

2009-2010 HAWAI'I COUNTY CHARTER COMMISSION
CHARTER AMENDMENT PROPOSAL FORM

1. GENERAL INFORMATION

Name of Commission Member: Chairman Ed Haitzuka

2. If applicable, list the charter provision(s) to be deleted or amended:

Article VI, Chapter 4, relating to the Hawai'i Fire Department, is to be moved to Article VII of the Charter. All affected provisions shall be appropriately renumbered.

3. Provide a brief description of the purpose of the proposed charter amendment; include a description of the issue the proposal would address:

In 2000, a voter approved charter amendment placed the Hawai'i Fire Department under a Fire Commission. The 2000 amendment placed the Fire Department under Article VI of the Charter. The Fire Department, however, would more appropriately be placed in Article VII of the Charter since it is an executive branch department or agency under a commission.

This amendment would make the Charter consistent with other executive departments or agencies under a commission.

4. If the proposal is based on a provision(s) in the charter or law of another jurisdiction, name the jurisdiction and, if possible, attach a copy of the relevant provision(s).

N/A

5. If the proposal is based on any written materials you have, please attach a copy with a citation to its source.

See reverse side

6. Attach the text of the proposed charter amendment in Ramseyer format (see below).

Ramseyer Format, if proposing:

Amendments to Existing Charter Provisions

Any language being proposed to be added to the Charter shall be underscored.

Any language being proposed to be deleted from the Charter shall be [bracketed].

Replacing Existing Charter Provisions in their Entirety

Clearly indicate the article(s), chapter(s), and/or section(s) of the Charter to be proposed to be deleted, and provide the text of any provisions proposed to replace the deleted material.

New Charter Provisions

Provide the text of the new provision(s) and, if possible, indicate where in the Charter the new material should be inserted.

CHARTER AMENDMENT NO.

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI'I:

Section 1. Article VI, chapter 4, Hawai'i County Charter, is repealed in its entirety. All subsequent chapters shall be appropriately re-numbered.

Section 2. Article VII, Hawai'i County Charter, is amended by adding a new chapter to read as follows:

“CHAPTER 4 HAWAI'I FIRE DEPARTMENT

Section 6-4.1. Organization.

There shall be a Hawai'i fire department consisting of a fire chief, a deputy fire chief, a fire commission and the necessary staff. The fire chief shall be the administrative head of the Hawai'i fire department.

Section 6-4.2. Statement of Policy.

It is hereby declared to be the purpose of this chapter to establish in the county a system of fire protection and prevention and emergency services which shall be based on qualified and professional leadership and personnel. In order to achieve this purpose, the Hawai'i fire department shall be operated in accordance with the following:

- (a) Standards for recruitment shall be designed to attract into the department persons with high degrees of education, intelligence and personal stability.
- (b) Promotions and other personnel actions shall be based upon fair and appropriate standards of merit, ability and work performance.
- (c) Appropriate training shall be provided to the maximum extent possible and practicable.

Section 6-4.3. Fire Chief.

The fire chief shall be appointed by the fire commission and may be removed by the fire commission at its sole discretion. Any motion for removal of the fire chief must contain a statement of reasons, and the fire chief must be allowed to respond to the statement of reasons before being removed. The fire chief shall have had a minimum of five years training and experience in fire control, including at least three years experience in a responsible administrative capacity.

Section 6-4.4. Powers, Duties and Functions.

The fire chief shall:

- (a) Perform firefighting and emergency services in order to save lives and property from fires and from emergencies arising on land, on the sea and hazardous terrain.
- (b) Train, equip, maintain and supervise a force of firefighting and emergency services personnel.
- (c) Monitor the construction and occupancy standards of buildings for the purposes of fire prevention and life safety.
- (d) Provide educational programs related to fire prevention and life safety.
- (e) Appoint the deputy fire chief and the private secretaries to the fire chief and the deputy fire chief.
- (f) Have such powers, duties and functions as may be required by ordinance.

Section 6-4.5. Fire Commission.

There shall be a fire commission, which shall consist of nine members. One member shall be a resident of each council district. The commission may appoint such staff and engage such consultants as necessary for the performance of its duties. The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4.

Section 6-4.6. Powers, Duties and Functions.

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, the managing director and the council.
- (c) Review the department's operations, as deemed necessary, for the purposes 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, the managing director and the council.
- (e) Review personnel actions within the department for conformance with the policies under section 6-4.2 of this charter.
- (f) Hear complaints of citizens concerning the department or its personnel and, if necessary, make recommendations to the fire chief on appropriate corrective actions.
- (g) Submit an annual report to the mayor, managing director and the council on 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.

Section 3. This amendment shall take effect upon its approval by the electorate.