FILED
MAY 25 2025
PURSUANT TO ROH Sec. 1-2.5

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

No. 23-109

RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED, RELATING TO PROHIBITING CERTAIN OTHER EMPLOYMENT AND EMOLUMENTS.

WHEREAS, as the leadership of the legislative branch of the City and County of Honolulu ("City"), the officers of the City Council ("Council") are critical public officials, representing the voices and concerns of nearly one million O'ahu residents to influence the laws, policies, and budgets of the City and provide checks and balances for the City Administration; and

WHEREAS, these officers are elected by O'ahu residents and have considerable responsibilities and obligations that directly affect the lives of those residents and sometimes require them to consider complex policy issues as they:

1. Draft, consider, and enact the ordinances and resolutions that govern the lives of the people of the City;

2. Review, amend, and enact the City's Executive Operating and Capital Budget Ordinances in addition to their own Legislative Budget and the Operating and Capital Budgets of the Honolulu Authority for Rapid Transportation;

3. Represent over 100,000 constituents in their respective Council districts, handle numerous constituent concerns, and work with the City Administration to address constituent inquiries;

4. Chair one or two, and be designated as a voting member of a number of, Council Standing Committees; and

5. Attend numerous Neighborhood Board and Community Association meetings, legislative hearings, and community events; and

WHEREAS, it is essential that these officers devote their full attention, time, and energy to serving O'ahu residents to the best of their abilities and avoid even the appearance of potential conflicts of interest; and

WHEREAS, to demonstrate this commitment to fulfilling their duties and maintaining public integrity, Councilmembers should not hold other employment, maintain a controlling interest in a business, or receive emoluments while holding office; and

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WHEREAS, prohibiting Councilmembers from holding other employment, maintaining a controlling interesting in a business, and receiving emoluments while in office prevents any semblance of impropriety or a conflict of interest, maintains fiscal integrity, and promotes public trust in government officials; and

WHEREAS, the Council desires to amend Article III, Chapter 1 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), in order to establish that Councilmembers are prohibited from holding other employment, maintaining a controlling interest in a business, and receiving emoluments while holding office; and

WHEREAS, pursuant to Charter Section 15-101, the Council may initiate, by resolution, amendments to the Charter; and

WHEREAS, pursuant to Charter Section 15-102.1, the Mayor's approval is required for any Charter amendment proposed by the Council at a general election held in a year ending in a "4"; now, therefore,

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

1. That the following question be placed on the 2024 general election ballot:

   "Shall the Revised City Charter be amended to add a provision stating that Councilmembers are prohibited from holding other employment, maintaining a controlling interest in a business, and receiving emoluments while holding office?"

2. That Article III, Chapter 1, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Council"), be amended by adding a new section to be appropriately designated by the Revisor of the Charter and to read as follows:

   "**Section 3-1 . Prohibitions –**

   1. Beginning January 1, 2025, as of the sixty-first calendar day after election or appointment to office, a councilmember may not, while holding that office, maintain any other employment, maintain a controlling interest in a business, or receive any emolument.

2. Where a councilmember has a controlling interest in a business, in order to comply with this section, the councilmember may transfer the interest to a blind trust within sixty-one days of election or appointment.

3. As used in this section of the charter, "blind trust" means a trust agreement where neither the trustor nor the beneficiaries have any control or influence over, or knowledge of, the assets in the trust, and which complies with the definition of "qualified blind trust" established by ordinance. Until such ordinance is enacted, the term shall be defined as a "qualified blind trust," as defined in the Ethics in Government Act of 1978, 5 U.S.C. §§ 13101–13146.

4. As used in this section of the charter, the term "emolument" includes any salary, fee, payment, wage, earning, allowance, stipend, honorarium, or reward; provided that "emolument" does not include the salary or benefits for service as a councilmember; any pension income; retirement income; social security payment; non-controlling ownership of stocks, mutual funds, or real estate; rental income; or dividend, interest, or other form of passive income."

3. That in SECTION 2, 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 (Amended 2017 Edition), as amended, the Revisor of the Charter need not include the underscoring.

4. That the Revisor of the Charter, in revising, compiling, or printing the Charter, may change capitalization or the form of numbers and monetary sums for the sake of uniformity.

If the Charter provisions amended pursuant to this resolution are amended by any other Charter amendment(s) approved by the electors at the 2024 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.

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5. That upon adoption of this resolution by the Council of the City and County of Honolulu, and its approval by the Mayor, the City Clerk is directed to:

   a. 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 electors at the 2024 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 electors at the same election; and

   b. 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 electors at the 2024 general election.

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6. That upon approval of the Charter amendment question posed in SECTION 1 of this resolution by a majority of the electors voting thereon, as duly certified, the Charter amendments proposed in this resolution shall take effect on January 1, 2025.

INTRODUCED BY:

DATE OF INTRODUCTION:

MAY 25 2023
Honolulu, Hawai'i

Councilmembers

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APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu