CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAI'I

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

No. 22-162

RESOLUTION

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

WHEREAS, the Revised Charter of Honolulu 1973 was amended at the 1992 General Election to establish term limits for Honolulu City Councilmembers of two consecutive four-year terms; and

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

WHEREAS, under the current Charter, it is possible for a Councilmember to serve two four-year terms, sit out one election cycle, and again run for election to the Council for two more four-year terms; and

WHEREAS, in the recent past, one Councilmember served for nineteen years in near succession, the equivalent of almost five consecutive terms; and

WHEREAS, the Council therefore desires to amend the term limits for Councilmembers from "two consecutive four-year terms" to "two four-year terms or the equivalent of two four-year terms," so that no person may serve as a Councilmember 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 City Councilmembers at "two four-year terms (which may be nonconsecutive) or the equivalent of two four-year terms," rather than at the current limit of "two consecutive four-year terms," and to provide that a person shall be ineligible to be a candidate for a seat on the Council if, upon election and completion of the term of office, the person will have served on the Council for more than eight years; provided that a term to fill a Council vacancy of less than one year shall not be counted toward the term limit or candidate eligibility restriction?"

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2. That Section 3-102, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, is amended to read as follows:

"Section 3-102. Number, Election and Terms of Office of Councilmembers –

The council shall consist of nine members. One member shall be elected from each of the nine districts hereinafter provided. Except as provided in Section 16-122, the regular terms of office of councilmembers shall be four years beginning at twelve o'clock meridian on the second day of January following their election. The terms shall be staggered in accordance with Section 16-122. No person shall be elected to the office of councilmember for more than two four-year terms (which may be nonconsecutive) or the equivalent of two [~~consecutive~~] four-year terms[~~.~~] on the council, or be eligible as a candidate for the office of councilmember if, upon election and completion of the term of the office, the person will have served on the council for more than eight years; provided that the time served by a person elected by the council or appointed by the mayor to fill a vacancy in the office of a councilmember for less than one year pursuant to Section 3-105(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 –

[~~1.~~] 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 on the council" shall mean any combination of terms served as a councilmember adding up to eight years on the council, regardless of council district served, but excluding any term to fill a vacancy in the office of a councilmember for less than one year pursuant to Section 3-105(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.

[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 Councilmembers --**

For purposes of the 2022 amendments to the provisions of Section 3-102 establishing term limits for councilmembers, 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 either the first or second special election for councilmember held in 2022, any candidates who had previously served two four-year terms or the equivalent of two four-year terms on the council shall not be eligible to take office as a councilmember on January 2, 2023 or thereafter, and a special election shall be called by the council to fill the vacancy pursuant to Section 3-105(a) of this Charter."

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.

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:

DATE OF INTRODUCTION:

APR 22 2022

Honolulu, Hawai'i

Councilmembers

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