

A BILL FOR AN ORDINANCE AMENDING SECTION 2-1.1
OF THE KAUA'I COUNTY CODE RELATING TO THE DUTIES
OF THE OFFICE OF THE COUNTY ATTORNEY

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. FINDINGS. As the Attorney General of the State of Hawaii is the chief legal advisor to State agencies and officials so is the County Attorney, by charter "the chief legal advisor and legal representative of all agencies, including the Council, and of all officers and employees." Sections 28-3 and 28-4, Hawaii Revised Statutes, recognizes two separate and distinct forms of legal guidance: (1) "opinions" on questions of law submitted by public officers on matters connected to their public duties, and (2) "advice and counsel" to public officers on matters connected to their public duties. Like the Attorney General the County Attorney provides these two forms of legal guidance to County officers. Similar to HRS 28-3 and 28-4, this amendment requires the publication of opinions on questions of law which are of countywide significance such that they influence the creation of public policy and guide the actions of county departments.

SECTION 2. Section 2-1.1 of the Kaua'i County Code 1987 is hereby amended to read as follows:

"Sec. 2-1.1 Office of the County Attorney.

(a) There shall be an office of the county of attorney as provided by law.

(b) When requested by the mayor, council or its members, department heads or board or commission members, the county attorney shall give opinions upon questions of law submitted. The county attorney shall file a copy of each opinion with the county clerk within three days of the date of its issue. Opinions on file with the County Clerk shall be available for public inspection.

(c) When called upon, the County Attorney shall at all times give advice and counsel to the mayor, the council or its members, department heads or board or commission members in all matters connected to their public duties, and to otherwise assist them in every way requisite to enable them to perform their duties faithfully."

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or application, and to this end, the provisions of this Ordinance are severable.

SECTION 4. New Ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Kaua'i County Code 1987, the underscoring shall not be included.

SECTION 5. This Ordinance shall take effect upon its approval.

INTRODUCED BY:

TIM BYNUM

JOANN A. YUKIMURA

DATE OF INTRODUCTION:

Lihu'e, Kaua'i, Hawai'i