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**2009-2010
HAWAI'I COUNTY
CHARTER COMMISSION**

To: Chair Edmund K. Haitsuka and
Members of the Hawai'i County Charter Commission

From: Levi K. Hookano, Attorney

Date: July 29, 2009

RE: Legality of Charter Amendment Moving the Fire Department From Article VI to
Article VII.

Dear Chair Haitsuka and Members of the Hawai'i County Charter Commission,

During the July 17 meeting of the Hawai'i County Charter Commission ("Commission"), I was tasked with verifying the legality of various proposed charter amendments. This memo will discuss the legality of charter amendment CA-3, which moves the Fire Department from Article VI to Article VII.

In my opinion, there are no legal issues with proposing this amendment. Moving the Fire Department to Article VII would place it under the appropriate charter article. Article VII of the charter covers executive branch departments or agencies under commissions. This would be consistent with the other sections of the charter for other agencies under commissions such as the police, liquor, and human resources. Since the Fire Department is managed by the fire commission, it may be legally moved from Article VI to Article VII of the charter.

If you have any further questions regarding this matter, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read 'Levi Hookano', is written over a horizontal line.

Levi Hookano
Charter Commission Attorney