

## FOREWORD

The County Charter is a relatively recent document in the history of governance of the island of Hawaii. From the time of their first arrival (believed to be between A.D. 300 and 600) until 1893, Native Hawaiians created and maintained sophisticated and effective forms of sovereign government. The origin of county government within the American context is found in the Organic Act (June 14, 1900) which created the Territory of Hawaii and which gave it the authority to establish municipalities. The Territorial Legislature made a first attempt at creation of the four counties in 1903 (Act 31); however, in 1904, the Territorial Supreme Court voided that effort on procedural grounds. The Legislature's second attempt in 1905, "The County Act" (Act 39), was successful, though it required an override of a veto by the Territorial Governor. The provisions of the County Act made their first appearance in the Revised Laws of Hawaii series in the 1915 edition as Title XVIII, Chapters 108-110. A number of other chapters relating to counties were passed by the Legislature after 1905 and were also included in the 1915 edition, Chapters 118-127 ("Provisions Common to Counties and the City and County.") These chapters eventually evolved into Hawaii Revised Statutes, Title 6, "County Organization and Administration," consisting of Chapters 46-71, including Chapter 64, "Provisions Specific for Hawaii" (the chapter was repealed in 1988.)

In 1963, the Legislature empowered the counties to establish commissions to recommend and draft charters. Accordingly, the County of Hawaii created charter commissions whose work began in 1964 and ended four years later. In 1968, a provision was inserted into the Hawaii State Constitution granting the counties the power to adopt charters for self-government "within such limits and under such procedures as may be provided by general law." The initial Charter became effective on January 2, 1969, and has since served as the "constitution" of the government of the County of Hawaii. Pursuant to the Charter, mandatory reviews have taken place every ten years in 1980, 1990 and 2000.

In preparing this edition, an attempt was made to improve its usefulness. The major improvement is the online edition which will provide users the ability to search the Charter and download it in word-processing documents. Further, an attempt was made to improve revision notes to assist legal research. Although the 1990 edition contained such notes, the 1980 edition only provided information with regard to provisions which had been amended pursuant to Council ordinances approved by the voters. UH-Hilo intern Christelle Ishoda conducted a thorough and comprehensive review of the early editions of the Charter and elections records to compile the revision history between 1969 and 1980.

Finally, a table has been provided primarily to assist readers in identifying and locating the many sections which have been renumbered and relocated pursuant to Charter Amendment 2, which in part reorganized Articles V, VI and VII.

### **Editorial Committee**

Al Konishi, County Clerk  
Steven K. Christensen, Dep. Corporation Counsel  
Arlene Waugh, Leg. Information & Records Technician  
Noel Maile Jackson, County Council Aide  
Jamey Retutal, County Council Aide  
Christelle Ishoda, UH-Hilo Intern