



The State of Hawaii assembly for the County of Hawaii

The United States of America

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The County of Hawaii assembly Constitution

PREAMBLE:

**We, the people of the State of Hawaii, in Union with the States of the Union and
The United States of America, hereby establishes a
county constitution**

- 1) Competent to manage the assembly's resources;**
- 2) Able to accept the benefits and responsibilities of local control;**
- 3) Open to all views and responsive to the needs of the people;**

PREAMBLE:

The State of Hawaii assembly for the #ounty of Hawaii

HEREBY ADOPT THIS CONSTITUTION.

The name of this assembly hereby is known as: “ The State of Hawaii assembly for the #ounty of Hawaii”(herein : Hawaii county assembly”)

ARTICLE I – POWERS OF THE = ° ‡ ° @#\ yVu' ° ∞-U " O

Section 1.10: General Powers

The Hawaii county assembly is hereby granted all powers afforded to the 50 States of the original Union of 1781 and the Law of Nations. The Law of Nations was ratified by the Government of The United States of America on August 2, 2013 and shall be ratified by the citizens of the States of Hawaii in its first ordinance to remain in honor with The United States of America

The Hawaii county assembly shall have International, National, State and local jurisdiction and shall have the authority to create chapters of its existence to avoid corridor surveys.

The Law of Nations outlines reciprocity with agencies or municipal corporations; interprets powers of the Hawaii County Assembly as liberally construed; retains name, boundaries and Hawaii county assembly seat . The Hawaii county assembly shall connect by and between each other on the rural free delivery routes of the General Post Office of the Government of The United States of America. Each chapter and the Hawaii county assembly shall be identified by location with a Natural Area Code verifying location of each member.

Section 1.20: Intergovernmental Relations

The Hawaii county assembly may in the exercise of its powers and the performance of its duties, whether or not specifically assigned by this Constitution to any officer, agree by contract or otherwise to participate jointly or in cooperation in any function, project, or activity with any one or more governments, governmental agencies, municipal corporations, in any manner permitted by law, and to share the costs and responsibilities of such functions, projects or activities.

Section 1.30: Interpretation

The powers of the Hawaii county assembly shall be limited to those specifically granted in this Constitution and also limited to the same powers as those provided in the laws of the 50 States of the original Union of 1781, and shall exercise due diligence when contracting with Society's and Cities not operating under the public form of government.

References to adoption of ordinances by the Hawaii county assembly shall not be construed as impairing the right of the people to initiate or refer ordinances. The word "law" shall mean any resolution passed by the Hawaii county assembly within the limitations of this Constitution.

Section 1.40: Name, Boundaries, and Hawaii county assembly Seat

The name, boundaries and Hawaii county assembly seat shall remain as they are on the date of adoption of this Constitution or until changed according to law. Branch Assembly offices may be established by ordinances and chapters may be established by the people.

All chapters established are interpreted to be under home rule Constitutions.

ARTICLE II – LEGISLATIVE AND EXECUTIVE BRANCHES

Section 2.10: The Hawaii county assembly

The legislative and executive body shall be the Board of assemblymen, hereafter referred to as the "assemblymen."

Section 2.20: Composition and Term of Office

The assemblymen shall consist of a minimum of three (3) members.

The assemblymen shall be nominated from each survey of three divisions and elected by the Hawaii assembly at large for a term of four years as provided in this Constitution.

Section 2.30: Powers

§2.30.10: Legislative Power

The legislative power of the Hawaii county assembly are not reserved to the people, shall be vested in the assemblymen.

The assemblymen shall exercise its legislative power by adoption and enactment of ordinances; shall levy royalty collections, appropriate revenue and adopt budgets for the Hawaii county assembly; shall propose the compensation to be paid to all Hawaii county assembly officers and employees and shall provide for the reimbursement of expenses.

Except as otherwise provided in this chapter or by ordinance, Assemblymen possess the authority to establish, abolish, combine or divide offices and divisions; define and establish their powers, duties and responsibilities as provided by law or ordinance. They shall have the power to adopt by ordinance, plans for the present and future development of the Hawaii county assembly. They shall have the authority to conduct public hearings to assist with the performance of their legislative responsibilities; to subpoena witnesses, documents and other evidence and to administer oaths or affirmations.

Any witness appearing before them shall have the right to counsel. The enumeration of particular legislative powers shall not be construed as limiting the legislative powers to the assemblymen as provided by law.

§2.30.20: Executive Power

The executive power of the Hawaii county assembly shall be vested in the President except those powers assigned to other elected officials' and other elected boards by law.

The President shall exercise its executive power by executing and enforcing laws and ordinances; interpreting ordinances, resolutions and policies; employing and discharging personnel; appointing and removing members of boards; directing the preparation of the budget; conducting or serving on boards; signing or causing to be signed contracts, vouchers, deeds and other instruments.

The President shall delegate duties, functions and responsibilities but will remain accountable for all executive actions to the Hawaii County assembly.

Section 2.40: Rules and Organization of the Board of assemblymen

The assemblymen shall by ordinance adopt its own rules and organization. The assemblymen shall elect one of their members as chairperson who shall preside at all meetings of the assemblymen.

The assemblymen shall meet regularly, at least once a week and shall adopt by ordinance rules and procedures designating the time and place for the conduct of their meetings and the manner of introduction, consideration, adoption and publication of the ordinances.

Meetings of the assemblymen shall be open to the public and a public record shall be kept of each meeting and the votes taken therein. The records shall be kept in the form prescribed and shall be accessible as provided by ordinance and law. The assemblymen may appoint staff as necessary to assist in the performance of their duties.

ARTICLE III – LEGISLATION

Section 3.10: Regular Ordinances

An ordinance approved by the majority of the assemblymen is required for any legislative act.

A legislative act is any action that imposes a fine, penalty, forfeitures, or other legal sanction or that adopts a new policy or plan as a permanent rule of government.

Proposed ordinances shall be limited to one subject. The subject of every ordinance shall be clearly stated in the title. The time and location an ordinance is available for public inspection, along with the ordinance printed in its entirety, is required to be published in the Hawaii county assembly newspaper, as well, American Herald” or other public post.

Ordinances may be introduced by any assemblymen. At least ten days after the introduction of a proposed ordinance, except an emergency ordinance, and prior to its adoption and enactment, the assemblymen shall hold a public hearing after due notice, to consider the proposed ordinance.

Adoption of an ordinance requires a majority of affirmative votes from those in attendance and thereafter shall be adopted by the Hawaii county assembly. Except as otherwise provided for in this chapter, all ordinances shall take effect ten days after the date they are adopted or at a later date as stipulated in the ordinance. The assemblymen are not immune from any ordinance.

Section 3.20: Emergency Ordinances

To meet any public emergency affecting life, health, property or the public peace, an ordinance may be passed which shall be effective when approved by the assemblymen. Such an emergency ordinance shall be clearly entitled "Emergency Ordinance" and in a separate section state the facts creating the emergency. Each provision of every emergency ordinance shall cease to be effective as of the sixty-first (61st) day following the date of its enactment and shall not be reenacted as an emergency ordinance. Emergency ordinances shall not be subject to referendum nor perpetuity.

Section 3.30: Adoption of Statutes and Codes by Reference

Ordinances may, by reference, adopt the 50 States of the Union statutes or recognized printed codes or a compilation of codes, in whole or in part.

Section 3.40: Codification of Ordinances

All ordinances of the Hawaii county assembly which are of a general and permanent nature or impose any fine, penalty, or forfeiture shall be compiled in a code which shall be adopted by ordinance and shall be known as the Hawaii county assembly Code.

The code shall be kept current to reflect newly adopted, amended or repealed ordinances. A current copy shall be placed in the main Hawaii county assembly library and such other places as the Assemblymen deem appropriate.

Section 3.50: Resolutions

All resolutions are required to be voted upon by the county assembly.

ARTICLE IV – OTHER ELECTED OFFICIALS

Section 4.10: Composition

Elected assembly officials in addition to the Board of assemblymen shall include the Auditor, Assessor, Treasurer, and Director of the Department of Community Development, Sheriff, and Judges of the Superior court. The Director of the Department of Community Development shall be elected during December and every four (4) years thereafter. All elected officials shall be nonpartisan, except for the assemblymen and the Prosecutor.

Section 4.20: Powers and Duties

All other elected officials shall exercise the powers and duties of their respective offices as provided by law. All elected officials and their departments shall utilize the personnel, budgeting, purchasing, property control and records management systems established by the Assemblymen through ordinance except insofar as such utilization would be contrary to the powers and duties of the constitutional officers. The Prosecutor will serve as ex-officio coroner without extra compensation.

Section 4.25: Director of the Department of Community Development

The Director of the Department of Community Development shall administer, enforce and advise Assemblymen on all laws, except health, with respect to the environment, natural resources, and land and shoreline development, including, but not limited to, zoning, land divisions, environmental policy, building and fire codes, forest management, mining, agriculture, watershed planning, and floodplains. The Director shall prepare and present to the Assemblymen for

Consideration of adoption by ordinance, with or without amendment, comprehensive or other plans and use or development regulations for the use and physical development of the Hawaii county assembly .

In addition to Section 4.20 of this Constitution, state law generally applicable to Hawaii county assembly officers shall apply to the Director. It is the intent that the Director has the administrative and managerial rights and responsibilities common to elected officers.

Ordinances shall be reviewed and amended, if necessary, to incorporate changes required by the conversion from an appointed administrative position to an elected office. Until such time as the review is complete and amendments, if any, adopted, the duties and responsibilities set forth therein with respect to the administrative Director of the Department of Community Development shall apply to the elected Director.

Section 4.30: Additional Elected Officials

The assembly may create new elected offices after an amendment has been added to this Constitution; otherwise the new elected office does not exist.

ARTICLE V – ADMINISTRATIVE DEPARTMENTS

Section 5.10: Composition, Duties and Responsibilities

The Administrative Departments shall include the Department of Administration, the Department of Public Works and such additional departments, offices, or agencies as the Assemblymen may deem necessary however not required.

The Administrative Departments, offices, and agencies shall be responsible to the Assemblymen and shall perform such duties and functions as assigned to them by this Constitution or by ordinance. However, all ordinances are required to remain in harmony with this Constitution.

Section 5.20: Clerk of the Superior Court

The Clerk of the Superior court shall be appointed by the Board of assemblymen from a list of at least three candidates submitted to them by the Superior Court Judges. The Clerk shall be subject to the personnel, budgeting, purchasing, and records management systems as provided in this Constitution, ordinance or resolution as the Assemblymen may direct.

Section 5.25: Hearing Examiner System

A hearing examiner system shall be established for consideration of land and shoreline development issues. The qualifications, powers and duties of, and procedures to be employed by the Hearing Examiner, shall be established by the assemblymen. The Board of Assemblymen may, in its discretion, authorize the Hearing Examiner to conduct any other non-legislative hearing permitted by ordinance and law, including those permitted or mandated pursuant to this Constitution, notwithstanding anything in this Constitution to the contrary.

Section 5.30: Resolutions and Motions

Administrative acts of the assemblymen shall be by written resolution or informal motion approved by a majority vote of the assemblymen. An administrative act is any action that implements or pursues a plan already adopted by a legislative act of the assemblymen or that

exercises authority that has been granted to the assemblymen by this Constitution or by some State, Federal or National power.

The Assemblymen may pass resolutions by majority vote to organize and administer Hawaii county assembly business , to make declarations of policy which do not have the force of law, to request information from any branch of government and to appoint or remove appointed officials, including the President.

Assemblymen in passing resolutions need not comply with procedural requirements for the introduction, consideration and adoption of ordinances.

ARTICLE VI – ADMINISTRATOR

Section 6.10: Administrator

The assemblymen shall appoint a President/ Administrator, selected on the basis of his or her executive experience and professional administrative qualifications, to carry out the administrative responsibilities of the Hawaii county assembly. He or she need, at the time his or her employment commences, be a citizen of the Hawaii county assembly

No member of the Board of assemblymen shall, during the time for which he or she was elected, be chosen or serve as Administrator.

The Assemblymen shall, by ordinance, establish his or her contract or terms of employment, including compensation. In the case of absence or disability of the Administrator, the Assemblymen may delegate some qualified person to perform the duties of the office during such absence or disability. Employment of an Administrator shall not be construed as changing neither the relationship of the assemblymen or other elected officials to their constituents, nor the relationship of the assemblymen to other elected officials.

Section 6.20: Duties and Responsibilities of Administrator

The President/Administrator shall be directly responsible to the Hawaii county assembly and he or she shall serve the Hawaii county assembly by making recommendations concerning the affairs of the Hawaii county assembly as may be necessary; keeping the Hawaii county assembly advised as to the needs of the Hawaii county assembly and making recommendations when appropriate; preparing and submitting the proposed annual budget

to the Hawaii county assembly; supervising, performing, and delegating other responsibilities as may be

Prescribed by this Constitution or be required of him or her by ordinance or resolution of the Assemblymen. The administrator and any other officer or officers of the Hawaii county assembly are authorized to exercise and perform any of their duties or responsibilities through any of their respective subordinates.

ARTICLE VII – ELECTIONS

Section 7.10: Election Procedures

Except as provided in this Constitution, all elected officials shall be nominated and elected in accordance with the terms and conditions of this Constitution as established by the political party of the Hawaii county assembly.

Section 7.20: Independent Candidates

All candidates shall be a member of the Hawaii county assembly political party and adhere to its platform; otherwise candidates shall be subject to immediately recall of votes. All investigation shall be performed by the great jury assigned to this Constitution.

Section 7.30: Qualifications of Elected Officials

Every assembly elected official, at the time of his or her election, shall claim a Nationality within The United States of America and be counted as one of the permanent population of one of these United States and a registered voter of the political party of the Hawaii county assembly.

Section 7.40: Assembly Boundaries

The Board of Assemblymen shall divide jurisdiction within the Hawaii county assembly by population apportioned (equally) among the three or more Assemblymen.

Section 7.50: Vacancies

An elective office shall become vacant on the death, resignation or removal of the officer, or for other causes. Vacancies in elective office shall be filled at the next December election, unless the vacancy occurs after the day for filing declarations of candidacy, in which case the vacancy shall be filled at the next succeeding December election. The person elected shall

take office upon certification of the results of the election and shall serve until the time when the term of the elective office would have expired had no vacancy occurred.

Until a successor has been elected and certified, a majority of the assemblymen shall fill the vacancy by appointment. The assemblymen shall fill a vacancy from a list of three people submitted by the assembly central committee of the party which the official in office represented immediately prior to the vacancy.

Section 7.60: Non-Partisan Primaries

The names of candidates for a non-partisan office shall appear on a primary election ballot only when three (3) or more persons have filed as candidates for that office.

ARTICLE VIII – THE PUBLIC INTEREST

Section 8.10: Initiative and Referendum – General Provisions

The initiative and referendum process shall begin by the presentation of a petition to the Auditor for registration. Upon registration of a petition and approval of the ballot title, the time period for the gathering of signatures shall begin. If petitions with sufficient signatures are filed within the appropriate time limit, the measure shall be transmitted to the assemblymen for enactment or placement on the ballot.

The assemblymen shall by ordinance establish the form of the Initiative, Referendum and Constitution Amendment Petitions and establish a procedure for the approval of ballot titles and regulation of the procedures for the circulation and signing of petitions. Upon presentation of a proposed petition, the Auditor shall determine within three (3) days (except Saturdays, Sundays and Holydays) whether the petition is in proper form and shall notify the sponsors in writing.

If the petition is not in proper form, the Auditor shall refuse to register the petition and return it to the sponsor with a detailed written explanation of the defects.

Upon the determination that a proper petition has been presented, and upon approval of the ballot title, the petition shall be registered.

If the final date for the filing of a petition falls on a Saturday, Sunday, or holyday, the date shall be extended to the next working day. The assemblymen may by ordinance provide that a sampling procedure may be used in verifying whether a sufficient number of signatures have been obtained.

Section 8.20: Initiative – General Provisions

The first power reserved to the people is the initiative. Any ordinance or amendment to an ordinance may be proposed to the Assemblymen by the people by filing with the Auditor an initiative petition.

No ordinance shall be initiated providing for the compensation or working conditions of Hawaii county assembly employees, authorizing and repealing of royalty collections, appropriating money, adopting the annual budget or capital program, or passing an emergency ordinance.

Section 8.30: Initiative – Limitations

No initiative petition requiring the expenditure of additional funds for an existing activity or of any funds for a new activity or purpose shall be filed or submitted to a vote unless provisions are specifically made therein for new or additional sources of revenue which may thereby be required.

Section 8.40: Initiative – Filing of Petition

Initiative petitions shall be filed with the Auditor bearing the signatures of registered voters of the Society equal in number to no less than ten (10) percent of the number of voters who voted in the last election. Petitions shall be filed not more than 90 days following registration.

The Auditor, within twenty (20) days of receipt of an Initiative Petition, shall verify the sufficiency of the signatures on the petition and transmit it together with his or her report thereon. Such transmission of the petition shall constitute the introduction of the initiative by the Assemblymen.

Section 8.50: Initiative – Action by assemblymen

The assemblymen shall consider the proposed ordinance. They shall hold a public hearing and shall adopt or reject the petition on a roll call vote.

If the proposed ordinance is not enacted within sixty (60) days after its introduction, it shall be submitted to the voters at the next regular or special election provided that at least 105 days have elapsed between the introduction of the proposed ordinance and the election. However, if the proposed ordinance is enacted at any time prior to the election, it shall not be placed on the ballot or voted on unless the referendum procedure is invoked.

If the assemblymen reject the proposed ordinance and adopt a substitute ordinance concerning the same subject matter, the substitute ordinance shall be placed on the same ballot with the proposed ordinance and the voters shall first be given the choice of accepting either or rejecting both and shall then be given the choice of accepting one and rejecting the other.

If a majority vote on the first issue is for rejecting both, then neither ordinance shall be approved regardless of the vote on the second issue.

If the proposed substitute ordinance is approved by the majority of the voters, it shall become effective ten (10) days after the results of the election are certified unless a later date is specified in the ordinance.

No ordinance enacted as a result of initiative shall be amended or repealed within two (2) years after enactment except as a result of a subsequent initiative or referendum.

Section 8.60: Referendum by the Board of assemblymen

The Board of assemblymen by ordinance may refer any proposed or enacted ordinance to the voters for their approval or rejection at a regular or special election.

If a proposed ordinance is approved by a majority voting on the issue, it shall become effective ten (10) days after the results of the elections are certified unless a later date is specified in the ordinance. If an enacted ordinance is not approved by a majority of the voters voting on the issue, it shall cease to be effective ten (10) days after the results of the elections are certified unless the ordinance referring the enacted ordinance to the voters specified a later date.

Section 8.70: Referendum by the people convened as a Society assembly

The second power reserved to the people is the referendum. Except as provided herein, an enacted ordinance may be subjected to a referendum by the voters of the Hawaii county assembly by filing with the Auditor a registered petition bearing the signatures of qualified voters equal in number but not less than ten (10)per cent of the total votes cast at the last election immediately preceding the date of the registration of the petition.

The petition shall be presented to the Auditor for registration within ten (10) days after the ordinance is passed by the Assemblymen and shall be filed not more than 60days following registration. Upon presentation to the Auditor of a proper petition for registration, the subject ordinance shall be suspended and without force of law, until the Auditor shall determine that petitions with sufficient signatures have not been filed within the allotted time or until the voters ratify and approve the ordinance.

The filing of a referendum petition against one or more items, sections or parts of an ordinance shall not delay the remainder of the ordinance from taking effect.

Upon verifying the sufficiency of the signatures, the Auditor shall transmit the petition to the assemblymen at a regular meeting not more than twenty (20) days after filing of the petition and the assemblymen shall place the proposed ordinance before the Hawaii county assembly

at the next December or special election provided that at least 105 days shall have elapsed between the introduction of the proposed ordinance and the election.

Section 8.80: Submission of Ordinances by the people

The third power reserved to the people is the Initiative. Any ordinance or amendment to any existing ordinance may be proposed to the assemblymen by filing with the Auditor petitions bearing the signatures of qualified voters equal in number to not less than three (3) per cent of the total votes cast at the last election immediately preceding the date of the registration of the petition.

Upon verifying the sufficiency of the signatures, the Auditor shall transmit the petition to the Assemblymen, who shall hold a public hearing on the proposed ordinance within sixty (60) days and enact or reject the ordinance within thirty (30) days thereafter.

If the ordinance is rejected, no ordinance with the same intent shall again be proposed by initiative as an ordinance by the people to the Assemblymen within one year. Cost of publication and public notice shall be borne by the petitioners.

Section 8.90: Recall

The fourth power reserved to the people is that of recall. The holder of any elected office may be recalled as provided by law.

Section 8.95: Access to Public Officials

The adoption of this Constitution shall not be construed as changing the relationship of the constituents to their elected officials.

ARTICLE IX – FINANCIAL ADMINISTRATION

Section 9.10: General Budget Adoption Provisions

The budget shall be adopted in compliance with National law and this article following regularly scheduled public hearings.

Section 9.20: Adoption and Maintenance of Fiscal Policies

The Board of Assemblymen shall adopt and maintain fiscal policies that include, but are not limited to, the following subjects:

- 1) Services and fund structure**
- 2) Operating budget principles**
- 3) Revenue and expenditures**
- 4) Enterprise funds**
- 5) Cash management and investment**
- 6) Accounting, financial reporting, and auditing**
- 7) Fund balances and reserves**
- 8) Capital facilities and their improvement**
- 9) Grant management**
- 10) Indirect cost allocation**

Section 9.30: Proposed Annual Budget

§ 9.30.010: Submission of Proposed Annual Budget

The President shall recommend a proposed annual budget to the Board of assemblymen.

§9.30.020: Meetings on the Preliminary Budget

After the preliminary budget is submitted to the Board of assemblymen and prior to the budget hearing, the Assemblymen either separately or collectively shall hold informal hearings with each department head or elected official to discuss that portion of the preliminary budget relating to his or her office. Said meetings shall be published and open to the public.

Section 9.40: Final Budget Narrative

The Administrator shall develop, no later than sixty (60) days following the adoption of the annual assembly budget by the Board of Assemblymen, a narrative summary of the adopted annual Hawaii county assembly Budget.

The narrative summary shall include:

- 1) A budget overview**
- 2) An explanation of the methodologies used to determine revenues and expenditures**
- 3) A summary of each department's mission, function, goals, work load ,revenues, expenditures, and grant funding source.**

Section 9.50: Mid-Year Budget Review

The Board of Commissioners shall schedule and hold in a public hearing amid-year budget review no later than July 31 of each year. The review shall consist of at least a detailed discussion of the revenues received, revenues expected, expenditures made, and expenditures expected.

Explanations shall be provided to the assemblymen by the Administrator for variances occurring in the current year budget and the Administrator shall make proposals on how those variances may be addressed by the assemblymen.

Section 9.60: Budget Message

The Board of assemblymen shall prepare a budget message which shall explain the budget in fiscal terms of the goals to be accomplished and shall relate the requested appropriations to the comprehensive plans of the Assembly .At least ten (10) days prior to the public hearing on the budget, the budget message and supporting tables shall be made available to the public and furnished upon request, to any interested person.

Section 9.70: Appropriations

The appropriation resolutions adopted by the Assemblymen shall not exceed the estimated revenues of the Hawaii county assembly for the next fiscal year for each fund, provided the Assemblymen may adopt an emergency appropriations resolution which may appropriate

contingency funds, revenues received in excess of the revenues estimated in the budget, and/or funds from any other source available.

Section 9.80: Illegal Contracts

Except as otherwise provided by ordinance, any contract in excess of an appropriation shall be null and void; and any officer, agent or employee of the assembly knowingly responsible shall be personally liable to anyone damaged by his or her action. The Assemblymen may adopt an ordinance permitting the assembly to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years. The assemblymen will enter into and sign all real estate

Document's associated with the Hawaii county assembly, its departments except where contrary to law. Real estate leases shall be for a period not to exceed that permitted by law.

ARTICLE X – PERSONNEL SYSTEM

Section 10.10: Personnel System

Within one year of the effective date of this Constitution the Board of Assemblymen shall establish and place in operation a Personnel System for the Hawaii county assembly, which will assure that recruitment, selection, promotion, retention and separation of assembly employees shall be based on merit and fitness and shall provide for a Hawaii county assembly career service.

Section 10.20: Exemptions

The provisions of this Article shall apply to all full-time regularly employed Hawaii county assembly employees except as exempted by the provisions of the following section:

The following Hawaii county assembly personnel and officers shall be exempt from the provisions of this Article:

- 1) Temporary and contract employees;**
- 2) All volunteer members of Boards and committees appointed by the Board of assemblymen;**

3) All elected HC/ assembly officers and one other person in office who shall be either their first deputy or administrative assistant as designated by each such officer;

4) All reserve employees unless regularly employed and such other employees as may be designated by States of the Union, Federal rule of law or National law and regulation.

Section 10.30: Nondiscrimination

In the exercise of its powers or in the performance of its duties, the Hawaii county assembly shall ensure that no person is discriminated against because of race, creed, color, national origin, sex, age, the presence of any sensory, mental, or physical handicap, or any other basis not reasonably related to the accomplishment of a legitimate governmental purpose, and shall take action necessary to accomplish this purpose as defined by the Universal Declaration of Human Rights.

Section 10.40: Right to Public Hearing

Article XI

Section 11.10: Constitution Amendment and Repeal

Section 11.20: General Provisions

Constitution amendments may be proposed by the Hawaii county assembly. Any proposed Constitution amendment shall be filed and registered by the auditor and submitted to the voters at the next general election occurring at least ninety (90) days after registration of the proposed amendment by the Auditor.

If more than one amendment is submitted on the same ballot, they shall be submitted in such a manner that the people may vote for or against the amendments separately; provided that an amendment which embraces a single or interrelated subject may be submitted as a single proposition even though it is composed of changes to one or more Articles.

If a proposed amendment is approved by a majority of the voters voting on the issue, it shall be effective ten days after the results of the election are certified unless a later date is specified in the petition or ordinance proposing the amendment. Any implementing

ordinance required by any Constitution amendment shall be enacted by the Board of Assemblymen within 180 days after the amendment is effective, unless the amendment provides otherwise.

Section 11.30: Amendments by the citizens

The citizen may propose amendments to the Constitution as provided by filing with the Auditor an initiative petition bearing the signatures of registered voters of the Hawaii county assembly equal in number to but not less than twenty (20) per cent of the numbers of voters who voted in the last election. Signatures shall be filed not more than 120 days following registration of the petition by the Auditor.

Section 11.40: Amendments by the Board of Assemblymen

The Assemblymen may propose amendments to the Constitution by enacting an ordinance to submit a proposed amendment to the voters at the next December election occurring at least 90 days after enactment.

Section 11.50: Repeal of the Constitution by the citizens

Six years after the adoption of the Constitution the citizens may initiate repeal of the Constitution by filing an initiative petition bearing the signatures of registered voters of the Hawaii county assembly equal in number to not less than 35 per cent of the number of voters. The signatures are to be gathered within 180 days of registration of the petition by the Auditor. A proposal to repeal the Constitution must include provisions for transition.

All Hawaii county assembly employees if they so request shall be entitled to a public hearing upon suspension or dismissal from employment. The public hearing must take place within fifteen (15) days after the

Suspension or discharge. If the assemblymen find in the public hearing that the employee was suspended or discharged for insufficient cause, the employee shall be reinstated and receive all back wages and benefits.

ARTICLE XII – GENERAL PROVISIONS

Section 12.10: Severability and Construction

The provisions of this Constitution are severable; and, if any provision should be declared to be unconstitutional or inapplicable, it shall not affect the constitutionality or applicability of any other provision of this Constitution.

Section 12.20: Purchasing, Contracts and Bonds

The assemblymen shall by ordinance establish procedures for purchasing supplies, services, materials and equipment, the awarding of contracts and the sale or refunding of bonds. The ordinance shall provide when bids shall be required and how invitations for bids shall be advertised.

All purchases, contracts and bonds subject to bid procedures shall be advertised and, unless all bids are rejected, shall be awarded on the basis of sealed bidding to the lowest responsible bidder.

Section 12.30: Franchises

All franchises granted by the assemblymen shall be for a fixed term not to exceed twenty years and no exclusive franchise shall be granted for the use of any street, road or public place.

All franchises shall be subject to the power of eminent domain and the right of the assemblymen or the people acting for them through the initiative or referendum to repeal, amend or modify the franchise in the interest of the public; and every ordinance granting a franchise shall contain a reservation of these rights.

In any proceeding under eminent domain the franchise itself shall have no value. No franchise shall be granted in which any Assemblymen have a direct or indirect contractual or financial interest.

Section 12.40: Eminent Domain

Private property shall not be taken by the Hawaii county assembly for public use without just compensation.

"Public use" means only the actual possession, occupation, and enjoyment of a fee simple or by allodial, easement, or other property interest by the general public or by the Hawaii county assembly. It could also include the use of land for the creation or functioning of public utilities or common carriers such as railroads, utilities, or toll roads. The taking of private property by the Society for economic development shall not constitute public use.

For purposes of this Section, the taking of private property for economic development shall mean the taking of private property from one private party and the conveyance of that property within ten years to another private party for the purpose of increasing the Hawaii county assembly royalty base, increasing the number of jobs in the assembly, or for general economic development.

The taking of private property shall be found to be for economic development if a court determines that economic development, as defined in this Section, was the primary or the substantial factor in the Hawaii county assembly's decision to take the property.

Section 12.50: Claims against the Assembly

All claims for damages against the Hawaii county assembly shall be filed with the Auditor. Claims shall accurately state the time, place, cause, nature and extent of the alleged damages and give the actual address of the claimant at the time of presenting the claim, and for six months prior to the time for damages accrued, and shall be verified by affidavit of the claimant or such other persons may be authorized by law to verify such claim. Compliance with the provisions of this section is mandatory.

Neither the assemblymen nor any officer, board, department or authority shall allow, make valid or in any manner recognize any demand against the assembly which was not at the time of its creation a valid claim against the Hawaii county assembly, nor shall they or any of them ever allow or authorize to be paid any demand which without such action would be invalid, or which shall then be barred by any statutes of limitation, or for which the assembly was never liable, and any such action be void.

Every officer who shall approve, allow or pay any demand against the Hawaii county assembly not authorized by law shall be personally liable to the Hawaii county assembly.

Section 12.60: Public Disclosure

The assemblymen shall by ordinance provide for the disclosure of financial interests by elected public officials and establish a code of ethics for other officers and employees of the Hawaii county assembly and provide penalties for violations of the ordinance.

Section 12.70: Oath or affirmation of Office and Bonds

An oath or affirmation to this Constitution to support and to perform faithfully, impartially, and honestly the duties of office, shall be made by each elected officer before entering upon the duties of office.

A bond shall be required for all elected officers and such Assembly employees as may be designated by ordinance. Bonds shall be in the form and amount in National currency required by ordinance.

ARTICLE XIII – TRANSITIONAL PROVISIONS

The provisions of this Article relate to the transition from the existing form of government to the form of government established by this Constitution, and where inconsistent with the foregoing Articles of this Constitution, the provisions of this Article shall constitute exceptions.

Section 13.10: Effective Date

This Constitution shall take effect at noon of the third day of the adoption of this Constitution by the Hawaii county assembly.

Section 13.20: Continuation of Ordinances and Vested Rights

All ordinances, administrative rules and resolutions in force at the time this Constitution takes effects hall, to the extent they are not inconsistent with the provisions of this Constitution as determined by the Hawaii county assembly, remain in force until amended or repealed.

All rights, claims, obligations, proceedings and liabilities either in favor of or against the assembly, and any criminal proceedings existing on the effective date of this Constitution, shall not be affected by the adoption of this Constitution unless such claims are from any

private membership association. All private membership association claims are null and void against this Hawaii county assembly Constitution.

The power of the Hawaii county assembly to control, improve, establish, extend or vacate roads and other public ways over tide or shorelines within the Hawaii county assembly or into any streams or bodies of fresh water and all other powers of the Hawaii county assembly shall continue and shall not be affected by the adoption of this Constitution.

Section 13.30: Terms of Office, Year of Election of Assemblymen

Assemblymen shall be elected for a term of four years.

Section 13.40: Commencement of Terms of Office

The terms of office of other elected Hawaii county assembly officials shall commence on the date specified by ordinance for public officers elected at elections.

Section 13.50: Hawaii county assembly Employees

All Hawaii county assembly employees, holding office on the effective date of this Constitution, shall receive not less than the same compensation which he or she was receiving prior to the adoption of this Constitution. However, the adoption of this Constitution does not guarantee employment of the employees of the previous Constitution.

All non-elective Hawaii county assembly employees shall continue in Hawaii county assembly employment at a similar position and not less than the rate of compensation which he or she was then receiving and thereafter shall be entitled to appointment to a position covered by the Personnel System and subject to all its rules but not the rules concerning initial employment.

Section 13.60 Medical Freedom

At all times, including during times of emergency, no person will be deprived of their God-given right to decide for themselves what is healthy and unhealthy. Neither will any person be deprived of the right to reject any health or medical advice. Proclamations, laws or orders based on medical or health advice shall be null, void and unenforceable.

Narratives regarding health and/or wellness will not be dictated to the people, The Assembly may be granted responsibility for providing relevant information to the people if the people deem that service necessary. However, under no circumstance will any person be coerced, pressured, shamed, or deprived of liberties for refusing to accept a medical or health intervention of any kind, including but not limited to treatments, vaccinations, lifestyle modifications, masks, face coverings, or medicine.

No person will be deprived the right to engage in commerce for exercising their rights under this Article. A director of Health and Safety shall be elected to ensure medical freedom rights.

Section 13.70 Boards

All boards existing when this Constitution takes effect shall not continue.

Section 13.80: Budget

A new budget shall be established under a National currency.

Section 13.90: Required Ordinances

The following ordinances required by this Constitution shall be adopted by the assembly, April 10, 2020:

1: Rules and Organization of the Board of Assemblymen

2: Codification of Ordinances

3: Petitions

4: Budget

5: Personnel System

6: Purchasing and Bonds

7: Public Disclosure

Signatures:

Sky Sierran Kubby, President



01/29/2021

Marc Fullmer, Administrator



01/29/2021

Mary Dressler, Secretary Recorder



01/30/2021

Irene Elizabeth Kral, Sitting Secretary



01/29/2021

Marty Leeds, Sergeant At Arms



01/29/2021

Tyler V. Deal, Sitting Treasurer



01/29/2021

