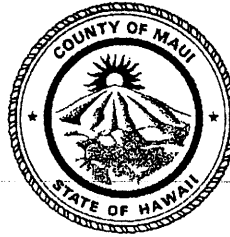


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MEMO TO: Kelly T. King
Chair, Maui County Council

FROM: Edward S. Kushi, Jr.
First Deputy Corporation Counsel

DATE: March 7, 2019

SUBJECT: **LEGAL ADVICE REGARDING MAYOR'S ABILITY TO
APPOINT DISAPPROVED DEPARTMENT HEADS AS
INTERIM DEPARTMENT HEADS (PAF 19-108)**

We are in receipt of your memorandum dated February 26, 2019, asking "Does the Mayor have the authority to appoint, on a temporary basis, the same individual who has been disapproved by the Council as the administrative head of a department?"

We answer in the affirmative.

DISCUSSION

"[T]he fundamental starting point for statutory-interpretation is the language of the statute itself." *First Ins. Co. of Hawai'i v. A & B Props.*, 126 Hawai'i 406, 414, 271 P.3d 1165, 1173 (2012). "[W]here the statutory language is plain and unambiguous, our sole duty is to give effect to its plain and obvious meaning." *Id.*

We do not view Subsections 4 and 5 of Section 6-2 of the Revised Charter of the County of Maui (1983), as amended ("Charter"), as conflicting, nor as being mutually exclusive. It is our position that each subsection stands alone and can

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from Chair Malone

2019-01

be read in a way that neither renders the other meaningless. "Courts are bound to give effect to all parts of a statute, andno clause, sentence, or word shall be construed as superfluous, void or insignificant if a construction can be legitimately found which will give force to and preserve all words of the statute." *Blair v. Harris*, 98 Hawai'i 176, at pg. 179, citing *Keliipuleole v. Wilson*, 85 Hawai'i 217 (1997).

Section 6-2(4) of the Charter provides that "The mayor has the authority to appoint, on a temporary basis, an administrative head of any department, provided that such department is one where the administrative head is appointed by the mayor." Within said section, there is no stated limitation nor restriction on this authority, therefore we believe this authorizes the Mayor to temporarily appoint anyone to be a "temporary" or "interim" administrative head of any department for any reason.¹

In contrast, Section 6-2(5) specifically applies to the procedure of the Mayor's appointment and subsequent Council confirmation of department heads as full-time, permanent officers.² Pursuant to the referenced procedure, until the nominated appointee is confirmed by the council, the nominated appointee shall be the "acting" director of his/her respective office.³ In the event the council denies a nomination, the nominated appointee no longer is an "acting" director. Thereafter, the Mayor has 60 days within which to make a new "acting" appointment. There is no specific provision or language in Section 6-2(5) that prohibits or prevents the initial nominee, who had been denied confirmation by the council, from being subsequently appointed by the Mayor as a "temporary" or "interim" departmental director during the period from the Council's denial up to and including the Mayor's nomination of a new "acting" director.⁴

Your reference to Attorney Jeffrey Portnoy's August 8, 1991 letter to then Council Chair Howard Kihune commenting on the situation that occurred earlier that year, where newly-elected mayor Linda Lingle retained her council-rejected department heads as Acting Corporation Counsel and Acting Prosecuting Attorney, is misplaced and inappropriate. There were no relevant charter provisions with respect to "temporary" or "interim" vs. "acting" director appointments in 1991, as well as no specific or specified time frames within which a mayor would be required to submit nominations to the council.⁵

¹ If the incumbent department head is on an extended leave of absence, or in this case, if the position is not occupied.

² "Permanent" to the extent of the Mayor's term. See Section 6-2(3), Charter.

³ "The appointee shall take office upon appointment by the mayor but shall not continue in office if the council denies the appointment." Section 6-2(5), Charter.

⁴ For purposes of this memo and analysis, we distinguish any department head appointed pursuant to Section 6-2(4) as a "temporary" or "interim" director, and those appointed pursuant to Section 6-2(5) as "acting" directors.

⁵ At that time in 1991, the entire Section 6-2 of the Charter read as follows:

Likewise inappropriate is your reference to the case of *Application of Thomas*, 73 Hawai'i 223 (1992), as the Supreme Court in that case affirmed the dismissal of a petition filed in the Second Circuit Court for mootness.

Further, albeit instructive in the general sense, the comparison and reference to Section 26-34, HRS, and the case of *Sierra Club v. Castle and Cooke Homes Hawaii, Inc.*, 132 Hawai'i 184 (2013), is also misplaced. There the Supreme Court reviewed the process and requirements for appointments and confirmations to State boards and commissions, not appointments or confirmations of County administrative department heads.

Lastly, we submit that your reference to the proceedings of the 1991-92 Charter Review Commission (the "Commission") requires further scrutiny.

As referenced in your February 26, 2019 request (at page 4), a committee of the Commission (Committee "A") did recommend, in its report and recommendations of April 30, 1992, under Article 6. Executive Branch regarding Section 6.2, that:

"Recommendation: The wording in 6.2.3 be changed to provide (1) the Mayor with the authority to appoint acting department heads, who may or may not be appointed to become permanent department heads; (2) the council 60 days to confirm or reject an appointed department head; (3) that a rejected appointee cannot serve as acting or interim department head after being rejected; (4) the Mayor has 60 days to appoint another person after a rejection; (5) the Council has 60 days to act on the new appointee; etc.. These provisions are to apply to all department heads that are required to be approved by the council." (emphasis added)

However, in the Commission's final report dated August 13, 1992 (relevant sections of which is attached hereto as Attachment "1") beginning at page 17, the Commission concluded that:

"Section 6-2. Appointment and Removal of Officers and Employees.

1. The administrative head of a department may not appoint more than the staff for which appropriations have been made by the council.
2. No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of the office or position.
3. The term of office of any administrative head of a department who is appointed by the mayor, including the corporation counsel and the prosecuting attorney, shall end with the term of office of the mayor, except that any such administrative head may be earlier removed as provided for in this charter. Such officers shall not hold over more than 60 days after their respective terms of office, and shall immediately vacate their respective offices at the end of the 60-day period or upon the appointment of a successor in accordance with this charter, whichever occurs first."

“4. Status of Rejected Appointments: There is no provision in the charter addressing the scenario where an interim appointment has been rejected by the county council.”⁶

Based on this conclusion, the report stated that the issues addressed by the Commission included:

“3. Whether to (1) authorize rejected appointees to continue to serve after rejection; and (2) if allowed to continue to serve, whether to limit the period under which such rejected appointees can continue to serve or; (3) to prohibit such rejected appointees from continuing to serve.”⁷

Accordingly, “after reviewing these issues, the commission deemed it appropriate to amend Section 6-2 of the charter to provide:

1. That the mayor may appoint acting department heads with full authority of the office temporarily held;
2.
3.
4.
5. That any disapproved nominee shall not continue in the nominated position; and
6.”⁸ (emphasis added)

Based on its report, the Commission published a “Digest of Proposed Questions Charter Commission Ballot” on or about September 18, 1992 (a copy of which is attached hereto as Attachment “2”) which stated:

“4. **APPOINTMENT AND APPROVAL OF CORPORATION COUNCIL AND PROSECUTING ATTORNEY:** Shall the mayor be granted the authority to make temporary appointments and shall the procedure for the appointment and approval of the prosecuting attorney and the corporation counsel be further defined to provide that:

- (1) The mayor has 60 days after taking office or the creation of a vacancy to make these appointments.
 - (2) The council has 60 days to act on such appointments, and
 - (3) Persons denied confirmation by the council shall not continue in these offices?
- (1) If adopted, this amendment will provide that Section 6-2 will be amended to provide that the procedures for appointments of the prosecuting attorney and the corporation counsel will be further amended on include the language listed above.

⁶ Commission Report, at page 18.

⁷ Commission Report, at page 19.

⁸ Commission Report, at page 19.

(2) If adopted, this amendment will provide that Section 6-2.4 will provide that the mayor shall have the authority to appoint on a temporary basis as administrative head of any department.”⁹

Based on the above, although the Commission did review and discuss the specific situation as to the status of a rejected nominee pursuant to Section 6-2(5), the language of the charter amendment itself did not expressly prevent nor prohibit said rejected nominee from being appointed as a temporary administrative head pursuant to Section 6-2(4). With respect to this specific issue/scenario, we submit that what the Commission reviewed, deliberated, and recommended did not result in what was adopted by the voters. We further submit that a more appropriate and perhaps (in hind-site) precise wording for Section 6-2(4) would have been:

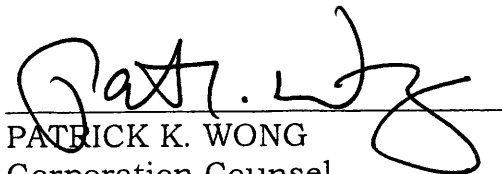
4. The mayor shall have the authority to appoint, on a temporary basis, an administrative head of any department, provided that such department is one where the administrative head is appointed by the mayor, provided further that any such person so appointed shall not have been previously rejected by the council for such department pursuant to Section 6-2(5).

Finally, we submit that any future charter commission review or proposals to amend Sections 6-2(4) and 6-2(5) should take into consideration that the fact that now eleven (11) directors are subject to council confirmation, as compared to the two (2) directors which were subject to council confirmation in 1991.

CONCLUSION

Based on the foregoing discussion, we submit and conclude that the Mayor has the authority, pursuant to Section 6-2(4) of the Charter, to appoint, on a temporary basis, the same individual who has been disapproved by the Council as the administrative head of a department, in accordance with the process set forth in Section 6-2(5) of the Charter.

APPROVED FOR TRANSMITTAL:



PATRICK K. WONG
Corporation Counsel

2019-0366
PAF 19-108 2019-03-07 memo to king

⁹ Digest, at page 1 and 2.

CHARTER COMMISSION REPORT

ATTACHMENT "1"

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1991-1992 CHARTER COMMISSION REPORT

BACKGROUND

The 1991-1992 Charter Commission was appointed by the Mayor on March 20, 1991. After appointment, commission members were confirmed by the Council. The Commission was comprised of eleven members. The appointed and confirmed members of the Commission were:

James H. Cockett
Sherrilee K. Dodson
Dolores M. Fabrao (Lanai)
Annette M. Mondoy (Molokai)
Robert Nakasone
Victor G. Reyes
Allan R. Sparks
Anne M. Takabuki
Jamie Woodburn
Deborah K. Wright
Lloyd Yonenaka

ORGANIZATION

The Commission's first meeting was held on the third day of July, 1991 at which time Mr. Robert Nakasone was elected chairperson and Ms. Sherrilee Dodson was elected vice chairperson. The Commission adopted organizational and procedural rules for the conduct of its business.

The Commission held seven public hearings after its initial organization in order to develop a record of public concerns with regard to the revised charter of the County of Maui. The initial phase of public hearings were held as follows:

October 24, 1991	South Maui (Kihei Elementary School)
December 2, 1991	Lanai
December 9, 1991	Molokai
January 27, 1992	Hana
January 30, 1992	Upcountry (Makawao)
February 6, 1992	West Maui (Lahaina)
February 19, 1992	Central Maui (Kahului)

SUBCOMMITTEES

The Commission formulated three subcommittees to evaluate the input it had received on the charter and to investigate the need for changes to various sections of the revised charter. The subcommittees included a Legislative and Executive Branch subcommittee (Articles 1-7 of the charter), a County Department subcommittee (Article 8 of the charter) and a Finance and General Provisions subcommittee (Articles 9-15 of the charter).

Each subcommittee drafted a report summarizing its recommendations for changes to various sections of the charter under its mandate. The subcommittees presented their recommendations to the full Commission for vote. The recommendations that received a majority affirmative vote from the Commission were then compiled into a draft report in order to obtain further input from the executive and legislative branches of the county government, as well as from governmental agencies and from the public.

The Commission held six additional public hearings in order to obtain further input on the recommendations from the draft report. This second phase of public hearings was held as follows:

June 16, 1992	South Maui (Kihei)
June 18, 1992	Upcountry Maui (Pukalani)
June 23, 1992	West Maui (Lahaina)
June 25, 1992	Skybridge at Maui Community College in Kahului with Lanai and Molokai
June 25, 1992	Hana
June 30, 1992	Central Maui (Wailuku)

After the second phase of public hearings the Commission took additional public testimony concerning its draft report.

The draft recommendations were then brought to the full Commission for final vote on August 3, 1992.

COMMISSION'S RECORD

The Commission's record is on file with the County Clerk. It is comprised of the minutes of 54 meetings, the testimony from 13 public hearings, the subcommittee reports, the draft report and the correspondence to and from the Commission.

CHARTER COMMISSION REPORT

The report that follows presents the proposed amendment of the revised charter of the County of Maui resulting from the deliberations of the 1991-1992 Charter Commission pursuant to Article 14, Section 14-3 of the revised charter of the County of Maui.

ARTICLE 6. SECTION 6-2.3

6. EXECUTIVE BRANCH

Questions have arisen concerning the situation where the corporation counsel and/or prosecuting attorney have been appointed by the mayor but not confirmed by the council. Under this scenario, issues have been raised as to (a) whether the appointee has full authority of his or her office in the interim, that is, before council confirmation, and (b) whether such authority continues after council rejection and before the appointment of a replacement.

These issues have raised questions as to the validity of the actions of the appointees during the interim period.

The charter of the County of Maui is silent on the issues and provides little guidance with regard to such interim appointments.

The charter commission has been asked to address these questions and to propose a charter amendment(s) to resolve the issues.

The objective of such amendments would be (a) to facilitate the appointment process; (b) to ensure that the mayor and council has ample opportunity to consider each appointment and to act accordingly; and (c) at the same time, to avoid disruption in the provision of county legal services during transitional periods.

The charter commission has concluded that:

1. Specific Authority For Interim Appointments:

There is no specific authority stated in the charter for the interim appointment of the corporation counsel or prosecuting attorney.

2. Time For Mayor to Act: There is no "time

requirements" under which the Mayor must submit appointments for corporation counsel and prosecuting attorney to the council for confirmation after a vacancy exists.

3. Time Requirements on Council Action: There is no

"time requirements" under which the council must approve or reject the mayor's interim appointment of corporation counsel or prosecuting attorney.

4. Status of Rejected Appointments: There is no

provision in the charter addressing the scenario where an interim appointment has been rejected by the county council.

Consequently, the issues addressed by the charter commission included:

1. whether to provide to the mayor the specific authority to make interim appointments;

2. whether to create a time requirement on the mayor to submit such appointments to the council and a time requirement on the council to consider and act upon such appointments, including a default provision, that is, a provision identifying the ramifications if the mayor fails to submit within the time requirements and/or the council fails to act within the time requirements;

3. whether to (1) authorize rejected appointees to continue to serve after rejection; and (2) if allowed to continue to serve, whether to limit the period under which such rejected appointees can continue to serve or; (3) to prohibit such rejected appointees from continuing to serve.

After reviewing these issues, the commission deemed it appropriate to amend Section 6-2 of the charter to provide:

1. that the mayor may appoint acting department heads with full authority of the office temporarily held;

2. that the mayor be obligated to submit the nominees for corporation counsel and a prosecuting attorney within 60 days of the mayor taking office or within 60 days of the creation of a vacancy in those offices;

3. that the council should act to approve or disapprove a nominee within 60 days of the mayor's submittal of the nomination;

4. that if the nominee is disapproved, that the mayor must submit the name of the new nominee to the council within 60 days of the disapproval, and the council shall act to approve or disapprove within 60 days of the submittal with the name of the nominee;

5. that any disapproved nominee shall not continue in the nominated position; and

6. that if the council does not act within 60 days, the nominee shall be deemed approved.

The commission believes that with the approval of the proposed amendment, the ambiguities contained in the existing charter will be addressed and that the rights and obligations of the executive and legislative branches of government be better defined and the validity of the actions of appointees during interim periods will have been resolved.

The proposed amendment would add two new subsections to Article 6, Section 6-2 of the charter, as follows:

AMENDED SECTION

Section 6-2. Appointment and Removal of Officers and Employees.

4. The mayor shall have the authority to appoint, on a temporary basis, an administrative head of any department, provided that such department is one where the administrative head is appointed by the mayor.

5. Within 60 days of taking office, or within 60 days after a vacancy is created, the mayor shall appoint the corporation counsel and prosecuting attorney with written notice of the appointment to the council. The council shall confirm or deny the confirmation within 60 days after receiving notice of the appointment by the mayor. If the council does not act within the 60-day period, the appointment shall be deemed to be confirmed. The corporation counsel and prosecuting attorney shall take office upon appointment but shall not continue in office if the council denies confirmation. If the appointment is not confirmed by the council, the mayor shall make a new appointment within 60 days of the council's denial, and the council shall confirm or deny within 60 days after receiving notice of the new appointment by the mayor. If council does not act within the 60-day period, the appointment shall be deemed to be confirmed.

**DIGEST
OF PROPOSED QUESTIONS
CHARTER COMMISSION BALLOT**

Pursuant to Section 14-3 of the Maui County Charter, the following is a brief digest of the proposed Charter amendments which will appear on the November 3, 1992 general election ballot, and an explanation of the changes which will occur if the amendments are passed by the voters. Copies of the amendments are available at the office of the county clerk.

1. **COUNCIL COMPOSITION:** Shall all nine Maui County council members be elected by all the voters of the county with the requirement that there be one resident elected from each of the nine residency areas as follows:

Kahului
Waialuku-Waihee-Waikapu
West Maui
South Maui (Kihei-Makena-Maalaea)
Upcountry (Pukalani-Kula-Ulupalakua)
Makawao-Paia-Haiku
East Maui (Hana-Keanae-Kailua)
Molokai
Lanai

If adopted, this amendment would provide that Section 3-1 would be amended to provide that of the nine council members, one shall be a resident of each of the proposed residency areas above.

2. **COUNTY COUNCIL (TERM, RESIDENCY, VOTING):** Shall the charter provisions concerning the county council members be changed:

- (1) to prohibit council members from serving more than five consecutive two year terms,
- (2) to require a ninety day (90) residency in the county prior to filing nomination papers and in the candidate's residency area at the time of filing nomination papers, and
- (3) to authorize that voting on matters before the council be pursuant to council rules and to require a roll call vote when requested by any council member.

(1) If adopted, this amendment will provide that Section 3-2 will be amended to provide that the council members shall not serve more than five consecutive two year terms.

(2) If adopted, this amendment will provide that Section 3-3 will provide to be eligible for the office of council member, a person must be a resident of the County for at least 90 days prior to filing of nomination papers and a resident of the residency area from which the person seeks to be elected at the time of filing.

(3) If adopted, this amendment will provide that Section 3-6.4 will provide that all voting on motions by the council should be in accordance with Council Rules, except that a roll call vote may be taken if one member of the council requests a roll call vote.

3. **LANAI PLANNING COMMISSION:** Shall a separate planning commission be established for the island of Lanai?
(Article 8, Sections 8-8.1 and 8-8.4)

4. **APPOINTMENT AND APPROVAL OF CORPORATION COUNSEL AND PROSECUTING ATTORNEY:** Shall the mayor be granted the authority to make temporary appointments and shall the procedure for the appointment and approval of the prosecuting attorney and the corporation counsel be further defined to provide that:

- (1) the mayor has 60 days after taking office or the creation of a vacancy to make these appointments,
- (2) the council has 60 days to act on such appointments, and
- (3) persons denied confirmation by the council shall not continue in these offices?

(1) If adopted, this amendment will provide that Section 6-2 will be amended to provide that the procedures for appointments of the prosecuting attorney and the corporation counsel will be further amended to include the language listed above.

(2) If adopted, this amendment will provide that Section 6-2.4 will provide that the mayor shall have the authority to appoint on a temporary basis an administrative head of any department.

5. CODE OF ETHICS: Shall the code of ethics be changed:

- (1) to clarify which boards and commissions must file financial disclosure statements,
- (2) to clarify the prohibitions on county employees and officers in representing private interests before county agencies, and
- (3) to authorize that advisory opinions be issued 45 days after filing?

(1) If adopted, this amendment will provide that Section 10-3 will be amended to provide that members of any board or commission established by the Charter shall file financial disclosure statements with the Board of Ethics.

(2) If adopted, this amendment will provide that Section 10-4 will be amended to prohibit officers and full-time employees of the county from appearing on behalf or representing private interest before any county agency and also provides that the council by ordinance may prescribe further standards, conditions, and guidelines concerning the representation of private interest before county agencies.

(3) If adopted, this amendment will provide that Section 10-2 will be amended to provide that the Board of Ethics shall issue advisory opinions within 45 days of filing of a request for an advisory opinion.

6. BOARD OF VARIANCES AND APPEALS: Shall the authority of the board of variances and appeals to grant variances from the general plan be deleted?

If adopted, this amendment will provide that Section 8-5.4 be amended to delete the ability of the Board of Variances and Appeals to hear applications for variances from the general plan.

7. SALARY COMMISSION: Shall the salary commission establish the salaries of the directors and deputy directors of all county departments, including the Department of Water Supply?

If adopted, this amendment will provide that Section 8-16.1 will move the Salary Commission from Article 3 to Chapter 16 of Article 8 and provide that the Salary Commission shall set the salaries for all directors and deputy directors of all departments, and that Section 8-11 will delete the Water Commission's power to fix the Water Director's salary.

8. INVESTIGATORS WITH PROSECUTING ATTORNEY: Shall investigators within the Department of the Prosecuting Attorney have powers and privileges of a police officer?

If adopted, this amendment will provide that Section 8-8.3 will be amended to provide that investigators within the Department of Prosecuting Attorney will have the power and privileges of a police officer in Maui County.

9. QUALIFICATIONS - CORPORATION COUNSEL AND PROSECUTING ATTORNEY: Shall the qualifications of the corporation counsel and prosecuting attorney be changed to require these officers have practiced law at least three years, but not necessarily in the State of Hawaii?

If adopted, this amendment will provide that Section 8-2.2 will be amended to provide that the requirement that the corporation counsel be required to engage in the practice of law within the State of Hawaii for three years is eliminated, and that Section 8-3.2 will be amended to provide that the requirement that the prosecuting attorney be required to engage in the practice of law within the State of Hawaii for three years is eliminated.

10. DEPARTMENTS OF PUBLIC WORKS AND HUMAN CONCERNS:

Shall the names of the Department of Public Works and Department of Human Concerns be changed to the Department of Public Works and Waste Management and the Department of Housing and Human Concerns?

If adopted, this amendment will change Section 8-4 and Section 8-10 to reflect these new department names.

11. FIRE DEPARTMENT: Shall the duties of the fire chief include responsibility for hazardous materials?

If adopted, this amendment will provide that Section 8-7.3 will be amended to provide for additional power to the Fire Chief to mitigate and stabilize hazardous materials and incidents relating to the same.

12. FINANCIAL PROCEDURES: Shall the financial procedures be changed, as recommended by the charter commission concerning:

- (1) the processing of changes to the legislative and executive operating budgets,
- (2) the procedures to prepare and adopt the police department's budget, and
- (3) the finance director's authority to issue checks?

(1) If adopted, this amendment will provide that Section 9-2 will be amended to reflect that on the fifteenth day of March before the ensuing fiscal year begins, the mayor shall submit to the council an operating budget for the ensuing fiscal year including an executive operating budget and legislative operating budget, and that Section 9-10 will be amended to provide that the mayor or the council may initiate changes to their respective operating budgets.

(2) If adopted, this amendment will provide that Section 8-12.2 will be amended to delete the obligation of the Police Commission to prepare an operating budget for the Police Department.

(3) If adopted, this amendment will provide that Section 8-4.3 will be amended to provide that the Director of Finance will have the power to prepare and issue warrants and checks.

13. INITIATIVE: Shall the procedures for the filing and processing of the initiative petitions be changed as recommended by the charter commission?

If adopted, this amendment will provide that Section 11-3 will be amended to provide for petitions for initiative to contain signatures by not less than fifteen percent of the voters registered in the last general election; that Section 11-4 will be amended to provide for the withdrawal of any signature on the petition by an individual by written notice within fifteen days after the filing of the affidavit; and that Section 11-6 will be amended to provide for council action on a petition within 60 days after the date the petition was finally determined sufficient and for copies of the proposed ordinance to be published in a newspaper 45 days prior to submission to the voters.

14. RECALL: Shall the procedures for the filing and processing of petitions to recall elected officials be changed as recommended by the charter commission?

If adopted, this amendment will provide that Section 12-3 will be amended to provide for the deletion of the requirement to disclose voting precincts and to add the requirement to print the signer's name and address; that Section 12-4 will be amended to change the time for filing to sixty days instead of thirty days and to allow for the withdrawal of signatures within fifteen days of filing the petition; and that Section 12-6 will provide that a valid recall petition would be submitted to voters within 90 to 180 days after the petition is submitted to the council, at a general election during this period, and if none, then at a special recall election to be scheduled during this time period.

15. CHARTER AMENDMENTS: Shall the charter be changed to provide an additional method for proposing charter amendments and to provide for the appointment of a new charter commission in 2001 and for it to submit a report 16 months after appointment?

If adopted, this amendment will provide that Section 12.1 will be amended to provide an additional method for proposing charter amendments, wherein a petition signed by 20% of the voters registered in the last general election must be submitted to the voters at the next general election without the approval of the council; and that Section 14.3 will be amended to provide for a charter commission to be appointed prior to March 1, 2001 and be allowed 16 months for submittal of its report rather than 15 months under the existing charter.

Submitted by: Robert Nakasone, Chairman
Charter Commission