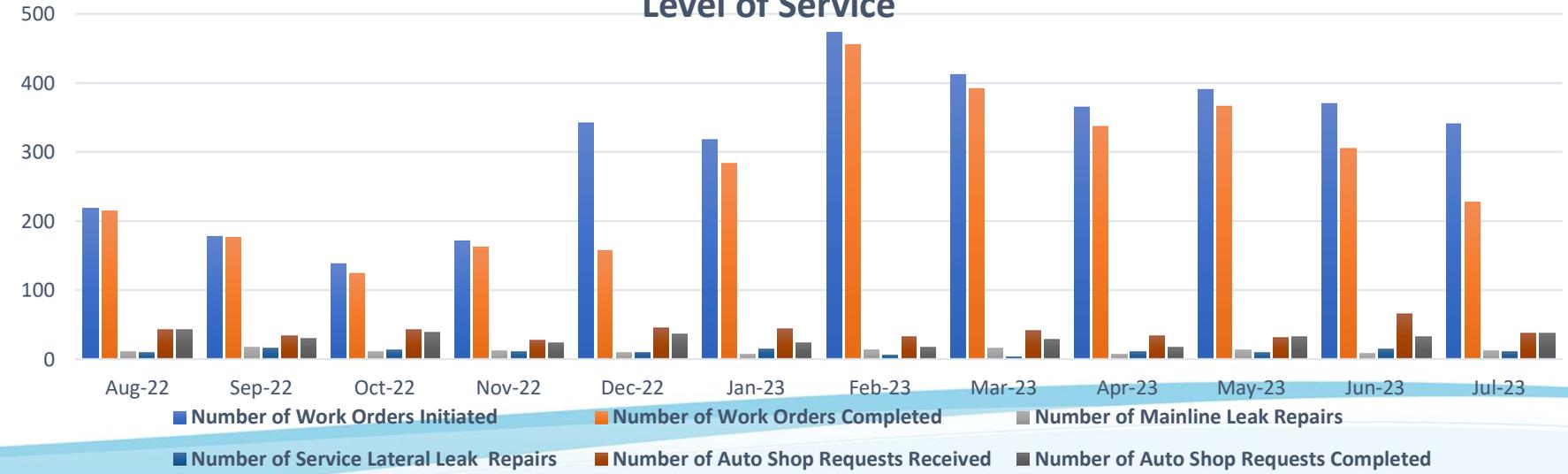


	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23
Produced (Kgals)	439,498	418,076	395,404	397,481	367,005	374,035	326,932	308,539	350,219	319,002	350,766	413,260
Customer Read (Kgals)	366,506	374,070	343,184	316,931	301,192	298,850	270,820	255,415	279,569	252,080	262,590	296,300
Non-Rev Water (Kgals)	72,992	44,006	52,220	80,550	65,813	75,185	56,112	53,124	70,650	66,922	88,176	116,960
Financial Impact	\$90,103	\$54,321	\$64,462	\$99,433	\$81,241	\$92,810	\$69,265	\$65,577	\$87,212	\$82,610	\$108,846	\$144,377

Overtime



Level of Service



OPERATIONS

	June-23		July-23		Previous FY Year to Date		Current FY Year to Date	
STAFFING								
Budgeted Staff Vacancies	50	7	50	7	50	7	50	7
OVERTIME								
Budget (\$) Actual (\$)	\$23,283.33	\$28,471.37	\$23,283.33	\$20,747.65	\$279,400.00	\$312,083.38	\$23,283.33	\$20,747.65
FLEET MANAGEMENT								
# of Vehicles Active per day	44		40		42		40	
# of Vehicles Active per month	44		40		42		40	
METER PROGRAM								
# of Existing Meters Replaced	0		1		36		1	
# of Existing Meters Repaired	160		131		1568		131	
# of New Meters Installed	2		9		103		9	
# of New Laterals Installed	2		3		33		3	

OPERATIONS

LEVEL OF SERVICES

	Last		Current		Previous		Current	
	Month	Month	Month	Month	FY YTD	FY YTD	FY YTD	FY YTD
# of Work Orders Initiated	370		341		3553		341	
# of Work Orders Completed	305		228		3147		228	
# of Mainline Leak Repairs	8		12		129		12	
# of Service Lateral Leak Repairs	15		11		126		11	
# of Calls for Service	192		185		2159		185	
# of Temporary Hydrant Meters Installed	2		4		25		4	
# One Call Request Received Completed	49	33	84	84	376	360	84	84
# of Auto Shop Requests Received Completed	66	32	38	38	496	374	38	38
# of Hydrant Hits	4		3		23		3	

WATER AUDIT

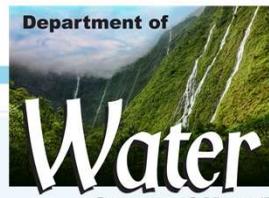
	Last	Current Month	Previous	Current
	Month		FY YTD	FY YTD
Water Produced (Million Gallons)	350.766	413.260	4472.555	413.260
Customer Meter Reading (Million Gallons)	262.590	296.300	3694.889	296.300
Non-Revenue Water (Million Gallons)	88.176	116.960	777.666	116.960
Water Loss %	25%	28%	17%	28%
Water Loss \$	\$108,846.22	\$144,377.37	\$959,966.46	\$144,377.37

ENGINEERING DASHBOARD

	Last Month		Current Month		Previous FY Year to Date		Current FY Year to Date	
STAFFING								
Budgeted Staff Vacancies	23	6	23	6	22	7	23	6
OVERTIME								
Budget (\$) Actual (\$)	\$4,900	\$9,400	\$4,900	\$13,500	\$4,900	\$4,800	\$4,900	\$13,500

- CIP Project Highlights:
- Kapa‘a 325’ Tanks – Two 0.5 MG Tanks
 - Bid opens, August 24
 - Kalāheo Water System Improvements
 - Site work started at Yamada Tank site
 - Weke, Anae, Mahimahi and Hee Roads 6” and 8” Main Replacement
 - DOW final review on design documents before final agency review
 - Puupilo 0.125 MG Steel Tank Rehabilitation
 - Site work performed on July 31

	Last Month		Current Month		Previous FY Year to Date		Current FY Year to Date	
PROJECT MANAGEMENT								
DOW Projects In Design In Construction	21	5	28	5			28	5
Private Projects Design Approved In Construction	64	25	70	27			70	27
Private Projects Construction Completed	10		17				17	

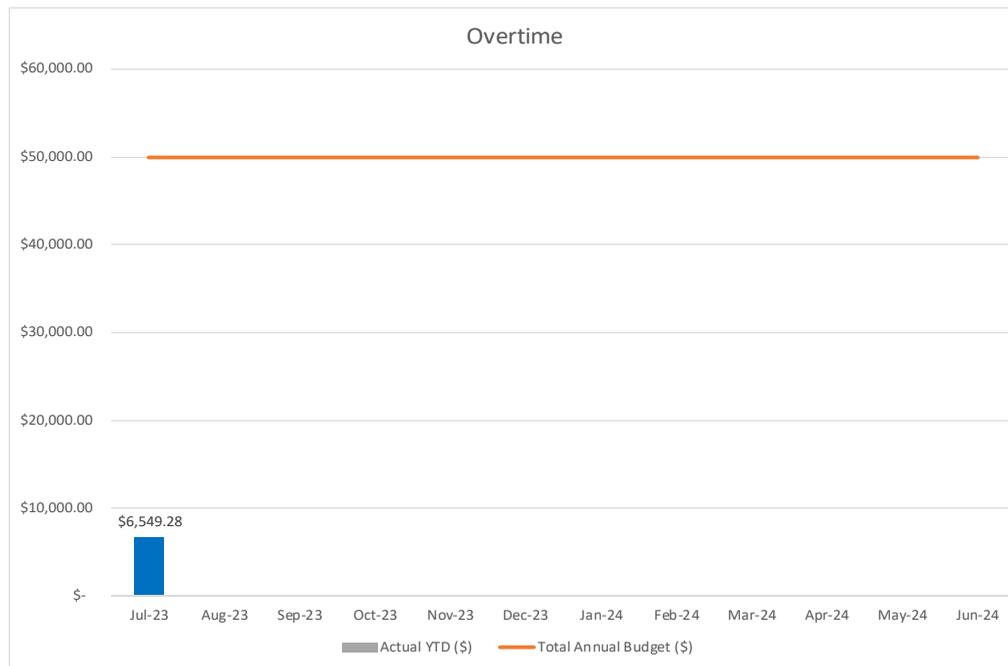
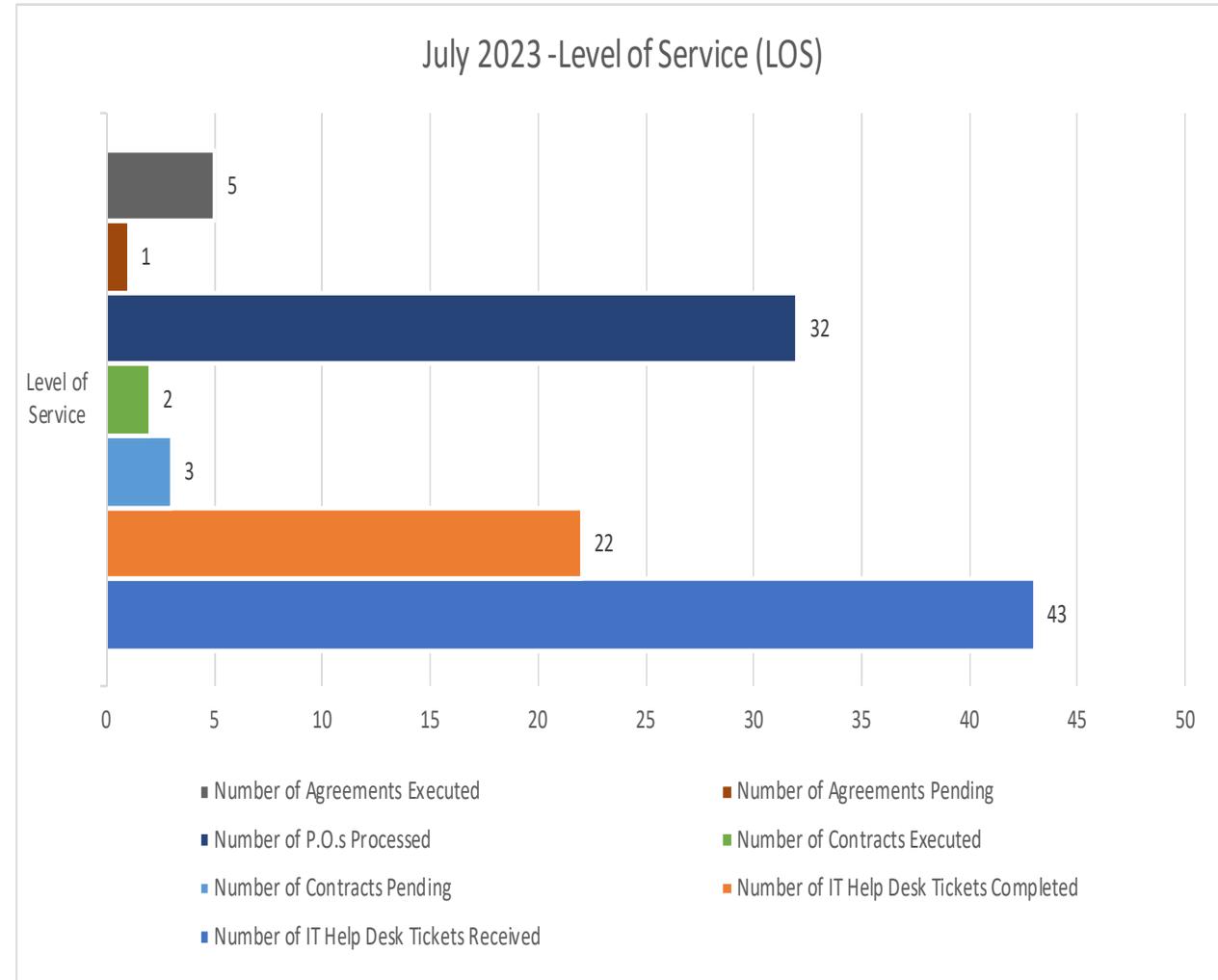
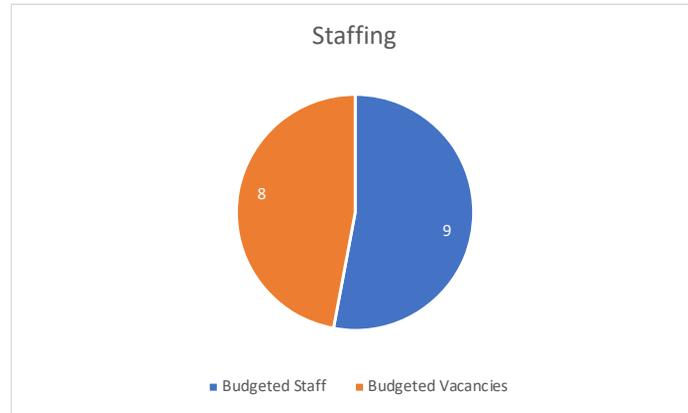


ENGINEERING DASHBOARD

	Last Month		Current Month		Previous FY Year to Date	Current FY Year to Date		
WATER RESOURCES AND PLANNING								
Number of Customer Requests Received Completed								
Subdivision Applications, Zoning, Land Use and Variance Permits	8	4	4	2	6	4	2	
ADU/ARU Clearance Applications	4	2	2	5	3	2	5	
Building Permits	115	95	162	138	149	162	138	
Water Service Requests	36	11	22	11	14	22	11	
Government Records Request	1	0	0	2		0	2	
Backflow Inspection # of Devices Tested	75		88		60	88		

- DOW Project Highlights:
- KWUDP Update
 - Public meetings being held in August
 - Water System Improvements Plan (WSIP)
 - Stakeholder interviews in August
 - Lead and Copper Rule Revisions (LCRR) Update
 - Completed regulatory roadmap task
 - Gap analysis and work process evaluation task being performed
 - Material inventory being performed

ADMINISTRATION DASHBOARD



ADMINISTRATION

	Jun-23		Jul-23		Previous FY YTD		Current FY YTD	
STAFFING								
Budgeted Staff vs Vacancies (Admin-HR-IT-PR)	9	8	9	8			9	8
OVERTIME								
Budget (\$) vs Actual (\$)	\$ 4,166.67	\$ 6,128.00	\$ 4,166.67	\$ 6,549.28			\$ 4,166.67	\$ 6,549.28

	Jun-23		Jul-23		Previous FY YTD		Current FY YTD	
LEVEL OF SERVICES								
# of IT Help Desk Tickets Received Completed	53	30	43	22			330	230
# of Legal Claims Outstanding Resolved	1	1						
# of Contracts Pending Executed	3	6	3	2			3	2
# of Purchase Orders Processed	33		32				32	
# of Agreements Pending Executed	3	4	1	5			1	5
# of MOU MOA Pending	0	0	0	0			0	0
# of MOU MOA Executed	1	0	0	0			0	0
# of Customer Remarks	1		0				0	
# of Customer Compliments	1		0				0	

Notes: DOW Dashboard data tracking started November 2022 & Legal claims are reported quarterly



DEPARTMENT OF WATER

County of Kaua'i

"Water has no Substitute – Conserve it!"

INFORMATION & EDUCATION SPECIALIST REPORT

August 17, 2023

Public Notices and Announcements

All news releases are sent to statewide media partners, published on the Department of Water's (DOW) Facebook page and the County of Kaua'i's website at www.kauai.gov/press-releases. Notices labeled as a Public Service Announcement (PSA) are shared directly with local newspaper and radio stations and posted on the Department's Facebook page. Additionally, all roadwork notices are emailed to the Department of Transportation's (DOT) communications office.

Service Announcements

<i>Date Issued</i>	<i>Water System & Affected Service Areas</i>	<i>Announcement</i>	<i>Effective Date & Times</i>	<i>Other Notices</i>
07-18-2023	KAPA'A – portion of Kuamo'o Road, including Aleo Street, Kuhoho Street, Pa'ako Street, Lihau Street, Iliki Street, Hie Street, Alahele Street and Molo Street	Emergency water service shutdown and partial lane closure	July 18 beginning at 10:30 a.m., until further notice	Kaua'i County Alerts
07-18-2023 <i>PSA</i>	<i>Same as above</i>	Water service restored in Kapa'a	Water service restored approximately 12 p.m.	
07-27-2023	n/a	Public meetings scheduled for Kaua'i Water Use and Development Plan update	August 10- 31, 2023 <i>Select dates and locations</i>	Garden Island Newspaper ad

Other Media:

- A media inquiry from Civil Beat Reporter, Brittany Lyte led to an on-site interview with Manager and Chief Engineer regarding the department's recent presentation at the County Council meeting on June 27, 2023. The Civil Beat article entitled "A 'complete rebuild' is underway for Kauai's hobbled water utility" was published on July 18, 2023, online at www.civilbeat.org (*Attached*).

Public Relations Programs

Community Outreach & Education

- The Department distributed 200 water storage jugs at the County of Kaua'i's Sunshine Market in Kapa'a. The distribution and promotion of collapsible water storage jugs is part of the department's water emergency awareness and informational campaign being held during Hawaii's hurricane season, June – Nov.

Advertising & Communications

- The Department's "Wise Water Wednesday" advertising awareness campaign for the month of August includes public notice for the Kaua'i Water Use and Development Plan update meetings and a recruitment advertisement for employment opportunities. The weekly media campaign is posted on the Department's Facebook page, aired on local radio stations and published in the Garden Island Newspaper's local section.

Upcoming Community Outreach & Educational Events

- Kaua'i Water Use and Development Plan Public Meetings – August 10-31, 2023
- Make a Splash with Project WET Festival – September 15, 2023
- Water station at Ohana Fit Festival – September 30, 2023

Project WET (Water Education Today) Hawaii

- The annual Project WET USA coordinator's conference is being held in Cleveland, Ohio on Aug. 7-9, 2023. There will be no representation from Project WET Hawai'i this year due to shortage in staff and schedule conflict.
- The Make a Splash with Project WET festival coordination is underway. The Department of Education recently announced that the East complex schools will be closed on festival day. Due to scheduling and availability of event venue, vendors and volunteer groups, the department has confirmed that the festival will continue as planned on Sept. 15. Jonell Kaohelaui'i will work with Kapa'a, Kīlauea and Hanalei elementary schools to host a mini Make a Splash experience later in the school year. There are currently 527 students registered for the festival this year.

Attachments: *Garden Island* (Blessing held for Kalāheo water project)
 CivilBeat (A 'complete rebuild' is underway for Kaua'i's hobbled water utility)
 KauaiNowNews (County of Kaua'i: How to stay prepared, informed for Tropical Storm Calvin)

Blessing held for Kalaheo water projects

THE GARDEN ISLAND

KALAHEO — The county Department of Water and contractor Hawaiian Dredging Construction Company, Inc., held a blessing to commence the Kalaheo Water Systems Improvements Project late last month.

Kahu Jade Wai'ale-Batad performed the blessing.

"This has been a long-awaited project for the Kalaheo water system, and I am grateful to our staff, contractor and consultants for their commitment and hard work thus far," said Joe Tait, DOW manager and chief engineer.

"At the Department of Water, we are continuously focused on improving service reliability in areas of high demand for fire flow protection and in support of affordable housing."

Funding for the \$21.8 million Kalaheo Water Systems Improvements Project was provided by the state Legislature (\$10.2 million), the state Department of Health Drinking Water State Revolving



COURTESY OF THE COUNTY OF KAUAI

County Department of Water staff with Mayor Derek S.K. Kawakami, sixth from left, and DOW Manager and Chief Engineer Joe Tait, sixth from right, stand in front of the more than 11,000 feet of 8-inch pipeline that will be installed as part of the Kalaheo Water Systems Improvements Project, during the blessing ceremony in Kalaheo late last month.

Fund Grant (\$5.2 million) and Drinking Water State Revolving Fund loan (\$7.4 million).

"We would like to thank Senate President Ron Kouichi and the House of Representatives, and the Department of Health Safe Drinking Water Branch for their assistance with the funding and support

of this crucial project," said Tait.

"The grant and financing will allow us to leverage greater investments island wide so that our current customers and future generations alike will continue to enjoy safe, reliable water service."

The Kalaheo Water System Improvements Project is the largest project in the DOW's history, and is part of a comprehensive, long-range plan that identifies and addresses the need to upgrade aging infrastructure and conduct water system improvements island wide.

The project will be conducted in three phases along a portion of Pu'uwai and Po'ohiwi roads and a portion of Kikala Road. Work will include the replacement of two storage tanks, approximately 11,500 linear feet of water line, upgrades to water meter service con-

nections, fire protection facilities and appurtenances and paving work. The project is estimated to be completed in 2025.

Engineering and construction management services are being provided by Bowers + Kubota Consulting, Inc.

DOW will communicate directly to customers in the service area about planned short-term service interruptions and traffic control implementation for the duration of the project.

Notices will be sent via Kauai County Alerts and will be posted on the DOW's Facebook page at facebook.com/KauaiDOW. Customers are encouraged to sign up to receive Kauai County Alerts via Wireless Emergency Notification Service by phone, email or text at kual.gov/, KEMA or by calling 808-245-5455. Other forms of service announcements are issued via news release, by mail or door-to-door notices.

Info: Department of Water, 808-245-5461

Kauai

A ‘Complete Rebuild’ Is Underway For Kauai’s Hobbled Water Utility

The county water department has fallen woefully behind while shuffling through six managers in eight years.



By Brittany Lyte    / July 18, 2023
🕒 Reading time: 8 minutes.



Kauai is decades behind on replacing untold miles of century-old pipes responsible for delivering drinking water to faucets.



KAUAI

The county water agency has never adopted a program to systematically upgrade its aging infrastructure. Instead, crews wait for a valve to break or a pipe to burst and then rush out to fix it.

Staff and funding shortages have long roiled the Garden Isle’s water system, putting the agency in charge of it woefully behind on achieving its goals.

The agency’s 2020 water plan, a seminal document published in 2001 that maps out dire infrastructure fixes, is still 60% unfinished. It’s now so out of date that Kauai Water Department manager Joseph Tait, who took the agency’s helm in November 2021, has thrown it out in favor of starting over.

“We have identified about \$300 million worth of infrastructure needs,” said Tait, who guides an agency with a \$32 million budget primarily funded by water sales.

“For an island this size, that might as well be \$300 billion,” he said “We just don’t have the population and the water revenue to do all of that. Even if we had the money, we don’t have the staff to do the work.”

-continued-



Kauai Department of Water manager Joe Tait says even if his office had the money to fix aging infrastructure, it doesn't have the staff. (Brittany Lyte/Civil Beat/2023)

The water utility's poor performance — and its ability to now turn itself around — is vital to what is perhaps the island's most far-reaching problem: An acute shortage of affordable housing that's forcing residents to leave the island for better housing prospects and higher wages.

The exodus is blatant at banks, schools, restaurants, hotels and doctor's offices that are grappling with staffing shortages.

There are many challenges holding up affordable housing development. One of them is the inability to deliver drinking water to certain parts of the island due to a lack of infrastructure. Although the agency has connected water service to four new affordable housing developments in the last two years, there are plenty of other planned developments that await a plan for water delivery.

Yet as Tait works to expand the system, he faces a number of stumbling blocks.

The stretched-thin water department has cycled through six managers in eight years. An absence of steady leadership has prompted the agency's four division heads to work in silos with little attention paid to the bigger picture.

-continued-

But Tait said he does not plan on going anywhere. The former executive vice president of the Metropolitan Water District of Southern California — the nation’s largest supplier of treated water — said he’s accustomed to overhauling underperforming programs and divisions. Over a 30-year career, he’s managed water programs from Anchorage to Honolulu.

“This is a complete rebuild and I knew that walking in,” Tait said. “It’s like when a sports team gets a new coach and starts changing players.”

At a recent Kauai County Council meeting, Tait detailed the challenges facing the beleaguered department, prompting Council Chairman Mel Rapozo to call on Gov. Josh Green to invest more money in the state’s water systems.

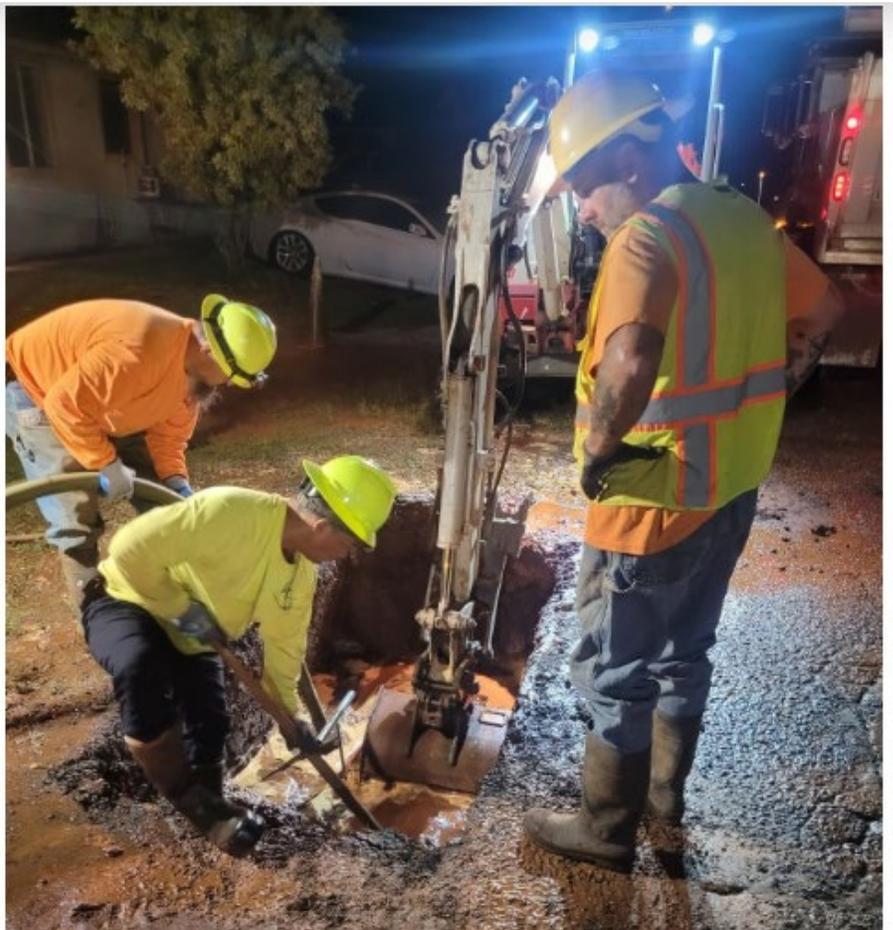
“We hear the cliches all the time, ‘water is the piko,’ ‘water is life,’ ‘without water, we have nothing,’ and it’s true,” Rapozo said. “You just don’t have the resources, you don’t have the time, you don’t have the money. You physically cannot get it done.”

But Tait is adamant that he’s making progress. Since he took over the agency’s top job less than two years ago, he said he’s cleaned up personnel issues and installed all new managers. Now his sights are set on filling job vacancies and seeking federal dollars to fund the island’s major infrastructure needs.

The agency, which has never had a grant writer, has not tried to rope in federal funding, according to Tait. But going after federal grants is his bread and butter. And he said he believes it’s the only way for the agency to meet Mayor Derek Kawakami’s aggressive affordable housing goals.

“The mayor made it really clear to me when I got here that our number one objective is affordable housing,” Tait said.

“Now, affordable housing



Water Department workers inspect and repair a damaged pipe that provides water to homes and businesses from the water main. (Courtesy: Kauai Department of Water/2023)

-continued-

requires water. And we don't have water on parts of the island where we need to grow affordable housing. To get the water where we need it, it's going to cost a significant amount of money."

Kawakami said in a statement that he trusts Tait, as he overhauls the department, to keep the island's best interests at heart.

"Water is essential to the success of our housing initiatives and we will continue to work together with the department to find solutions that benefit our community and the future of our island," Kawakami said.

The agency is about eight months away from publishing its first-ever water system investment plan. It will include a full assessment of the current state of the water system and an account of the work that needs to be done to bring the system up to par to meet the island's needs.

The plan will also include an expert opinion on how much the county should raise water rates.

The rates have remained flat for the last 10 years. But the department is poised to request a rate increase in the next year or two, Tait said.

Ratepayers can't be asked to cover all the expenses associated with infrastructure expansion and improvement, Tait said. That's why he's counting on securing "a tremendous amount of money" from federal grants in the coming years.

"I do not believe that the water department can be successful in replacing outdated infrastructure without it," Tait said.

Meanwhile, staff can't keep up with a mounting workload. The department is hiring and, in the past two months, has increased its payroll by 15%, up to 92 employees. Nearly a quarter of the agency's 119 positions remain vacant.

Notably, the agency's engineering division has only one engineer. It needs at least five to properly function, Tait said.

The biggest challenge to recruitment is low pay coupled with the island's high cost of living.

The salary for the water department's top civil engineer is \$86,000, whereas the same job on Oahu pays roughly \$125,000, according to Tait. The starting salary for an engineer is \$51,000.

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Jim Edmonds, founder of the nonprofit affordable housing developer [PAL Kauai](#), said staffing shortages at the water department have historically drawn out the already lengthy process of permitting new developments. The group worked with the department in October 2021 to secure approvals for 11 water meters on a 1.8-acre Kilauea property that it purchased for \$1.1 million.

The property, where PAL Kauai plans to develop 11 affordable housing units, previously did not have access to the county drinking water system.

“The Department of Water has been so difficult to deal with for so long, and Joe is making noticeable improvements,” Edmonds said. “But in order to make changes, he’s having to bring people in from the mainland to fill jobs. And when you bring people in from the mainland, they’re new to our systems and they’re new to how things get done here. They also need housing that they can afford.”

As the department struggles to fill vacancies, Tait said he’s petitioning the county to raise pay. The Kauai water manager is also tapping into new relationships with other neighbor island water department heads, hoping to find a way that the agencies can work together to solve the problem of low wages leading employees to quit.

Tait also wants to start an apprenticeship and internship program to get a head start on recruiting and training Kauai’s next generation of water managers.

“I get depressed when I hear that folks’ kids all have to go to the mainland for college,” Tait said. “If I can start up an apprenticeship program and an internship program, then those kids can grow up with STEM programs that we’ve never had here. And that means they can get the training they need right here to get professional jobs.”

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Kauai News

County of Kaua‘i: How to stay prepared, informed for Tropical Storm Calvin

July 17, 2023 · 10:22 AM HST



As Tropical Storm Calvin continues its track toward the Hawaiian Islands, County of Kaua‘i officials say now is the time for residents and visitors to make sure they are prepared and know how to stay informed.

“While it’s still too early to know what impacts Calvin will have here on Kaua‘i, now is the time to start preparing,” Kaua‘i Mayor Derek S.K. Kawakami said in a news release. “Weather forecasts are very helpful, but can change quickly. It’s important to remain vigilant and informed on updates as they develop.”

According to the National Weather Service, Tropical Storm Calvin is expected to enter the central Pacific basin late Sunday night and weaken as it approaches the state on Tuesday into early Wednesday. Kaua‘i County could feel effects of the storm by Wednesday afternoon, but forecast uncertainty remains high at this time.

Officials recommend that residents and visitors take the following precautions when preparing for a weather emergency:

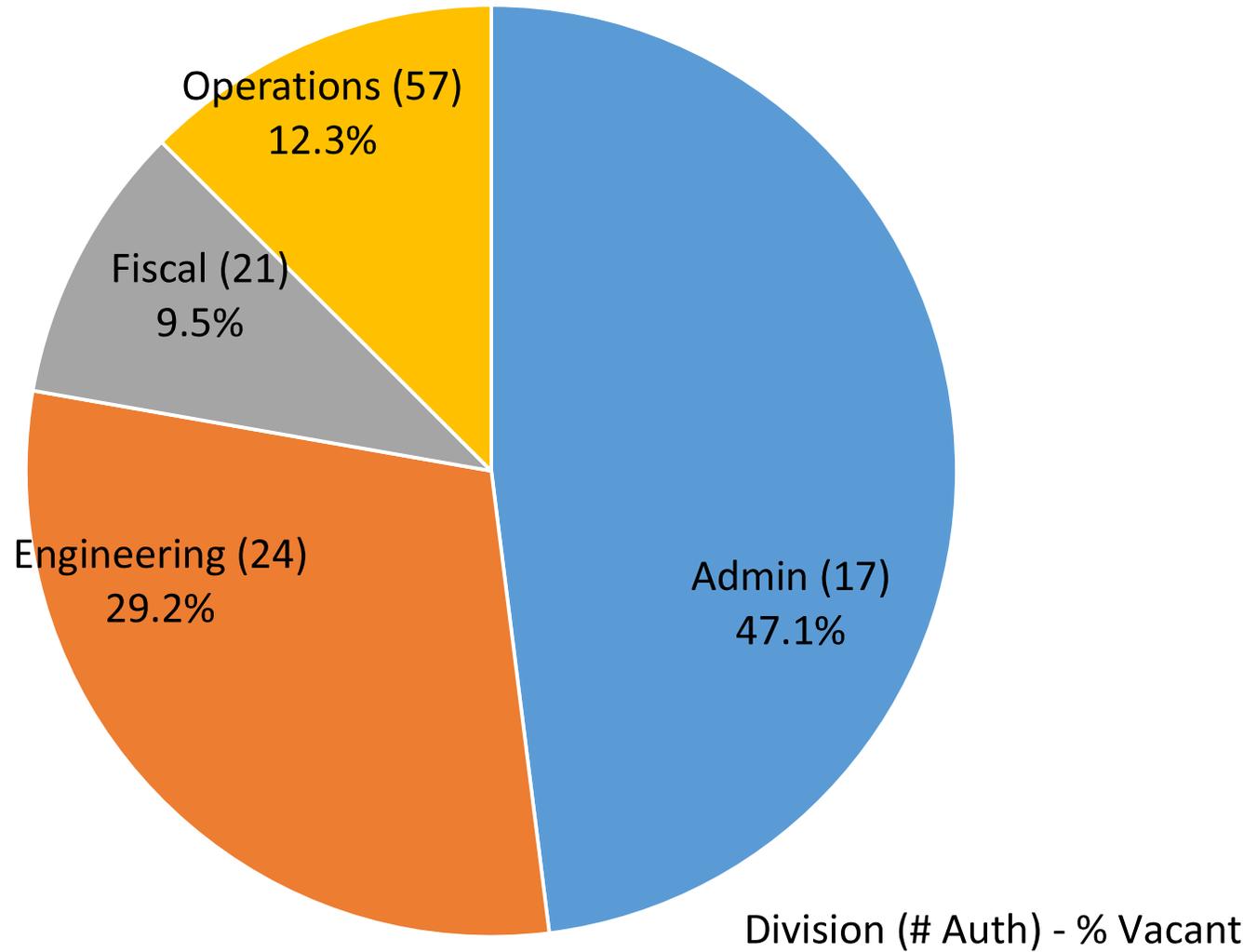
- **Emergency Preparedness Kits** – Emergency preparedness kits should contain at least a 14-day supply of food and water (to include non-perishable food and one gallon of water per person per day). Kits should also include a battery powered radio, flashlight, an extra supply of prescription medicines and other items specific to individual and family needs. It is also recommended that face coverings and hand sanitizer also be included in your kits. Set aside an emergency supply of any needed medication and keep a copy of your prescriptions in case you run out of medication after a disaster.

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- **Check Your Property** – Walk your property, checking for small outdoor items that could be picked up by high winds, and check for potential flood threats. If time and conditions permit, clear your gutters and other drainage systems.
- **Make an Action Plan** – Discuss with family members what you plan to do if a hurricane or tropical storm threatens. Make an action plan, which should include details such as whether your family will shelter in place or evacuate to a shelter. There are no plans to open shelters at this time; however, the county will work with the American Red Cross to open shelters on an as-needed basis and will announce a list of open shelters if or when they become available.
- **Outdoor activities** – Visitors and residents are urged to check conditions before venturing out for any hiking, river or beach excursions. Do not cross swollen rivers or streams, and always check with a lifeguard at any lifeguard station before entering the ocean. Know before you go. For up-to-date information about Kaua'i ocean conditions and ocean safety, please speak to a county lifeguard, visit www.hawaiibeachsafety.com, or call the Ocean Safety Bureau at 808-241-4984.
- **Kaua'i Island Utility Cooperative** – Please visit <http://website.kiuc.coop/> to learn more about how to prepare for a power outage.
- **Kekaha landfill and refuse transfer stations** – The Kekaha landfill and county refuse transfer stations may close due to severe and inclement weather. For more information, visit kauai.gov/solidwaste or call 808-241-4841.
- **Kaua'i Department of Water** – Severe weather storms can cause damage to water systems, disrupt electrical power to DOW pumps and equipment, block road access to water sources, and may impact water quality. Customers should prepare for emergency water service disruptions by having the recommended water storage supply readily available for essential uses. For more water emergency preparedness tips, please visit www.kauaiwater.org.
- **Stay Tuned** – Continue to stay tuned to local media broadcast channels for the most up-to-date information. The following provides a list of important resources on emergency preparedness.
 - Kaua'i Emergency Management Agency – kauai.gov/kema
 - National Weather Service – weather.gov/hfo, or automated weather line at 808-245-6001
- To sign up for **Wireless Emergency Notification System (WENS)**, the county's emergency notification service, please go to the county's website, www.kauai.gov and click on "Emergency Notifications." You may also call the Kaua'i Emergency Management Agency at 808-241-1800.

###

% Vacancy Within Each Division Level



PLACEHOLDER

STAFF REPORTS

4. (d) Information Technology – Monthly update

DEPARTMENT OF WATER

County of Kaua'i

"Water has no substitute – Conserve It!"

MANAGER'S UPDATE

August 17, 2023

Pursuant to Board Policy No. 3

CONTRACTS AWARDED, EXTENDED, AND/OR AMENDED

**1. SEVENTH AMENDMENT TO CONTRACT NO. 440, KODANI & ASSOCIATES ENGINEERS, LLC
JOB NO. 02-06, WP2020 #WKK-15, KĪLAUEA 1.0 MG STORAGE TANK, KĪLAUEA, KAUA'I, HAWAII**

RECOMMENDATION:

It is recommended that the Manager approve the Seventh Amendment to Contract No. 440 with Kodani & Associates Engineers, LLC for additional environmental, permitting, design and construction phase services for the above referenced project.

FUNDING:

Account No.	10-20-10-540-010		
Acct Description	WU/Eng/Admin/Professional Services (Technical Design and Specialty Technical Engineering Services)		
Funds Available	<i>Verified by WWC</i>		\$1,000,000.00
Contract No.	440		
Vendor	Kodani & Associates Engineers, LLC		
	Contract Amount	\$12,700.00	
	5% Contingency	\$3,800.00	
	First Amendment	\$78,099.80	
	Second Amendment	\$192,200.00	
	Third Amendment	\$6,200.00	
	Fourth Amendment	\$53,424.00	
	Fifth Amendment	\$25,260.00	
	Sixth Amendment	\$180,000.00	
	Total Funds Certified To Date	\$551,683.80	
Seventh Amendment:			
	Additional environmental, permitting, design and construction phase services	\$223,409.71	
	Total Amendment	\$223,409.71	<\$223,409.71>
	Contract Amount To Date	\$771,293.51	
	Fund Balance		\$776,590.29

BACKGROUND:

Contract NTP Date: December 13, 2004
 Original Contract End Date: May 12, 2005
 New Contract End Date: 730 calendar days after Notice To Proceed for Seventh Amendment

The Kīlauea-Waipake-Kalihiwai water system is supplied by two well sources; one production well and one standby well, as required by the Water System Standards, located on the mauka side of Kūhi'ō Highway in Kīlauea. These wells provide supply to two (2) 0.25 MG storage tanks at the same location, three (3) 0.10 MG storage tanks at Waipake, Puu Pane and Kalihiwai, respectively. Water distribution from the Kīlauea wells and storage tank site is provided through a single transmission main before splitting off to provide service through a water distribution network to the three 0.10 MG storage tanks.

Due to the storage deficiency during the fire flow and maximum day demand conditions, the Kīlauea 466' Tank project had been slated for execution during the first phase of the capital infrastructure improvement implementation as no other storage in the area has been developed. The need remains today.

The Department is currently limiting water service to lots in the area until additional storage facilities (and additional source facilities) are provided. The DOW is proposing to construct a new 1.0 MG storage tank on the same site as an existing 0.1 MG storage tank. The 0.1 MG tank will be demolished and replaced with the new 1.0 MG storage tank. The addition of the proposed 1.0 MG tank will provide adequate storage facilities for the area.

In order to complete the bid documents and construct the project, the additional environmental, permitting, design and construction phase services are needed.

**2. CHANGE ORDER NO. 3 TO CONTRACT NO. 717 WITH MIDPAC AUTO CENTER, INC.
 GS-2022-01 FURNISH AND DELIVER VARIOUS PICKUP TRUCKS**

RECOMMENDATION:

It is recommended that the Manager approve Change Order No. 3 for contract time extension of 60 calendar days.

FUNDING:

Account No.	10-40-00-605-999		
Acct Description	WU/Ops/Capital Outlay – Expansion/Misc. Capital Purchases		
Funds Available	Verified by WWC		\$N/A
Contract No.	717		
Vendor	Midpac Auto Center, Inc.		
	Contract Amount	\$160,614.00	
	5% Contingency	\$N/A	
	Change Order No. 1	\$0.00	

	Change Order No. 2	<\$1,000.00>	
	Total Funds Certified To Date	\$159,614.00	
Change Order No. 3:			
	Contract Time Extension, 60 calendar days	\$0.00	
	Total Change Order (NO FUNDS REQUESTED)	\$0.00	<\$N/A>
	Contract Amount To Date	\$159,614.00	
	Fund Balance		\$N/A

BACKGROUND:

Contract NTP Date: December 6, 2021
 Original Contract End Date: August 3, 2023
 New Contract End Date: October 2, 2023

This no cost time extension of 60 calendar days is due to delays in manufacturing, which caused delays in the vehicles arriving at the upfitters for processing. The request is reasonable and not within the contractor's capability to control.

**3. FIRST AMENDMENT TO CONTRACT NO. 732
 JOB NO. WKK-03 KĪLAUEA WELLS NO. 1 AND 2 MCC, CHLORINATION
 FACILITIES, KĪLAUEA, KAUA'I, HAWAI'I**

RECOMMENDATION:

It is recommended that the Manager approve the First Amendment to Contract No. 732 with Bowers+Kubota Consulting, Inc. for the subject project. The amendment includes additional funds in the amount of \$25,000.00.

FUNDING:

Account No.	10-20-10-540-010		
Acct Description	WU/Eng/Admin/Professional Services (Project Management and Inspectional Services)		
Funds Available	<i>Verified by WWC</i>		\$1,000,000.00
Contract No.	732		
Vendor	Bowers+Kubota Consulting, Inc.		
	Contract Amount	\$325,000.00	
	5% Contingency	\$16,250.00	
	Total Funds Certified To Date	\$341,250.00	
First Amendment:			
	Additional Funds for Special Inspections	\$25,000.00	
	Total Amendment	\$25,000.00	<\$25,000.00>
	Contract Amount To Date	\$350,000.00	
	Fund Balance		\$975,000.00

BACKGROUND:

Contract NTP Date: November 14, 2022
 Original Contract End Date: August 4, 2024
 New Contract End Date: N/A

The Kilauea Wells No. 1 and 2 MCC, Chlorination Facilities project consists of removing and installing a temporary and permanent motor control center (MCC), demolishing and installing a new roof and other hardening features to the existing pump control building, constructing a new shelter for the existing generator, and associated site grading for the new generator shelter, in accordance with the contract document requirements.

These project improvements are required to address the existing aged MCCs, upgrade the existing pump control building, and adding a shelter for the existing generator.

First Amendment:

The Construction DWG S-001 calls for Special Inspections by an independent testing company, retained by the DOW. The Special Inspections required are the following: soil compaction at foundations, reinforcing bar, concrete placement and taking of concrete test specimens, anchor bolts, expansion anchor installation, anchors installed using epoxy adhesive, high strength bolting, and masonry construction. When DOW bid out this project. Special Inspection services were not solicited. DOW has asked Bowers+Kubota to cover these inspections under their current CM Contract No. 732.

UPDATE 08/17/23: Funds for this amendment will be taken from 10-20-10-540-010.

CONVEYANCE OF WATER FACILITIES \$ 92,487.49

<u>APPLICANT</u>	<u>TMK #</u>	<u>LOCATION</u>
Smith-Waterhouse Family of Koloa – Old Koloa Town LLC, a Hawaii limited liability company	2-8-007:016	Koloa
Lon E. Malapit and Lianne H. Malapit	5-8-008:009	Hanalei