

COUNTY OF KAUAI

<http://www.kauai.gov/>

The County of Kauai consists of the islands of Kauai and Niihau, all other islands lying within three nautical miles of the shores thereof, and the waters adjacent thereto. Lihue is the county seat. The County is a corporate body with all powers authorized by the State Constitution, the laws of the State of Hawaii, and the Kauai County Charter.

LEGISLATIVE BRANCH

The legislative power of the County of Kauai is vested in and exercised by the County Council, except as otherwise provided by the Charter.

County Council

The County Council consists of seven members who must be citizens of the United States and have been duly qualified electors of the County for at least two years immediately preceding election or appointment. Members are elected at large for terms of two years, and no Councilmember may serve more than four consecutive elected two-year terms of office, beginning with the 2008 General Election.

Council powers include the authority to enact zoning ordinances; exercise eminent domain powers; formulate and enact an annual operating and capital budget; adopt a pay plan for employees exempt from civil service; authorize and issue general obligation, improvement, and revenue bonds; borrow money on anticipated tax collections; investigate the operation of any county agency or function and any subject legislated upon; and adopt a general plan for the County. The Council, however, is expressly forbidden to interfere with the administrative processes delegated to the Mayor.

County Clerk. The County Clerk, who serves as the Clerk of the Council, is in charge of materials filed with the office, including legislation enacted by the Council and rules adopted by county agencies, and the county seal, and performs other functions required by law, the Charter, or the Council. The Clerk conducts all elections held in the County.

The County Clerk is appointed and may be removed by the Council.

EXECUTIVE BRANCH

The executive power of the County is vested in and exercised by the Executive Branch, which is headed by the Mayor.

Mayor

The Mayor is elected for a term of four years. The Mayor must be a citizen of the United States, not less than thirty years of age, and a duly qualified resident elector of the County for at least three years immediately prior to election.

The Mayor exercises direct supervision over executive departments and coordinates all administrative activities; creates and abolishes authorized county government positions and appoints necessary staff; submits annual operating and capital budgets with capital programs; signs instruments requiring execution by the County; presents necessary or expedient messages or information to the Council; makes annual and periodic reports pertaining to county policies, programs, and operations; approves or vetoes ordinances and resolutions pertaining to eminent domain; enforces the provisions of the Charter, ordinances, and other applicable laws; recommends pay plans for county employees exempt from civil service and position classification; and exercises other powers and performs other duties prescribed by the Charter or ordinance.

Agency on Elderly Affairs¹

The Agency on Elderly Affairs plans, supports, and advocates programs to promote the overall well-being of Kauai's older adults. It receives and disburses federal and state grants and donations for elderly services and collects data relative to the needs and conditions of Kauai's elderly. It administers and monitors programs in the areas of nutrition, leisure and educational activities, legal services, health screening and maintenance, transportation, case management, in-home housekeeping and personal care, day/respice care, and volunteerism. The Mayor appoints a fifteen-member Policy Council, which advises the Agency on matters that serve the interests of the elderly community.

Agency on Housing

The County Housing Agency's mission is to provide greater opportunities for Kauai's citizens to choose and secure affordable, safe, decent, and sanitary housing, and to live and work in neighborhoods and communities that can accommodate the needs and desires of all families and individuals. It plans, develops, and monitors affordable housing (including the preservation of existing affordable housing) with government and private resources; provides research and community education regarding housing and community development needs; administers the U.S. Department of Housing and Urban Development's Section 8 rental assistance program;

¹ On May 25, 2007, Ordinance No. 850 eliminated the Offices of Community Assistance (OCA). The three divisions of OCA were established as separate agencies under the Office of the Mayor. The agencies on elderly affairs and transportation are each headed by executives, and the Agency on Housing is headed by the Housing Director.

assists families to attain homeownership; and provides funding for community-based organizations with projects that promote economic opportunities and improve social well-being.

Agency on Transportation

The Transportation Agency is in charge of providing an accessible public transit bus system serving the elderly and persons with disabilities, and offering an alternate means of mobility for Kauai's rural community. Its services to the elderly include trips to and from medical appointments, senior center activities, outreach to care homes, excursions, volunteer locations, and shopping. It also provides safe and reliable door-to-door transport for the disabled community, as well as maintaining a limited, fixed-route transit system (bus stops) for the general public.

ADA Coordinator

The ADA Coordinator falls under the Office of the Mayor and works with county departments to provide access to county services, programs, and facilities for persons with disabilities so that they have an equal opportunity to participate in the mainstream of public life as required by Title II of the Americans with Disabilities Act.

Civil Defense Agency

The Civil Defense Agency is responsible for planning and administering the County Civil Defense organization for national, natural, manmade, and local disasters. The Agency writes plans, develops and tests them, controls communication and warning systems, and develops shelters and radiological detection stations in the County. The Agency is headed by an Administrator who is hired by the Mayor through the civil service process.

Office of Boards and Commissions

By majority vote in November 2006, Kauai's voters elected to create the position of Boards and Commissions Administrator for all boards and commissions and any necessary staff.

The Boards and Commissions Administrator is appointed and may be removed by the Mayor. The Administrator must have such training, education, or experience as will qualify the Administrator to perform the duties as established by this charter amendment.

The Administrator assists in providing administrative and operational support to the various county boards and commissions. Such support includes but is not be limited to: assisting in the recruitment, orientation, education, and training of board and commission members regarding their powers, duties, functions, and responsibilities under the Charter; 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 boards or commissions in gathering information, documents, and data as deemed 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 the various boards' or commissions' information needs are addressed in a timely fashion.

Board of Ethics. The Board of Ethics is composed of seven members appointed by the Mayor with the approval of the Council to staggered three-year terms. The function of the Board is to initiate, receive, hear, and investigate complaints of violations to the Code of Ethics, as established in the Charter, and to transmit its findings to the Council as to complaints involving county officers and to the Civil Service Commission as to complaints involving employees. The Board may also file impeachment proceedings in Circuit Court. The Board renders advisory opinions with respect to the Code, implements the requirements of the disclosure of interest provisions in the Charter, prescribes disclosure of interest forms, examines all disclosure statements submitted, and advises on corrective action to any matters that may indicate a conflict of interest. The Board proposes revisions of the Code to assure its effectiveness.

Charter Commission. The Mayor, with the approval of Council, appoints, with appropriate staffing, a charter commission composed of seven members to study and review the operation of the county government under the County Charter for a period of ten years commencing in 2007. Thereafter, the Mayor, with the approval of the Council, appoints a charter commission at ten-year intervals. 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.

Cost Control Commission. The Cost Control Commission is composed of seven members not employed in government service. Three of the members are appointed by the Mayor, three by the Council, and the seventh is selected by the first six. The term of the Commission is coterminous with the term of the Mayor.

The goal of the Commission is to reduce the cost of county government while maintaining a reasonable level of public services. The Commission reviews personnel costs, real property taxes, travel budgets, and contract procedures; reviews with the aim of eliminating programs and services available or more efficiently supplied by other governments or organizations; eliminates or consolidates overlapping or duplicate programs and service; and scrutinizes for reduction any county operation.

The Commission is empowered to secure from any county department, agency, official, or employee, any report or information the Commission requests that is appropriate to its function.

The Commission submits its recommendations semi-annually during the second and last quarter of each year. The Commission may request that any of its recommendations be drafted

in ordinance form for its introduction through the Mayor. The Mayor must submit all such recommendations to the Council with the Mayor's comments thereon.

Fire Commission. The Fire Commission consists of seven members appointed by the Mayor and approved by the Council. The Commission's duties include adopting rules necessary for the conduct of its business and reviewing rules relating to the administration of the Department; reviewing the annual budget prepared by the Fire Chief; evaluating the performance of the Fire Chief; receiving citizen complaints and making recommendations to Fire Chief for appropriate corrective action. The Fire Commission must submit an annual report to the Mayor and Council regarding its activities.

Police Commission. The Police Commission consists of seven members appointed by the Mayor with the approval of the Council for staggered terms of three years. The Commission's duties include adopting rules for the conduct of its business and matters relating to the goals and aims of the Department; reviewing the annual budget prepared by the Police Chief; and receiving and investigating charges brought by the public against the conduct of the Department or any of its members.

Salary Commission. The Salary Commission is composed of seven members not employed in government service. All are appointed by the Mayor, subject to Council approval. The term of the Commission is coterminous with the term of the Council.

The purpose of the Commission is to provide for an independent body to review, classify, and recommend the salaries of the Mayor, council members, and certain appointed officials in the County.

The Commission's salary findings are adopted by resolution of the Commission and forwarded to the Mayor and the Council on or before March 15. Subject to the Salary Commission's rules of procedure and regulations, the resolution takes effect without the Mayor's and Council's concurrence sixty days after its adoption unless rejected by a vote of not less than five members of the Council. The Council may reject either the entire resolution or any portion of it. The respective appointing authority may set the salary of an appointee at a figure lower than the figure established by ordinance for the position.

Office of Economic Development

The Office of Economic Development works, in partnership with the community, to create economic opportunities towards the development of a healthy, stable, and balanced economy for the residents of the County of Kauai.

The Office of Economic Development (OED), as a government entity, interfaces with business and community leaders as well as other government programs to enhance Kauai's economic development activities. OED is responsible for providing technical and financial support, as feasible, to both large and small business establishments or existing and emerging new industries which offer full employment of Kauai's residents.

OED is also responsible for collecting data and maintaining statistical information and reports as a library resource for individuals and organizations updating economic or business plans. The general public has access to materials, documents, and publications in the OED library. In addition, publications on federal and state grants, loans, or tax incentives are also available.

To carry out OED functions, five sections are managed by staff specialists, under the direction of a department head, in the areas of tourism, film, agriculture, energy, and special grants to specific economic development projects. Each section's duties and responsibilities are directed toward accomplishment of the agency's overall mission.

County Attorney

The County Attorney is appointed and may be removed by the Mayor with the approval of the Council. The County Attorney must be licensed to practice law and be in good standing before the Hawaii Supreme Court and have engaged in the practice of law in the State for at least three years.

The County Attorney serves as the chief legal advisor and legal representative of the Council and all county agencies, officers, and employees in matters relating to official powers and duties. The County Attorney also represents the County in all legal proceedings and performs other services required by law.

Department of Finance

The Department of Finance is headed by the Director of Finance who must have a minimum of five years of training or experience in fiscal management or accounting, including at least three years in a responsible administrative capacity. The Director is appointed and may be removed by the Mayor.

As the chief accounting, fiscal, and budget officer of the County, the Director prepares the annual budget bill under the direction of the Mayor; supervises and is responsible for the disbursement of county moneys; maintains a general accounting system and exercises budgetary control over each office; prepares quarterly statements of all receipts and disbursements in sufficient detail to show the exact financial condition of the County and a general projection of that condition; prepares a year-end fiscal statement and report; maintains the treasury; manages county funds; deposits moneys; issues, sells, pays interest on, and redeems bonds; acquires real or personal property for county use; rents or leases county property and awards concessions, except those controlled by the Board of Water Supply; maintains an inventory of property and equipment owned by the County; and performs other duties prescribed by law or assigned by the Mayor. In addition, the Director or a designated assistant and the County Clerk jointly verify the amount of money in the treasury at least once every three months.

Department of Liquor Control

The Department of Liquor Control consists of the Liquor Control Commission, Director, and necessary staff.

Liquor Control Commission. The Liquor Control Commission consists of five members appointed by the Mayor with the approval of the Council to staggered three-year terms. The Commission adopts rules for county liquor control; grants, refuses, suspends, and revokes licenses for the manufacture, importation, and sale of liquors; investigates violations of liquor control laws; hears and determines complaints and citations regarding violations of liquor control laws; and imposes fines or penalties as provided by law.

Director. The Director, as the head of the Department, is responsible for the management, supervision, and control of all subordinate members of the staff. The Director is appointed and may be removed by the Commission and must have had a minimum of five years of business experience, at least three of which shall have been in a responsible administrative capacity.

Department of Parks and Recreation

In November 2006, the electorate of the County of Kauai voted for the creation of a separate Department of Parks and Recreation. The Parks and Recreation Director is appointed by the Mayor. The Director must have a minimum of five years of experience in a responsible administrative capacity in either public service or private business and functions as the administrative head of the Department.

The Parks and Recreation Department is responsible for planning, designing, constructing, operating, and maintaining all parks and recreational facilities of the County. The agency develops and implements programs for cultural, recreational, and other leisure-time activities for the County. The Department is responsible for the beautification of the public parks and recreational facilities of the County.

Department of Personnel Services

The Department of Personnel Services consists of the Civil Service Commission/Merit Appeals Board, Director of Personnel Services, and necessary staff. Its primary purpose is to establish a system of personnel administration based on merit principles, devoid of any bias or prejudice in the filling of vacancies, and to provide a systematic and equitable classification of all positions through adequate job evaluation.

Civil Service Commission/Merit Appeals Board. The Civil Service Commission/Merit Appeals Board consists of seven members appointed by the Mayor with the approval of the Council for staggered terms of three years. One of these members must be representative of

persons employed in private industry in skilled or unskilled labor as distinguished from executive or professional positions. All members must believe in the principles of the merit system in public employment.

The Civil Service Commission/Merit Appeals Board hears and decides appeals by any public officer or employee aggrieved by any action of the Director of Personnel Services or any appointing authority pursuant to section 76-47, Hawaii Revised Statutes. The Civil Service Commission/Merit Appeals Board is not precluded from advising the Director and Mayor on problems concerning personnel and classification administration; and executing such powers and duties as provided by law.

Director of Personnel Services. The Director of Personnel Services is the head of the Department and is responsible for the proper conduct of all of its administrative affairs and execution of personnel programs prescribed by law, the Charter, ordinances, and rules. The Director's duties include adopting rules to carry out the civil service and public employees' compensation laws of the State and County. The Director is appointed and may be removed by the Civil Service Commission/Merit Appeals Board. The Director must have a minimum of five years of training and experience in personnel administration in public service, private business, or both, including at least three years in a responsible administrative capacity, and be in sympathy with the principles of the merit system.

Department of Public Works

The Department of Public Works is headed by the County Engineer who is appointed and may be removed by the Mayor. The County Engineer must be a registered professional engineer and have a minimum of five years of training and experience in an engineering position, of which at least three years must have been in a responsible administrative capacity. The County Engineer performs all engineering, designing, planning, construction, maintenance, and repair of county facilities and improvements; collects and disposes of garbage and refuse; examines and enforces construction requirements and standards in accordance with the building code, subdivision code, and other rules of the County; designs, installs, and maintains traffic control devices and the street lighting system; and performs other duties prescribed by law or assigned by the Mayor.

Department of Water

The Department of Water is a semi-autonomous agency consisting of the Board of Water Supply, the Manager and Chief Engineer, and necessary staff.

Board of Water Supply. The Board of Water Supply consists of seven members, including four appointed by the Mayor with the approval of the Council. The District Engineer of the State Department of Transportation, the County Engineer, and the Planning Director are ex officio voting members of the Board. All serve for staggered three-year terms, with the exception of the ex-officio members.

To the extent not subject to the control of the State Commission on Water Resource Management, the Board manages, controls, and operates the waterworks and appurtenant property of the County for the purpose of supplying water to the public, and collects, receives, expends, and accounts for money derived from its operation and other moneys and property provided for the use or benefit of the waterworks. The Board may issue and provide payment for revenue bonds; expend bond and other funds; establish rates and charges; acquire property; promulgate rules relating to the management, control, operation, preservation, and protection of the waterworks; and undertake other activities as provided by law.

Manager and Chief Engineer. The Manager and Chief Engineer is appointed by the Board and serves as the head of the Department. The Manager and Chief Engineer must be an engineer registered under state law and have had a minimum of five years of training and experience in an engineering position, at least three of which have been in a responsible administrative capacity.

Fire Department

Fire Chief. The Fire Chief is appointed and may be removed by the Fire Commission. The Fire Chief must possess a minimum of five years of training and experience in fire prevention and control in government service or private industry; at least three years of which shall have been in a responsible administrative capacity. As administrative head of the Department, the Fire Chief appoints, trains, equips, supervises, and disciplines Fire Department personnel in accordance with department rules and civil service regulations; provides an effective program and leadership for county-wide fire prevention, fire control, and rescue operations; controls, manages, and accounts for all property in the custody of the Fire Department and executes all other powers and duties prescribed by law or assigned by the Mayor.

Police Department

Chief of Police. The Chief of Police is appointed and may be removed by the Police Commission. The Chief of Police must have a minimum of five years of training and experience in law enforcement, at least three years of which must be in a responsible administrative capacity. The Chief's duties include the preservation of the public peace, prevention and detection of crimes, arrest of offenders, protection of the rights of persons and property, enforcement and prevention of violations of the law, maintenance and supervision of the police force, service of process in civil and criminal proceedings, the discipline or removal of officers or employees, and the exercise of other powers and duties prescribed by law or assigned by the Police Commission.

Planning Department

The Planning Department consists of the Planning Commission, Planning Director, and necessary staff.

Planning Commission. The seven members of the Planning Commission are appointed by the Mayor with the approval of the Council to staggered three-year terms. At least two members must be knowledgeable about environmental concerns, two members about business concerns, and two members about organized labor concerns. The Commission has review functions concerning the proposed general plan, development plans, zoning and subdivision ordinances, and any modifications or amendments. After performing reviews, its recommendations are transmitted to the Council through the Mayor. The Commission hears and determines petitions for variances; advises the Mayor, Council, and Planning Director in matters concerning the county planning program; adopts rules pertaining to the responsibilities of the Department; prepares a capital improvement program, with the advice of the Mayor, complementing and reflecting state and federal programs for the County; and performs other duties necessary to fulfill its responsibilities.

Planning Director. The Planning Director is appointed and may be removed by the Planning Commission and serves as the administrative head of the Department. The Planning Director must have a college degree in planning, engineering, or architecture, or a minimum of five years of training and experience in a responsible planning position, of which at least three years must be in an administrative capacity in charge of major planning activities.

The Planning Director's duties include the preparation of the county general and development plans; preparation and administration of zoning and subdivision ordinances, and rules; consolidation and prioritization of the County's lists of proposed capital improvements; and advising the Mayor, Council, and Planning Commission on matters concerning the County's planning programs.

Kauai Historic Preservation Review Commission

The Kauai Historic Preservation Review Commission consists of nine members: four appointed by the Mayor, four by the Council, and the ninth selected by the first eight, five of whom are professionals of special expertise in five of the following disciplines: architecture, architectural history, archaeology, history, planning, or Hawaiian culture. Members serve for staggered three-year terms. To the extent possible, there is one representative member from each of the five planning areas in the County.

The Planning Director, or designee, is responsible for administering the Commission's Historic Preservation Program, and serves as its liaison with the State Historic Preservation Office.

Public Access, Open Space, and Natural Resources Preservation Fund Commission

In November 2002, the voters of the County of Kauai established a Public Access, Open Space, and Natural Resources Preservation Fund. Subsequently, by Ordinance 812, dated December 15, 2003, the Public Access, Open Space, and Natural Resources Preservation Fund Commission was created to administer this fund. The Commission consists of nine members. Four are appointed by the Mayor, one from each of the development areas of Waimea-Kekaha, Lihue-Hanamaulu, and Kapaa-Wailua, and the fourth is at large. Four are appointed by the Council, one from each of the development areas of Hanapepe-Eleele; Koloa, Poipu, and Kalaheo; and the North Shore; and the fourth is at large. The ninth member is at large, and selected by the appointed eight. Members serve for staggered three-year terms.

The Planning Director, or designee, is responsible for administering the Commission's program.

PROSECUTING ATTORNEY

The Office of the Prosecuting Attorney is mandated to initiate and maintain any action or prosecution deemed necessary to enforce the laws of the State, the ordinances and rules of the County, preserve public order, and protect the public's rights.

The Prosecuting Attorney is elected for a term of four years. The Prosecuting Attorney must be an attorney licensed to practice law and be in good standing before the Hawaii Supreme Court, have engaged in the practice of law in the State for at least three years, and have been a duly qualified elector of the County for at least one-year immediately preceding election.

Components of the Office of the Prosecuting Attorney include:

Career Criminal Unit. This Career Criminal Unit targets the small population of hard-core criminals who commit a disproportionate number of crimes.

Victim Witness Program. The Victim Witness Program was created to be an advocate and source of aid to victims and witnesses of crime within the framework of the Office of the Prosecuting Attorney and for the purpose of prosecuting crimes. The Program is funded by a combination of county, state, and federal funds.

Domestic Violence Unit. The Domestic Violence Unit was created with federal funds to improve the criminal justice system's response to domestic and family violence. Activities include removal of the victim as the complainant, ongoing criminal justice system support for the victim, and vertical prosecution (a case is handled through all stages by one deputy).

Kauai Community Prosecution Unit. The Community Prosecution Program is a federally funded program that places a satellite office within a targeted community. The Unit

seeks to reduce crime through collaboration with law enforcement, the Department of Education, business organizations, civic groups, and other volunteer groups.

COUNTY OF KAUAI

