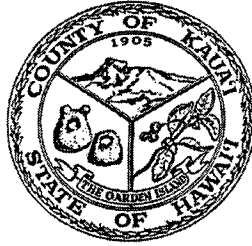


**JADE K. FOUNTAIN-TANIGAWA**  
County Clerk

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**SCOTT K. SATO**  
Deputy County Clerk

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**ELECTIONS DIVISION  
OFFICE OF THE COUNTY CLERK**  
4386 RICE STREET, SUITE 101  
LIHU'E, KAUA'I, HAWAII 96766

December 8, 2020

The Honorable Scott T. Nago  
Chief Election Officer  
State of Hawai'i, Office of Elections  
802 Lehua Avenue  
Pearl City, Hawai'i 96782

Dear Mr. Nago:

**RE: CERTIFICATE OF RESULTS, 2020 CHARTER AMENDMENTS,  
COUNTY OF KAUA'I**

Enclosed is the Certificate of Results for the 2020 Charter Amendments that were duly adopted by a majority of votes cast in the General Election held on Tuesday, November 3, 2020, in the County of Kaua'i.

Should you have any questions, please feel free to contact the Office of the County Clerk, Elections Division at (808) 241-4800. Thank you for your attention to this matter.

Sincerely,

**JADE K. FOUNTAIN-TANIGAWA**  
County Clerk, County of Kaua'i

cc: Office of the County Clerk, Elections Division  
County of Kaua'i, Office of Boards and Commissions

**CERTIFICATE OF RESULTS  
2020 CHARTER AMENDMENTS  
COUNTY OF KAUAI**

I, Jade K. Fountain-Tanigawa, County Clerk of the County of Kaua'i, do hereby certify that the following Charter Amendments were duly adopted by a majority of votes cast on the questions at the General Election held on Tuesday, November 3, 2020, in the County of Kaua'i:

**RELATING TO NEGLIGENCE CLAIMS**

“Shall Section 23.06, establishing a time limit for negligence claims against the county, be amended to comply with state law?”

**Article XXIII, Section 23.06 of The Charter of the County of Kaua'i is amended to read as follows:**

**Note:** Charter material to be repealed is bracketed and stricken. New charter material is underscored.

YES 23,350  
NO 5,330

**ARTICLE XXIII  
GENERAL PROVISIONS**

**Section 23.06. Claims.** No action shall be maintained for the recovery of damages for death or injury to person or property by reason of negligence of any officer or employee of the county unless a written statement stating fully when, where, and how the damages occurred, the extent thereof and the amount claimed therefor, has been filed with the county clerk within [~~six months after the date the death, injury, or damages were sustained~~] the time period provided in Hawai'i Revised Statutes section 46-72.

\*\*\*\*\*

**RELATING TO POLICE CHIEF QUALIFICATIONS**

“Shall police chief qualifications (Section 11.04) be increased to require fifteen years law enforcement experience and a bachelor's degree?”

**Article XI, Section 11.04 of The Charter of the County of Kaua'i is amended to read as follows:**

**Note:** Charter material to be repealed is bracketed and stricken. New charter material is underscored.

YES 24,351  
NO 6,342

**ARTICLE XI  
POLICE DEPARTMENT**

**Section 11.04. Chief of Police.** The chief of police shall be appointed by the police commission. The chief of police may be removed by the police commission only after being given a written statement of the charges against the chief and a hearing before the commission. The chief of police shall have had a minimum of ~~[five]~~ fifteen years of training and experience in law enforcement, of which at least ten years have been as a peace officer in a full-service, public sector, law enforcement agency, and at least three of those ten years [of which shall be in a responsible, administrative capacity.] have been in performing management-level duties at the rank of lieutenant or higher. The chief of police shall have a bachelor's degree in administration of justice, business administration, public administration, or a similar administrative field. The chief of police shall make such reports from time to time as the commission shall require and shall annually make a report to the commission on the state of affairs and condition of the police department. (Amended 1984)

\*\*\*\*\*

**RELATING TO ETHICS DISCLOSURES**

“Shall the list of county officials required to file ethics disclosures (Section 20.04) be expanded to include the managing director, agency and division heads, and regulatory employees?”

**Article XX, Section 20.04(A) of The Charter of the County of Kaua'i is amended to read as follows:**

**Note:** Charter material to be repealed is bracketed and stricken. New charter material is underscored.

YES 26,398  
NO 3,402

**ARTICLE XX  
CODE OF ETHICS**

**Section 20.04. Disclosure.**

A. The mayor, councilpersons, ~~[all department heads and deputies,]~~ managing director, heads and deputies of all departments, agencies, and divisions, members of boards and commissions, the purchasing administrator, and [any employee delegated or authorized to act on behalf of the director of finance and the deputy director of finance in their absence shall] regulatory employees shall, within thirty days of assuming office, file with the board a list of all real property within the county in which such person has any right, title, or interest, a list of all business firms which contract for county business in which such person has any interest, and all of such person's places of employment, including part-time

employment, all sources and amounts of income, business ownership, officer and director positions, debts, creditor interests in insolvent businesses, and the names of persons represented before government agencies. Amendments to the list, including additions, deletions, or changes in title, interest in property or of employment, shall be made within thirty days of the occurrence of the amendment. The list shall be a matter of public record[-]; provided that the lists of regulatory employees shall not be open to public inspection. (Amended 2008, 2010)

\*\*\*\*\*

## RELATING TO PROSECUTOR VACANCY

“Shall the mayor, with the approval of the Council, fill a vacancy of less than 18 months in the Prosecuting Attorney’s position if a first deputy is unable to fill the position (Section 9A.05)?”

**Article IXA, Section 9A.05 of The Charter of the County of Kaua‘i is amended to read as follows:**

**Note:** Charter material to be repealed is bracketed and stricken. New charter material is underscored.

YES 23,861  
NO 5,616

## ARTICLE IXA PROSECUTING ATTORNEY

**Section 9A.05. Vacancy in Office.** A vacancy in the office of prosecuting attorney shall be filled in the following manner:

A. If the unexpired term is less than [~~a year~~] eighteen months, the first deputy shall act as prosecuting attorney. If the position of first deputy is vacant or if the first deputy is unable to so act, the mayor with the approval of the council shall fill the vacancy by appointment of a person with requisite qualifications within thirty days after the occurrence of the vacancy.

B. If the unexpired term is for eighteen months or more, or in the event the person elected as prosecutor dies before taking office or is unable to qualify, then the vacancy shall be filled by a special primary election and a special general election, patterned after the primary and general election laws of the state, insofar as applicable. The special primary election shall be called by the council and held within forty-five days after the occurrence of the vacancy. The special general election shall be held thirty days after the special primary election. Pending a special election, the first deputy shall act as prosecuting attorney. (Amended 1972)

\*\*\*\*\*

**RELATING TO COUNTY ENGINEER QUALIFICATIONS**

“Shall an individual who has extensive work and supervisory experience in an engineering or related field also be qualified to serve as the County Engineer, head of the Department of Public Works?”

**Article XIII, Section 13.02 of The Charter of the County of Kaua‘i is amended to read as follows:**

**Note:** Charter material to be repealed is bracketed and stricken. New charter material is underscored.

YES 21,079  
NO 8,733

**ARTICLE XIII  
DEPARTMENT OF PUBLIC WORKS**

**Section 13.02. County Engineer.** The county engineer shall be appointed and may be removed by the mayor. The county engineer [~~shall~~] may but is not required to be a registered engineer, and shall have had a minimum of five years of training and experience in an engineering related position, at least three years of which shall have been in a responsible administrative capacity. (Amended 1980)

\*\*\*\*\*

**RELATING TO WATER BOARD MANAGER QUALIFICATIONS**

“Shall an individual who has extensive work and supervisory experience in an engineering or related field also be qualified to serve as manager and chief engineer of the Department of Water Supply?”

**Article XVII, Section 17.04 of The Charter of the County of Kaua‘i is amended to read as follows:**

**Note:** Charter material to be repealed is bracketed and stricken. New charter material is underscored.

YES 21,073  
NO 8,748

**ARTICLE XVII**  
**DEPARTMENT OF WATER**

**Section 17.04. Staff.** The ~~[board shall appoint an engineer duly registered under Hawai'i state laws pertaining to registration of engineers]~~ manager and chief engineer shall be appointed and may be removed by the board of water. Said person ~~[shall be known as the manager and chief engineer and]~~ shall be the head of the department. The manager and chief engineer may but is not required to be an engineer duly registered under Hawai'i state laws pertaining to registration of engineers, and shall have had a minimum of five years of training and experience in an engineering related position, at least three years of which shall have been in a responsible administrative capacity. Said person shall have the powers and duties prescribed by the board. (Amended 1980)

\*\*\*\*\*

In witness whereof, I have hereunto set my hand and caused the Seal of the County of Kaua'i, State of Hawai'i, to be affixed on this 8<sup>th</sup> day of December 2020.



JADE K. FOUNTAIN-TANIGAWA  
County Clerk, County of Kaua'i