



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 PROSECUTING ATTORNEY.

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 City Prosecuting Attorney served for nearly 14 years (three consecutive full four-year terms and the beginning of a fourth consecutive term cut short due to election as the Mayor), while another City Prosecuting Attorney served for approximately 18 years (two consecutive full terms, a break of nearly 14 years, then two years filling a vacancy followed by two additional full four-year terms); 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 Prosecuting Attorney to be "the equivalent of two four-year terms," so that no person may serve as the City's Prosecuting Attorney 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 Prosecuting Attorney 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 four-year terms," and to provide that a person shall be ineligible to be a candidate for the office of Prosecuting Attorney if, upon election and completion of the term of office, the person will have served as the City's Prosecuting Attorney for more than eight years; provided that a term to fill a



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vacancy in the office of Prosecuting Attorney of less than one year shall not be counted toward the term limit or candidate eligibility restriction?"

2. That Section 8-102, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, is amended to read as follows:

"Section 8-102. Term of Office –

The term of office of the prosecuting attorney shall be four years commencing at twelve o'clock meridian on the second day of January following the prosecuting attorney's election. No person shall be elected to the office of prosecuting attorney for more than two ~~[consecutive]~~ four-year terms~~[-]~~ (which may be nonconsecutive) or the equivalent of two four-year terms as prosecuting attorney, or be eligible as a candidate for the office of prosecuting attorney if, upon election and completion of the term of office, the person will have served as the city's prosecuting attorney for more than eight years; provided that the time served by a person filling a vacancy in the office of prosecuting attorney for less than one year pursuant to Section 8-106(a) of this charter shall not be counted toward the term limit or candidate eligibility restriction."

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 prosecuting attorney" shall mean any combination of terms served as the city's prosecuting attorney adding up to eight years, but excluding any term to fill a vacancy in the office of prosecuting attorney for less than one year pursuant to Section 8-106(a) 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:

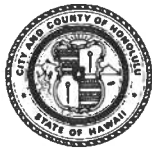
- (a) Members of the council, the mayor, the prosecuting attorney and the managing director.
- (b) Any person appointed as administrative head of any agency of the city or as a member of any board or commission.
- (c) Any person appointed by a board or commission as the administrative head of such agency.
- (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 Prosecuting Attorney –

For purposes of the 2022 amendments to the provisions of Section 8-102 establishing term limits for the prosecuting attorney, 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 prosecuting attorney held in 2022, if any, any candidate who had previously served two four-year terms or the equivalent of two four-year terms as prosecuting attorney shall not be eligible to take office as the prosecuting attorney on January 2, 2023 or thereafter, and a special election shall be called by the council pursuant to Section 8-106(b) to fill the vacancy in the office of prosecuting attorney."

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



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Revisor of the Charter need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

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

FILED
APR 22 2024
PURSUANT TO ROH Sec. 1-2.5