

HAWAII

COUNTY GOVERNMENT OVERVIEW

Counties

4

Government Form

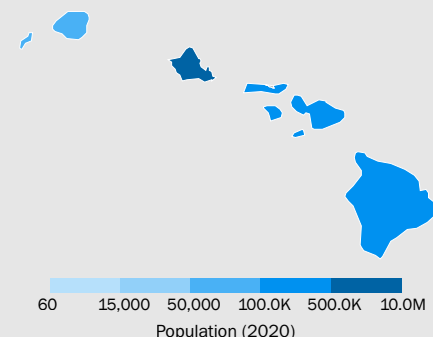
Reformed¹

Governing Body Size

7-9

Population (2020)

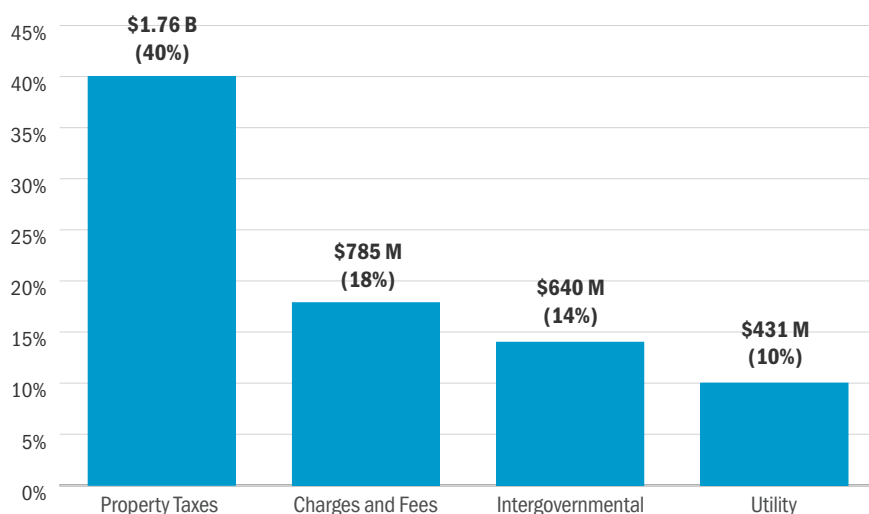
1.4 million²



County Authority

Most Flexible (Home Rule): The four counties within the state of Hawaii all operate under home rule, an option granted in the state's constitution for all political subdivisions. Any county adopting a home rule charter must design its own executive, administrative and legislative structure and organization, including the method of appointment or election of officials.

TOP REVENUE SOURCES FOR HAWAII COUNTIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017

¹"Government Form" refers to the distribution of executive decision making authority in a county.

"Traditional" county states mandate that counties exercise executive decision making power solely through the board of elected officials (commissioners, supervisors, etc.). "Reformed" county states mandate that counties employ an elected or appointed county executive, manager or similar position to take on at least some of the county's executive decision making authority. "Mixed" county states means that some counties in that state are "traditional" and some are "reformed."

²NACo Analysis of U.S. Census Bureau - 2020 Decennial Census

Summary of County Services

Services counties **MUST** provide:

- Establish and maintain local law enforcement.
- Regulate and restrict land use through zoning authority.
- Maintain parks within the local jurisdiction.

Services counties **MAY** provide:

- Supply children and youth services.
- Develop affordable housing.
- Establish county fire departments.

Services counties **CANNOT** provide:

- Establish and maintain libraries.
- Form local health departments.
- Provide public education.

STRUCTURE/AUTHORITY

SUMMARY

A county council governs three of Hawaii's four counties. The council consists of seven or nine members who act as the legislative body and share executive authority with a county mayor. The consolidated government of Honolulu City and County, in contrast, is led by a city council. The elected county mayor serves as the executive leader for a county, with specific administrative powers determined by each county's charter. Hawaii has one county geography – Kalawao County – with no local government.

Row Officers	Elected/ Appointed	Mandatory/ Optional
Auditor	Appointed	Mandatory
Clerk	Appointed	Mandatory
County Attorney*	Appointed	Mandatory
Prosecuting Attorney	Elected	Mandatory

*Only in Kauai County; exists as separate position from the elected prosecuting attorney.



COUNTY STRUCTURE

Legislative Branch: A county council of 7-9 members is the legislative decision-making body for counties. Honolulu City and County is led by a city council.

Executive Branch: All four counties have an elected county mayor as the chief executive officer. County mayors may appoint and administer all executive agencies. The mayor may veto council legislation, resolutions and ordinances proposed by the county or city council.

Judicial Branch: Hawaii's local court system consist of circuit, district and family courts. The circuit courts have general jurisdiction over civil and criminal cases. The district trial courts have jurisdiction over traffic infractions, non-jury civil cases under \$10,000 and small claims under \$5,000. They also have jurisdiction over cases involving violations of a county ordinance. Finally, family trial courts have jurisdiction over cases involving families and children.



COUNTY AUTHORITY

Executive Power: Each county in Hawaii has a charter and may exercise its powers subject only to limitations in state law. Counties enact ordinances to protect the health, life and property of residents and to preserve order and security. Counties may set the structure and organization of its government and the method of appointment or election of its officials. Charter provisions in Hawaii are superior to statutory provisions.

Ability to Form Partnerships: Counties in Hawaii may contract to provide all county powers and services. In addition, any county council may authorize the executive branch to enter into a development agreement with a person having a legal or equitable interest in the development of real property.

Call a State of Emergency: The county mayor may declare a local state of emergency. Additionally, each county may pass emergency ordinances by a 2/3 vote in the face of an imminent disaster or danger to public safety.

Special Districts: Counties may establish an array of special districts to fund projects that contribute to the business and financial success of the county, including community improvement and special improvement districts.

SERVICES

OVERVIEW OF COUNTY SERVICES

Counties in Hawaii have jurisdiction over many services as enumerated in their charters. Counties provide fire departments, police departments, emergency planning and have broad authority in land use, planning and zoning. The state operates and maintains ambulance, education, road and library services. The state establishes a courthouse in each county. The state also shares in the cost of any new or increased service counties must provide.



HEALTH AND HUMAN SERVICES

County Health Department: Counties **cannot** form local county health departments. However, the **state** department of health may delegate certain functions to county governments. The state also establishes a Subarea Health Planning Council in each county to review, seek public input and make recommendations relating to health planning.

Senior Care Facilities: The **state** executive office on aging must coordinate with county offices and councils to provide senior care facilities and programs. Counties **may**, however, operate senior centers and provide various services to seniors.

Mental Health Facilities: The **state** is responsible for mental health services. The state department of health operates community mental health centers in each of the four counties.

Child Services: Counties **may** provide services for children and youth. For example, Maui County implements childcare and development programs for children aged 1-8. Honolulu City and County has a Youth Commission to advise the city council and mayor on how certain policies may impact younger residents.

Welfare: The **state** administers welfare services. Counties **may** provide tangential services to residents, such as housing assistance and workforce development programs.



INFRASTRUCTURE

Roads: The **state** department of transportation must construct and maintain all public highways. Hawaii, Kauai and Maui counties **cannot** maintain or construct roads unless a road is donated or dedicated to the county or if the repair of a private road is imperative for the general welfare of the county. The mayor of Honolulu City and County, however, **may** appoint a Chief Engineer to maintain public roads and bridges.

Mass Transit: Counties **may** construct, maintain and operate mass transit systems, including buses, street railroads, monorails, subways and taxis. Counties may provide mass transportation services either directly, jointly or through contracts with private parties.

Broadband Permits: Counties **may** approve or deny broadband-related permits.

Alternative Energy: Counties **may** participate in the development of alternative energy sources, including geothermal, solar, wind, ocean power, biomass and solid wastes.

Utilities: The **state** public utilities commission regulates and administers public utilities. Counties **may** regulate certain utilities, such as water (through county boards of water), solid waste or electricity.

- **Water:** Counties **may** supply water and install water pipes.
- **Sewer:** Counties **may** install sewage pipes.
- **Solid Waste:** Counties **may** establish and operate solid waste facilities.
- **Electric:** Counties **may** establish and operate electric generation facilities.
- **Gas:** Counties **cannot** provide gas utility services.

SERVICES, CONTINUED



PUBLIC AMENITIES

Parks and Recreation: Counties **must** maintain and operate all parks within their jurisdictions through parks and recreation departments. Counties may donate park lands to be maintained and operated by the state park system instead.

Libraries: Counties **cannot** establish libraries. The **state** department of education maintains and establishes libraries.

Beach Maintenance: Counties **must** maintain public beaches, which includes removing and clearing all seaweed and debris that could create unsanitary conditions or otherwise become a public nuisance.

Community Entertainment: Counties **may** make appropriations for community promotion, public celebrations and other entertainments.

Arborist Advisory Committee: Counties **must** establish a county arborist advisory committee appointed by the county mayor. The committee must prepare recommendations to the county council on exceptional trees that need to be protected by county ordinance or regulation.

Public Off-Street Parking Facilities: Counties **may** provide public off-street parking facilities.



ZONING AND DEVELOPMENT

Zoning Power: Counties **must** regulate and restrict the use and construction of buildings and spaces with their zoning authority. Counties must develop long-range, comprehensive general plans to guide overall future development. Unlike many states, county zoning ordinances may regulate agricultural lands, too.

Zoning Restriction: Counties **must** use their zoning authority within the context of comprehensive land use planning. Counties **cannot** zone areas susceptible to flooding for residential use.

Housing Authority: The **state** housing authority regulates and enforces safe housing conditions. Counties **cannot** operate housing authorities but do have individual offices and departments that may construct, operate and maintain affordable housing units. In addition, counties **may** cooperate with the state housing authority to deliver state housing projects.

Experimental and Demonstration Housing Projects: Counties **may** designate certain areas for experimental and demonstration housing projects to research and develop ideas that would reduce the cost of housing.

Affordable Housing: Counties **may** develop, construct and provide low- or moderate-income housing. Counties may also partner with developers and provide assistance to a public agency that plans to develop and construct new housing for low- or moderate-income households.

Indigenous Architecture: Counties **must** allow for the exercise of indigenous native Hawaiian architectural practices, styles, customs, techniques and materials historically employed by native Hawaiians in their building codes.

Urban Renewal: Counties **may** create a local county redevelopment agency to undertake and carry out urban renewal projects, as well as to prepare studies and research for a general neighborhood and urban renewal plan.

SERVICES, CONTINUED



PUBLIC SAFETY

Law Enforcement: Counties **must** establish a police commission and appoint a chief of police to provide local law enforcement.

Jails: The **state** department of public safety must administer and maintain all public and private correction facilities.

Courthouses: The **state** chief justice of the Hawaii judiciary must construct and operate courthouses and related facilities. The state legislature appropriates funds for the courthouses.

Fire: Counties **may** establish and maintain county fire departments. Each county may also determine how many fire departments are created, as well as how they are funded and operated. A county council may also establish and maintain volunteer fire stations.

Ambulance: The **state** department of health collaborates with counties to operate and maintain statewide ambulance services.

Emergency Management Agency: Counties **must** establish and maintain an emergency management organization and must also develop a county emergency management plan and program, which is overseen by the county mayor.

Flood Control: Counties **may** construct, maintain and remove water channels to improve the ability to divert or control flood waters.



SCHOOLS

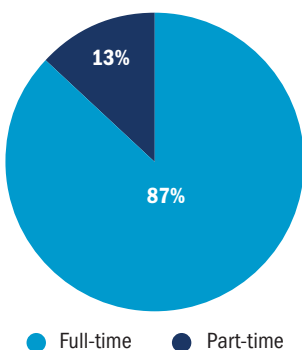
Education, Generally:

The **state** legislature must fund and establish a public education system. The state board of education must administer state education policies and operate the public school system.

School Board: Counties **cannot** have county boards of education.

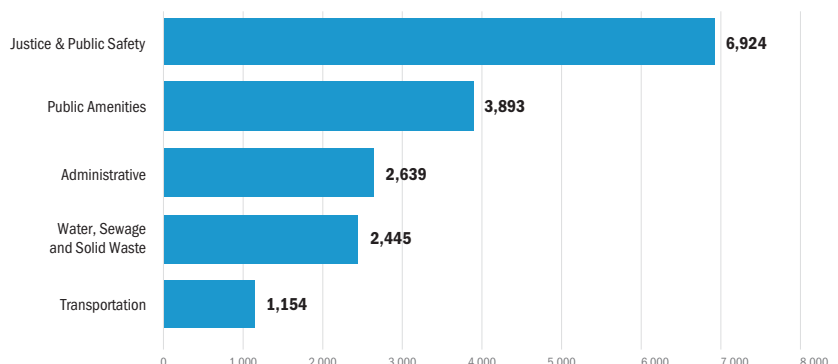
Community Colleges: The **state** board of education must operate and maintain community colleges.

HAWAII COUNTIES EMPLOY 18,838 GOVERNMENT EMPLOYEES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

HAWAII COUNTY GOVERNMENT EMPLOYEES BY TOP FUNCTIONAL CATEGORIES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

TAXATION/FINANCES

OVERVIEW OF COUNTY FINANCE STRUCTURE

Despite having home rule authority, counties cannot levy any tax that has not been authorized by the state. County councils may authorized to levy taxes and determine the rate of taxation on real property, vehicles and fuel. Counties primarily rely on real property taxes to provide resident services, so the state does not impose restrictions on these taxes. Counties in Hawaii may also issue bonds up to 15 percent of the assessed value of all taxable county property. Finally, counties may also levy a franchise tax on the gross receipts from Hawaii electric public utility companies.



FINANCES, TAXES AND LIMITATIONS

Property Tax: Counties **may** levy taxes only on real property, including land, buildings, equipment and improvements. The state does not impose any restrictions on county property taxes.

Personal Property Tax: Counties **cannot** impose a tax on personal property.

Income Tax: Counties **cannot** levy an income tax.

Sales Tax: Counties **cannot** impose a local sales tax.

Mineral Tax: Counties **cannot** impose a mineral tax.

Gas/Fuel Taxes: Counties **may** levy a tax on the sale of motor fuel at an amount approved by county voters.

Vehicle Tax: Counties **must** impose a vehicle tax, based on vehicle weight. These funds must be distributed to the state highway fund and used to maintain and construct roads within the county in which the funds are collected.

Public Utilities Franchise Tax: Counties **may** impose a 2.5 percent franchise tax on the gross receipts from electric power companies operating as public utilities.

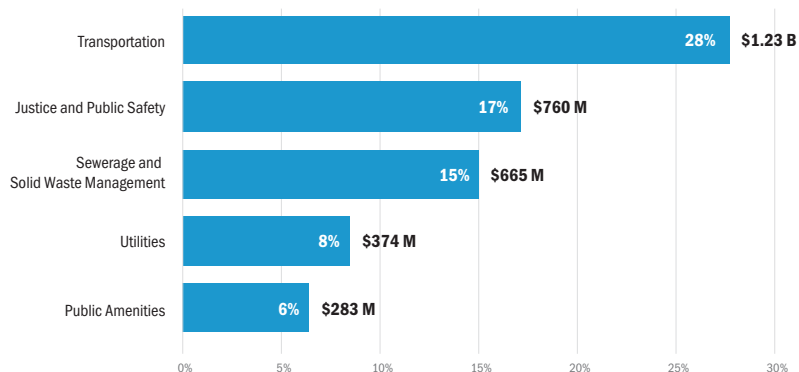
Debt and Debt Limit: County councils **may**, through a two-thirds majority, issue general bonds up to 15 percent of the values of assessed property within the county. These bonds must fund public improvements or other special improvements as defined by state law. Counties may also issue bonds for revenue-producing projects such as a public works improvement. Hawaii state statutes also include provisions for pollution control and economic development special purpose revenue bonds.

Other Finance Info:

- **General Excise Tax:** Counties in Hawaii **may** temporarily impose a surcharge of 0.5 percent on proceeds from **state** general excise taxes, but these revenues must be used for transportation costs. This tax only applies to activities taxed at 4 percent or below.
- **State Mass Transit Special Fund:** The **state** department of budget and finance may allocate funds collected from a transient accommodation tax and a surcharge on state tax revenues to counties.
- **Commuter Benefits Program:** A county council **may** establish a commuter benefits program that incentivizes employers and their employees to use public transit, bicycles or other environmentally responsible transportation options.
- **Tax Increment Financing:** Counties **may** create tax increment districts, issue tax increment bonds and deposit tax increments into a tax increment fund.

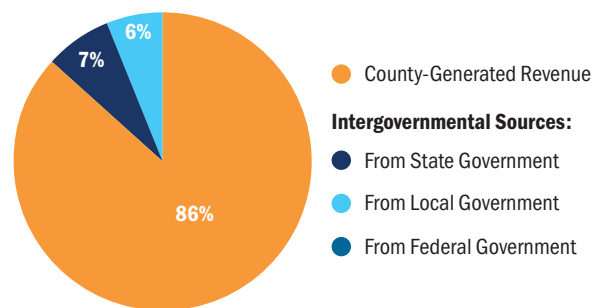
TAXATION/FINANCES, CONTINUED

HAWAII COUNTIES INVEST \$4.4 BILLION ANNUALLY



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017

HAWAII COUNTIES RECEIVE \$604 MILLION FROM INTERGOVERNMENTAL SOURCES



Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017