

## COUNTY OF HAWAII

<http://hawaiicounty.gov>

The County of Hawaii consists of the island of Hawaii and all other islands within three nautical miles of its shores, and the adjacent waters thereto. The County is a corporate body with all powers authorized by the State Constitution, the laws of the State of Hawaii, and the Hawaii County Charter.

### LEGISLATIVE BRANCH

<http://hawaiicounty.gov/lb-council-home>

The Legislative Branch is made up of three divisions: County Council, County Clerk, and Legislative Auditor.

**County Council.** The County Council consists of the nine-member Hawaii County Council and the member-appointed employees who assist the members with district concerns and outreach. Members are elected from single-member districts for two-year terms. Each member must qualify under the Charter's district residency requirements and as such must reside in the respective district for at least 90 days prior to the election.

The Council's primary function is formulating public policy through legislation, as distinct and separate from the executive branch of county government. In this process, through the adoption of laws, the Council enacts and amends the general plan, which provides policy guidelines for the long-range comprehensive physical development of the County; adopts the annual operating and capital budgets, and six-year capital improvement program; and sets the County's real property tax rates.

**County Clerk.** The County Clerk is appointed by the Council. The Clerk serves as the custodian of the county seal, maintains public records, is chief parliamentarian to the County Council, and provides clerical and stenographic services to the Council and its committees. The Clerk is also the Chief Elections Officer of the County. With the approval of the Council, the Clerk appoints the Deputy County Clerk. The Clerk appoints necessary staff as appropriated by the County Council, subject to civil service laws and classification, to perform the functions required to carry out the operations of the Office of the County Clerk.

**Legislative Auditor.** The Legislative Auditor is appointed by the County Council and serves for a period of six years, and thereafter, until a successor is appointed. The Legislative Auditor appoints the necessary staff to perform required functions. The Legislative Auditor: (1) conducts, or causes to be conducted, the annual financial audit of the County, and (2) performs financial and/or performance audits and follow-up audits as set forth in an annual audit plan transmitted to the Council and the Mayor and filed with the County Clerk as public records. Audit findings and recommendations are transmitted to the Council and the Mayor via written reports, and filed with the County Clerk as public records.

## EXECUTIVE BRANCH

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The Executive Branch of the County of Hawaii is comprised of the Office of the Mayor and all other executive departments and agencies of the County created by the Charter or ordinance. Executive departments are under the general administrative supervision of the Mayor or supervision of the Managing Director or commissions. The Prosecuting Attorney, an elected officer, is within the Executive Branch.

## MAYOR

The Mayor is elected to a term of four years and may serve for more than two terms but not more than two consecutive full terms. The Mayor must be a United States citizen who has been a duly qualified elector of the County for at least one year immediately preceding election. The Mayor as the chief executive officer of the County is vested with all the executive powers of the County, except as otherwise provided by the Charter. The Mayor, through the Managing Director, supervises and coordinates all executive agencies of the County, except as otherwise provided by the Charter; appoints necessary staff for which appropriations have been made by the Council, such staff being exempt from civil service laws and classifications; creates positions, including the position of deputy or assistant to each head of an agency where such position has not been created by the Charter, for which appropriations have been made by the Council, and abolish positions with the consent of the Council; transfers positions between agencies or between subdivisions of agencies subject to applicable civil service regulations; recommends to the Council a pay plan for all officers and employees of the County or any of its boards and commissions, except those whose pay is otherwise provided for, provided that the salary of any employee who is exempt from the civil service laws is subject to approval by the Council and the Mayor; and submits an operating budget, an operating program, a capital budget, and a capital program annually to the Council.

### ATTACHED FOR ADMINISTRATIVE PURPOSES

**Game Management Advisory Commission.** The Game Management Advisory Commission consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. One member is a resident of each council district. The Commission advises county, state, and federal agencies on matters related to the preservation of subsistence hunting and fishing and the protection of traditional and cultural gathering rights. The Commission may also advise county, state, and federal agencies on matters affecting the taking and conservation of aquatic life and wildlife, including proposed rules, and communicates its findings and recommendations to these agencies. The Commission makes recommendations to conserve and protect the natural and cultural resources of Hawaii in furtherance of the self-sufficiency and long-term subsistence sustainability of aquatic life and wildlife in the County. The Commission provides reports or legislative recommendations to the Council as necessary, or at least quarterly.

## **Managing Director**

The Managing Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. The Managing Director must have had five years of experience in an administrative capacity and possess demonstrable education and/or professional experience as required of the office. The Managing Director acts as the principal management aide to the Mayor; supervises the administrative functioning of all agencies, departments, boards, and commissions; recommends to the Mayor the annual operating and capital improvement budgets; evaluates the management and performance of each executive agency and reports to the Mayor and the Council on the findings and recommendations of such evaluation, or reports to the responsible commission whenever an evaluation is performed on a department or agency under a commission; prescribes standards of administrative practice to be followed by all agencies under the Managing Director's supervision; attends meetings of the Council or of any board or committee, when requested by the Mayor; attends meetings of the Council and its committees upon request and makes available such information as they may require; and performs all other duties required by the Charter or assigned by the Mayor.

## **AGENCIES UNDER THE MANAGING DIRECTOR**

### **Office of Aging**

The Hawaii County Office of Aging, an Area Agency on Aging, is responsible for developing a comprehensive system of services for older person in the County. Staff conducts needs assessments, write grants, administer contracts, develop training programs, manage a senior citizen database, and perform advocacy functions. The administrative head is the County Executive on Aging.

### **Civil Defense Agency**

The Civil Defense Agency performs civil defense functions within the County and conducts functions outside the County as may be required pursuant to section 128-12, HRS. The head of the Civil Defense Agency is the Deputy Director who is appointed by the Director of the State Civil Defense Agency with the approval of the Council and may be removed by the State Director. Under the Deputy Director, the Agency is responsible for the organization, administration, and operation of the Agency in the County. The Agency coordinates the activities of all organizations for civil defense within the County, public or private, and maintains liaison with and cooperates to the fullest extent with the State Director to insure that the plans and programs of the County for the relief and general welfare of the people in the event of a disaster or emergency are fully integrated with the plans and programs of the state and federal governments. The plans and programs are prepared by the Deputy Director and transmitted to the Council for approval and reviewed by the Deputy Director and resubmitted to the Council for approval before March 31 of each year.

## **Department of the Corporation Counsel**

The Department of the Corporation Counsel consists of a Corporation Counsel, Assistant Corporation Counsel, and necessary staff. The Corporation Counsel is appointed by the Mayor, confirmed by the Council, may be removed by the Mayor with the approval of the Council, and must be an attorney licensed to practice law and in good standing before the Hawaii Supreme Court. The Corporation Counsel is the chief legal advisor and legal representative of all agencies, the Council, and all other officers and employees in matters related to their official powers and duties. The Corporation Counsel represents the County in all civil legal proceedings and performs all other services incident to the Office as may be required by law. The Corporation Counsel is, however, prohibited from representing any elected officer in impeachment proceedings.

### **ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Board of Ethics.** The Board of Ethics consists of five members who are appointed to five-year terms by the Mayor with the approval of the Council. The Board interprets the Code of Ethics for both county officials and the public and on its own may initiate and render opinions with respect thereto; renders advisory opinions to county officers and employees with respect to the Code of Ethics pursuant to written requests by officers and employees; receives and initiates complaints of violations of the Code of Ethics and transmits such complaints to the Council or the appropriate appointing authority, along with any pertinent advisory opinions thereto; holds hearings or conducts investigations concerning application of the Code of Ethics and makes public such violations of the Code that come to its attention; publishes advisory opinions with such deletions as may be necessary to prevent disclosure of identity of persons involved; and proposes revisions to the Code of Ethics where not inconsistent with the Charter.

## **Department of Environmental Management**

The Department of Environmental Management consists of a Director of Environmental Management, Environmental Management Commission, and necessary staff. The Department protects, preserves, and enhances the County's environment; manages the solid waste, wastewater, and recycling programs of the County; and exercises other functions as prescribed by the Mayor or by ordinance. The Director of Environmental Management is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. The Director must have had a minimum of five years of administrative experience in a related field and an engineering degree or a degree in a related field.

**Environmental Management Commission.** The Environmental Management Commission consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission must have at least one resident of each council district in its membership. The Commission advises the Department on waste reduction strategies, recycling, litter control, community involvement, and other issues related to the functions of the Department, and exercises any other powers related to the functions of the

Department that may be delegated to it by ordinance. The Commission hears and determines appeals from decisions of the Director, including orders and denials of variances.

## **Department of Finance**

The Department of Finance consists of a Director of Finance and necessary staff. The Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. Under the Director, the Department assists the Mayor in preparing and executing the operating and capital budgets; collects special assessments; negotiates loans and the issuance and sale of bonds and notes; maintains records of county indebtedness; has custody of all public funds under the control of the County; examines all contracts, orders, and other documents by which financial obligations are incurred; prepares and issues warrants, prepares payrolls and pension rolls and disburses all funds in the county treasury; maintains a general accounting system for the County; submits to the Council through the Mayor at the end of each fiscal year a complete statement of the financial condition of the County; and maintains a perpetual inventory of all land and equipment owned or controlled by the County. The Director, who is the finance officer of the County, performs the duties of the purchasing agent, treasurer, and auditor of the County as provided by law. The Director must have had a minimum of five years of training and experience in budgeting or related fields, including at least three in a responsible supervisory capacity.

### **ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Board of Review.** The Board of Review consists of five members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Board hears all real property tax disputes between the Director and any taxpayer in all cases in which appeals have been duly taken, and the fact that a notice of appeal has been duly filed by a taxpayer is conclusive evidence of the existence of a dispute.

**Pension Board.** The Pension Board consists of five members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Board assumes the duties and functions of the pension board of the County and the Board of Trustees of the Police Officers, Firefighters, and Band Members.

**Public Access, Open Space, and Natural Resources Preservation Commission.** The Public Access, Open Space, and Natural Resources Preservation Commission consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission is charged with developing and maintaining a prioritized list of qualifying lands within the County worthy of preservation, and making annual recommendations to the Mayor, who submits the list to the Council with comments and recommendations. The Council, by resolution, selects the land or lands to be preserved.

## **Office of Housing and Community Development**

The Office of Housing and Community Development is headed by a Housing Administrator. The Office is responsible for the planning, administration, and operation of the County's housing programs. Its overall goal is to provide for the development of viable communities in the County by providing decent housing, suitable living environments, and expanding economic opportunities.

## **Department of Information Technology**

The Department of Information Technology consists of a Director of Information Technology and necessary staff. The Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. Under the Director, the Department operates the central data processing system and coordinates and oversees the operations of departmental data processing systems, except for those systems maintained by the Department of Water Supply; provides technical expertise in data processing and telecommunication to applicable departments and agencies of the County; assists in the development of management information; and advises the Mayor on matters relating to data processing and telecommunication. The Director must have had a minimum of five years of experience in the field of electronic data processing, telecommunications networking, and the development, implementation, and operation of business-oriented applications, including at least three years in an administrative and managerial capacity in a computer system environment at least comparable to that of the County's system.

## **Mass Transit Agency**

To provide mass transit service in the County, the Mass Transit Agency was created to implement chapter 51, HRS (Mass Transit). The Agency is responsible for the administration and operation of county mass transit service, whether such service is provided directly, jointly, or under contract with private parties. The Agency is headed by the Mass Transit Administrator, whose position is filled through civil service recruitment procedures based on merit. The Administrator is under the supervision of the Managing Director and has the authority to staff the Agency with necessary personnel to carry out its purposes.

## **Department of Parks and Recreation**

The Department of Parks and Recreation consists of a Parks and Recreation Director and necessary staff. The Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. Under the Director, the Department is responsible for all public parks, recreational facilities, and playgrounds in the County, together with all equipment, supplies, and paraphernalia used in connection with them. The Department cares for recreational needs in the County and provides such organized and supervised games and recreation as may be conducive to the mental, physical, and moral development of the people of the County. The Director must have had a minimum of five years of experience in an administrative capacity.

**ATTACHED FOR ADMINISTRATIVE PURPOSES**

**County Bands.** Bandmasters are appointed and may be removed by the Mayor. Members of the bands and other employees connected therewith are appointed and may be removed by Bandmasters with the approval of the Managing Director, and all positions in the bands are exempt from civil service laws and classifications.

**Planning Department**

The Planning Department consists of a Planning Director, Windward Planning Commission, Leeward Planning Commission, and necessary staff. The Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. Under the Planning Director, the Department advises the Mayor, Windward Planning Commission, Leeward Planning Commission, and the Council on all planning and land use matters; prepares a general plan and proposed zoning and subdivision ordinances, zoning maps and regulations; reviews lists of proposed capital improvements contemplated by county agencies and recommends the order of their priority; administers subdivision and zoning ordinances and regulations adopted thereunder; renders decisions on proposed subdivision plans pursuant to law; makes recommendations on rezoning applications, special exceptions, and other similar requests; and renders decisions on proposed variances. The Director, who is the chief planning officer of the County, must have had a minimum of five years of training and experience in a responsible planning position, or a degree in planning, engineering, architecture, geography, or another planning-related field, and three years of experience in a responsible planning position, with no less than three years of experience in an administrative capacity.

**Windward and Leeward Planning Commissions.** The Windward and Leeward Planning Commissions each consist of seven members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Windward Planning Commission has jurisdiction over Puna, South Hilo, North Hilo, Hamakua, and Kau. The Leeward Planning Commission has jurisdiction over North Kohala, South Kohala, North Kona, and South Kona. Both Commissions advise the Mayor, Council, and Planning Director on planning and land use matters; review the general plan and proposed subdivision and zoning ordinances and make recommendations through the Mayor to the Council for consideration and action; and conduct public hearings prior to action on any matter on which the Commission is required to act.

**ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Board of Appeals.** The Board of Appeals consists of seven members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Board hears and determines appeals from final decisions of the Planning Director or Director of Public Works regarding matters within their respective jurisdictions.

**Kailua Village Design Commission.** The Kailua Village Design Commission consists of nine members who are appointed to three-year terms by the Mayor with the approval of the Council. Members are representative of the Kona district, provided that a majority must have

lived or worked in Kailua Village for a minimum of two years prior to appointment. Members include two design professionals (registered architects and/or landscape architects), two members with backgrounds in building construction and/or engineering, two members with knowledge about historic Kona, its cultural values and resources, and the remaining three members representing local business or property owners. The purpose of the Design Commission is to advise the Planning Director in matters concerning the design of buildings and structures and all public and private improvements within Kailua Village.

### **Department of Public Works**

The Department of Public Works consists of a Director of Public Works and necessary staff. The Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. Under the Director, the Department is responsible for the performance of all matters relating to engineering; public and private building construction and inspection; public improvements; construction, inspection, and maintenance of public highways, bridges, streets, and sidewalks; acquisition of public and private property for public purposes; design and maintenance of a system of traffic control and devices; and construction and inspection of all other county projects, except for matters relating to the Department of Water Supply. The Director must be a registered professional engineer and have had a minimum of five years of experience in an administrative capacity.

### **Department of Research and Development**

The Department of Research and Development consists of a Director of Research and Development and necessary staff. The Director is appointed by the Mayor, confirmed by the Council, and may be removed by the Mayor. Under the Director, the Department collects and develops data necessary for managerial and legislative decision-making, and program and policy-making; provides staff leadership for public and private development programs, enterprises, and plans, including economic, social, and cultural proposals, which enhance and improve the county community; and coordinates informational and regulatory knowledge of all federal and state grant-in-aid participation programs that affect the County.

## **DEPARTMENTS UNDER BOARD OR COMMISSION**

### **Department of Human Resources**

The Department of Human Resources consists of a Director of Human Resources, Merit Appeals Board, and necessary staff. The Director is appointed and may be removed by the Merit Appeals Board. Under the Director, the Department is responsible for the personnel management program of the County with two distinct categories of duties. Major duties are in the areas of equal employment opportunities, personnel development, personnel deployment, personnel relations and personnel welfare, including employee safety and workers'



compensation. Secondary duties are in the administration of the civil service system and maintenance of the aims and mechanics prescribed by statute.

**Merit Appeals Board.** The Merit Appeals Board consists of five members who are appointed to five-year terms by the Mayor and confirmed by the Council. Members are representative of the community and must be in sympathy with and believe in the principles of the merit system in public employment.

#### **ATTACHED FOR ADMINISTRATIVE PURPOSES**

**Salary Commission.** The Salary Commission consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. One member is a resident of each council district. The Director of Human Resources and Deputy Director of Human Resources serve as ex officio members in an advisory capacity. The salaries of all county elected officials and appointed directors and deputy directors of departments and executive agencies are established by the Salary Commission.

### **Fire Department**

The Fire Department consists of a Fire Commission, Fire Chief, Deputy Fire Chief, and necessary staff. The Fire Chief, who is appointed and may be removed by the Fire Commission, must have had a minimum of five years of training and experience in fire control, including at least three in a responsible administrative capacity.

**Fire Commission.** The Fire Commission consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. One member is a resident of each council district. The Commission's duties include: adopting rules necessary for the conduct of its business and reviewing rules of the Department; reviewing the annual budget prepared by the Fire Chief; reviewing the Department's operations; evaluating annually the performance of the Fire Chief; reviewing personnel actions within the Department; hearing complaints of citizens concerning the Department or its personnel; and submitting an annual report to the Mayor, Managing Director, and the Council.

### **Department of Liquor Control**

The Department of Liquor Control consists of a Liquor Commission, Liquor Control Adjudication Board, Director of Liquor Control, and necessary staff. The Director is appointed and may be removed by the Liquor Commission. Under the Director, the Department provides clerical and administrative services for the Liquor Commission and the Liquor Control Adjudication Board, including submitting a budget for the Department; and investigates complaints regarding violations of the liquor control laws of the State or rules established by the Liquor Commission, and reports such violations to the Prosecuting Attorney of the County.

**Liquor Commission.** The Liquor Commission consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission must have at least one resident of each council district in its membership. The Liquor Commission adopts rules for the administration of liquor control in the County and to carry out the liquor control laws of the State; and grants, renews, or refuses applications for licenses to manufacture, import, or sell liquor in the County.

**Liquor Control Adjudication Board.** The Liquor Control Adjudication Board consists of five members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Board hears and determines complaints regarding violations of the liquor control laws of the State or rules of the Liquor Commission, and imposes fines or penalties as provided by law.

## **Police Department**

The Police Department consists of a Police Commission, Chief of Police, Deputy Chief of Police, and necessary staff. The Chief of Police is appointed and may be removed by the Police Commission. The Deputy Chief is appointed by the Chief of Police with the confirmation of the Police Commission and may be removed by the Chief with the approval of the Commission, without cause being stated. The Chief of Police must have had a minimum of five years of training and experience in law enforcement work.

**Police Commission.** The Police Commission consists of nine members who are appointed to five-year terms by the Mayor and confirmed by the Council. The Commission must have at least one resident of each council district in its membership. The Commission's duties include: adopting rules necessary for the conduct of its business and reviewing rules of the Department; reviewing the annual budget prepared by the Chief of Police; submitting an annual report to the Mayor, Managing Director, and the Council; receiving, considering, and investigating charges brought by the public against the conduct of the Department; advising the Chief of Police on police-community relations; reviewing the Department's operations; evaluating annually the performance of the Chief of Police; and hiring personnel necessary to carry out its functions.

## **Department of Water Supply**

The Department of Water Supply is semi-autonomous and consists of a Water Board, Manager-Chief Engineer, and necessary staff. The Department comes under the general supervision and control of the Mayor, through the Managing Director. The Manager-Chief Engineer, who is appointed and may be removed by the Water Board, must be a registered engineer and have had a minimum of five years of experience in an administrative capacity.

**Water Board.** The Water Board consists of nine members who are appointed to five-year terms by the Mayor with the approval of the Council. The Board must have at least one resident of each council district in its membership. The Manager-Chief Engineer, Planning

Director, and Director of Public Works, or designees, serve as ex officio, nonvoting members. The Water Board manages, controls, and operates the waterworks of the County and all related property; adopts rules necessary for the performance of these functions; adopts an annual operating and capital budget; and is empowered to acquire and dispose of real property and issue revenue bonds.

## **PROSECUTING ATTORNEY**

<http://hawaiicounty.gov/prosecuting-attorney>

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

The Prosecuting Attorney attends all courts in the County and prosecutes offenses against state law and county ordinances and regulations; prosecutes offenses against state laws under authority of the Attorney General; appears in and prosecutes every criminal case where there is a change of venue and the case is removed from the County; institutes proceedings for the arrest of persons charged with or suspected of public offenses; takes charge of criminal cases before the Family, District, Circuit, and Appellate Courts; draws indictments for, attends, and presents cases for the grand jury's consideration; and investigates all matters that properly come before the Prosecutor's office. The Prosecutor provides victim services, extradition, and missing children entries into the National Crime Information Center system and various initiatives to improve the criminal justice system.

In addition, the Prosecuting Attorney researches, evaluates, and makes recommendations regarding crime, crime prevention efforts, and improvements to the criminal justice system, and provides training programs and education to law enforcement agencies and the public.

# COUNTY OF HAWAII



