



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

FILED

APR 22 2024

PURSUANT TO ROH Sec. 1-2.5

No. _____

22-100

RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED, RELATING TO TERM LIMITS FOR THE MAYOR.

WHEREAS, the Revised Charter of Honolulu 1973 was amended at the 1992 General Election to establish term limits of two consecutive four-year terms for Honolulu City Councilmembers and the Mayor, and was amended by the voters at the 2020 General Election to establish a term limit of two consecutive four-year terms for the Prosecuting Attorney; and

WHEREAS, the principal purpose of term limits is to provide an opportunity for new perspectives and new voices in government; and

WHEREAS, in the recent past, one Mayor served for nearly 22 years (three consecutive full four-year terms, a break of four years, followed by two additional four-year terms and two years of final four-year term cut short when the Mayor was required to resign to run for Governor); and

WHEREAS, the Council therefore desires to preclude such abuses of the intent of term limits by amending the term limits for the City's Mayor to be "the equivalent of two four-year terms," so that no person may serve as the City's Mayor for more than eight years; and

WHEREAS, it is the Council's intent that, for purposes of calculating the equivalent of two four-year terms, terms of office held or begun prior to the effective date of this amendment be counted; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the 2022 general election ballot:

"Shall the Revised City Charter be amended to set the term limits for the City's Mayor at "two four-year terms (which may be nonconsecutive) or the equivalent of two four-year terms," rather than the current limit of "two consecutive full terms," and to provide that a person shall be ineligible to be a candidate for the office of Mayor if, upon election and completion of the term of office, the person will have served as the City's Mayor for more than eight years; provided that a term to fill a vacancy in the office of Mayor of less than one year shall not be counted toward the term limit or candidate eligibility restriction?"



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2. That Section 5-101, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, is amended to read as follows:

"Section 5-101. Election and Term of Office –

The electors of the city shall elect a mayor whose term of office shall be four years beginning at twelve o'clock meridian on the second day of January following the mayor's election. No person shall be elected to the office of mayor for more than two ~~[consecutive full]~~ four-year terms[-] as mayor (which may be nonconsecutive), or the equivalent of two four-year terms as mayor, or be eligible as a candidate for the office of mayor if, upon election and completion of the term of office, the person will have served as the mayor for more than eight years; provided that the time served by a person filling a vacancy in the office of mayor for less than one year pursuant to Section 5-106.1(a) of this charter, or served by a person acting as mayor during the mayor's temporary absence or pending an election to fill a vacancy in the office of mayor pursuant to Section 5-106.2 of this charter, shall not be counted toward the term limit."

3. That Section 13-101, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"Section 13-101. Definitions –

[4-] The term "agency" shall mean any office, department, board, commission or other governmental unit of the city, excluding the council and its offices and any commission excluded by the provisions of this charter.

The term "the equivalent of two four-year terms as mayor" shall mean any combination of terms served as mayor of the city adding up to eight years, excluding any time served as mayor by a person filling a mayoral vacancy for less than one year pursuant to Section 5-106.1 of this charter or by a person serving as the mayor or acting mayor pursuant to Section 5-106.2 of this charter.

[2-] The term "executive agency" shall mean any agency of the executive branch of the city government, excluding the board of water supply.

[3-] The term "employee" shall mean any person, excepting an officer, employed by the city or any agency thereof, but the term shall not include an independent contractor.



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[4.] Except as otherwise provided in this charter, the term "officer" shall include the following:

- (a) Members of the council, the mayor, the prosecuting attorney and the managing director.
- (b) Any person appointed as administrative head of any agency of the city or as a member of any board or commission.
- (c) Any person appointed by a board or commission as the administrative head of such agency.
- (d) The first deputy, and any other deputy, or a division chief appointed by the administrative head of any agency of the city.
- (e) Deputies of the corporation counsel and the prosecuting attorney."

4. That Article XVI of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, is amended to add a new section to be appropriately designated by the Revisor of the Charter and to read as follows:

"Section 16- . Transition Provisions Concerning Term Limits for the Mayor –

For purposes of the 2022 amendments to the provisions of Section 5-101 of this charter establishing term limits for the mayor, terms of office held or begun prior to the effective date of the amendments shall be counted. Notwithstanding their receipt of a majority of the votes cast at a special vacancy election for the office of mayor held in 2022, if any, any candidate who had previously served two four-year terms as mayor, or the equivalent of two four-year terms as mayor, will not be eligible to take office as mayor on January 2, 2023 or thereafter, and a special election shall be called by the council pursuant to Section 5-106(b) of this charter to fill the vacancy in the office of mayor."

5. That in Sections 2, 3, and 4 of this resolution, Charter material to be repealed is bracketed and stricken, and new Charter material is underscored. When revising, compiling, or printing these Charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973, as amended, the Revisor of the Charter need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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6. That if these Charter provisions are amended by any other Charter amendment(s) approved by the voters at the 2022 general election, the Revisor of the Charter, in revising, compiling, or printing the Charter:
- a. May designate or redesignate articles, chapters, sections, or parts of sections, and rearrange references thereto; and
 - b. Shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved.

The Revisor of the Charter also may change capitalization or the forms of numbers and monetary sums for the sake of uniformity.

7. That upon adoption of this resolution by the Council, the City Clerk is hereby directed:
- a. To prepare the necessary ballots with the question contained in this resolution and with spaces for "yes" and "no" votes on the question for presentation to the voters at the 2022 general election. The City Clerk may make technical and nonsubstantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the voters at the same election; and
 - b. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the voters at the 2022 general election.



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8. That the Charter amendments proposed in this resolution shall take effect upon approval of the Charter amendment question posed in this resolution by a majority of the voters voting thereon, as duly certified.

INTRODUCED BY:

A. Iyola

DATE OF INTRODUCTION:

APR 22 2022

Honolulu, Hawai'i

Councilmembers

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SUBMITTANT TO POH Sec. 1-2.5