

COUNTY OF KAUAI

<http://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

<http://kauai.gov/council>

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 council member 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 the county seal and legislation enacted by the Council and rules adopted by county agencies, 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.

Office of the County Auditor. The Office of the County Auditor is headed by the County Auditor who is appointed by the Council and serves for a period of six years, and thereafter, until a successor is appointed. The Council, by two-thirds vote of its membership, may remove the County Auditor at any time for cause. The County Auditor conducts or causes to be conducted: the independent annual or biennial audit of all county funds and accounts; performance and financial audits of funds, programs, and operations of county agencies; and follow-up audits and monitoring of compliance with audit recommendations.

EXECUTIVE BRANCH

<http://kauai.gov>

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 to a term of four years and may not serve more than two consecutive full terms. 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.

Office of Boards and Commissions. The Office of Boards and Commissions provides support and oversight for the County's fourteen boards and commissions and two advisory committees. The Office is headed by the Boards and Commissions Administrator. Under the Administrator, the Office assists in providing administrative and operational support to the various county boards and commissions. Such support includes but is not 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. The 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 established by the Charter.

ADA Coordinator. The ADA (Americans with Disabilities Act) Coordinator works with county departments to provide access to county services, programs, and facilities for persons with disabilities to have equal opportunity to participate in the mainstream of public life as required by Title II of the Americans with Disabilities Act.¹

¹ See P.L. 101-336; 42 U.S.C. 12131 et seq.

Board of Ethics. The Board of Ethics consists of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve 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 ensure its effectiveness.

Board of Review. The Board of Review consists of five members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. The Board hears real property tax appeals.

Charter Review Commission. With the approval of Council, the Mayor appoints a Charter Commission, with appropriate staffing, that consists of seven members to study and review the operation of the county government under the Charter for a period of ten years, commencing in 2007 and at ten-year intervals thereafter. Members serve three-year terms. If 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 provides 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. Unless a new charter is submitted to the voters, each amendment to the Charter is voted on separately.

Committee on the Status of Women. The Committee on the Status of Women consists of not less than seven at-large members who are appointed to four-year terms by the Mayor. Ex officio members are the County Attorney and the county representative on the State Commission on the Status of Women. The Committee develops information on the status of women in the County as the State Commission on the Status of Women requires or as the Committee deems advisable. The Committee works for equality for women and girls by acting as a catalyst for positive change through advocacy, education, collaboration, and program development.

Cost Control Commission. The Cost Control Commission is composed of seven members, not employed in government service, who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. 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.

Life's Choices Kauai. Life's Choices Kauai is led by a Program Coordinator who works with volunteers, bringing together community resources and service providers, to prevent drug and alcohol abuse and addiction on Kauai; support the enforcement of Kauai, state, and federal laws dealing with drug and alcohol abuse; provide drug and alcohol treatment resources for those in need; and help rehabilitated residents rejoin the Kauai community as successful citizens.²

Salary Commission. The Salary Commission is composed of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. The Commission establishes the maximum salaries of the Mayor, Prosecuting Attorney, 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 Council on or before March 15. 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, provided that no change in salary of council members is effective during the term in which a change is enacted or for twenty-four months after a change is enacted, whichever is less. 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.

Agency on Elderly Affairs

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/respite 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.

Housing Agency

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

² Formerly the Anti-Drug Program. Renamed in 2012.

Civil Defense Agency

The Civil Defense Agency is responsible for administering and operating the various local, state, and federal civil defense programs for the County. This includes planning, preparing, and coordinating civil defense operations in meeting disaster situations and coordinating post-disaster recovery operations involving state or federal assistance. The Agency is headed by an Administrator who is hired by the Mayor through the civil service process.

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 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.

Office of Economic Development

The Office of Economic Development (OED) 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. 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 that offer full employment of Kauai's residents.

Department of Finance

The Department of Finance consists of the Director of Finance and necessary staff. The Director is appointed and may be removed by the Mayor. Among its responsibilities under the Director, the Department prepares the annual budget ordinance 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 financial conditions for the remainder of the fiscal year; prepares a year-end fiscal statement and report; maintains the treasury; manages county funds; deposits moneys and manages county funds; issues, sells, pays interest on, and redeems county bonds; acquires real or personal property for county use; rents or leases county property and awards concessions, except property 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 designee, and

the County Clerk jointly verify the amount of money in the treasury at least once every three months. The Director, as the chief accounting, fiscal, and budget officer of the County, must have had a minimum of five years of training or experience in fiscal management or accounting, including at least three in a responsible administrative capacity.

Department of Parks and Recreation

The Department of Parks and Recreation consists of a Parks and Recreation Director and necessary staff. The Parks and Recreation Director is appointed and may be removed by the Mayor. The Director must have had a minimum of five years of experience in a responsible administrative capacity, in either public service or private business or both. The Director plans, designs, constructs, operates, and maintains all parks and recreational facilities of the County; develops and implements programs for the cultural, recreational, and other leisure-time activities for the people of the County; and beautifies public parks and recreational facilities of the County.

Department of Public Works

The Department of Public Works consists of a County Engineer and necessary staff. The County Engineer is appointed and may be removed by the Mayor. Under the County Engineer, the Department performs all engineering, designing, planning, and construction of all public facilities and improvements undertaken by the County; maintains, repairs, and upkeeps all county facilities and improvements; collects and disposes of garbage and refuse; examines and enforces 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; and designs, installs, inspects, maintains, and repairs all traffic signs, traffic control facilities and devices, and the street lighting system. The County Engineer must be a registered engineer and have had a minimum of five years of training and experience in an engineering position, including at least three in a responsible administrative capacity.

ATTACHED FOR ADMINISTRATIVE PURPOSES

Building Board of Appeals. The Building Board of Appeals consists of seven members who are appointed to three-year terms by the Mayor with the approval of the Council. Six members must be qualified by experience and training to pass upon matters pertaining to building construction and fire safety, and one member is from the public at large. The Board hears and determines appeals from the decisions of the Building Official in the administration of the county building code, electrical code, sign ordinance, and plumbing code, involving any denial of the use of new or alternate materials, types of construction, equipment, devices, or appliances.

Transportation Agency

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.

DEPARTMENTS UNDER BOARD OR COMMISSION

Fire Department

The Fire Department consists of a Fire Commission, Fire Chief, and necessary staff. The Fire Chief is appointed and may be removed by the Fire Commission. As administrative head of the Department, the Fire Chief appoints, trains, equips, supervises, and disciplines department personnel in accordance with department and civil service rules. Under the Fire Chief, the Department provides an effective program for county-wide fire prevention, fire control, and rescue operations, and manages all property in the custody of the Fire Department. The Fire Chief must have had a minimum of five years of training and experience in fire prevention and control in private industry or government service, including at least three in a responsible administrative capacity.

Fire Commission. The Fire Commission consists of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. 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 the Fire Chief for appropriate corrective action. The Fire Commission submits an annual report to the Mayor and Council regarding its activities.

Department of Liquor Control

The Department of Liquor Control consists of a Liquor Control Commission, Director of Liquor Control, and necessary staff. The Director, who is appointed and may be removed by the Liquor Commission, must have had a minimum of five years of business experience, including at least three in a responsible administrative capacity.

Liquor Control Commission. The Liquor Control Commission consists of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve 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.

Department of Personnel Services

The Department of Personnel Services consists of a Civil Service Commission/Merit Appeals Board, Director of Personnel Services, and necessary staff. The Department's primary purpose is to establish a system of personnel administration based on merit principles, devoid of any bias or prejudice, and to provide a systematic and equitable classification of all positions through adequate job evaluation. The Director is appointed and may be removed by the Civil Service Commission/Merit Appeals Board. The Director must have had a minimum of five years of training and experience in personnel administration in public service, private business, or both, including at least three in a responsible administrative capacity, and be in sympathy with the principles of the merit system.

Civil Service Commission/Merit Appeals Board. The Civil Service Commission/Merit Appeals Board consists of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. One member must be selected from among 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 Commission/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, HRS. The Commission/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.

Planning Department

The Planning Department consists of a Planning Commission, Planning Director, and necessary staff. The Planning Director is appointed and may be removed by the Planning Commission. Under the Director, the Department prepares the county general plan and development plans; prepares and administers zoning and subdivision ordinances, and relevant rules; consolidates and prioritizes the County's lists of proposed capital improvements; and advises the Mayor, Council, and Planning Commission on matters concerning the County's planning programs. The Director must have a college degree in planning, engineering, or architecture, or have had a minimum of five years of training and experience in a responsible planning position, including at least three in an administrative capacity in charge of major planning activities.

Planning Commission. The Planning Commission consists of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve 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; and prepares a capital improvement program, with the advice of the Mayor, complementing and reflecting state and federal programs for the County.

ATTACHED FOR ADMINISTRATIVE PURPOSES

Kauai Historic Preservation Review Commission. The Kauai Historic Preservation Review Commission consists of nine members. Four are 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 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 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-Kalaheo, and the North Shore, and the fourth is at large. The ninth member is island-wide, at large, and selected by the appointed eight. Members serve three-year terms.

Police Department

The Police Department consists of a Police Commission, Chief of Police, and necessary staff. The Chief of Police, who is appointed and may be removed by the Police Commission, supervises the force of police officers. Under the Chief, the Department is responsible for the preservation of the public peace, prevention of crime, detection and arrest of offenders, preservation of life, protection of the rights of persons and property, and enforcement and prevention of violations of the law; trains, equips, and maintains, and the force of police officers; is responsible for traffic safety and traffic safety education; and serves process in both civil and criminal proceedings. The Chief must have had a minimum of five years of training and experience in law enforcement, including at least three in a responsible administrative capacity.

Police Commission. The Police Commission consists of seven members who are appointed and may be removed by the Mayor, with the approval of the Council. Members serve three-year terms. 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.

Department of Water

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

Board of Water Supply. The Board of Water Supply consists of seven members: four who are appointed by the Mayor with the approval of the Council serve three-year terms, and the District Engineer of the State Department of Transportation, County Engineer, and County Planning Director are ex officio, voting members. The Board manages, controls, and operates the waterworks and appurtenant property of the County to supply water to the public, and collects, receives, expends, and accounts for moneys derived from its operation and all other moneys and property provided for the use or benefit of the waterworks.

OFFICE OF THE PROSECUTING ATTORNEY

<http://kauai.gov/prosecutingattorney>

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 or the ordinances and rules of the County, preserve public order, and protect the public's rights.

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, 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 the following Units: Career Criminal, Sexual Assault, Domestic Violence, Property Crime, Drug Prosecution, and Diversion Program.

COUNTY OF KAUAI



