



# CITY COUNCIL

*Ke Kanihela o ke Kalana o Honolulu*

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 23 - 193

## RESOLUTION

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

WHEREAS, Section 3-122, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), creates an independent Salary Commission ("Commission") of the City and County of Honolulu ("City") to annually establish:

- (1) The salaries of all elected officials, including the Mayor, Councilmembers, and Prosecuting Attorney, and the following appointed officials: the Managing Director, Deputy Managing Director, department heads, deputy department heads, and Royal Hawaiian Band Director; and
- (2) The schedules for salaries of the deputies of the Offices of the Corporation Counsel and the Prosecuting Attorney; and

WHEREAS, pursuant to Charter Section 3-122.1, the Commission consists of seven members serving staggered five-year terms, with three members appointed by the City Council ("Council"), three members appointed by the Mayor, and one member appointed by the Mayor and confirmed by the Council; and

WHEREAS, pursuant to Charter Section 3-122.2, any action of the Commission that alters salaries must be by resolution accompanied by findings of fact, and the salaries, as altered by the resolution, will take effect as of the beginning of the following fiscal year unless, within 60 days of the Commission's adoption of the resolution, the Council explicitly rejects the resolution in its entirety or any portion thereof by a three-quarters vote of its entire membership; and

WHEREAS, Charter Section 3-122.2 arguably places the Council in a position that could be construed as a conflict of interest as the Council is charged with the discretion to explicitly reject or implicitly accept the Commission's resolution which may alter the Councilmembers' compensation, giving the Council the final decision of whether to increase their own salaries; and

WHEREAS, the 2023 Commission approved salary increases for all positions under its purview, including an approximately 64 percent raise for Councilmembers; and

WHEREAS, certain neighborhood boards and members of the public expressed deep reservations concerning the perceived steep pay raises for Councilmembers; and



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WHEREAS, the Council finds that it is in the best interest of the public that the Council have a reduced role in the process by which the Commission adjusts certain City salaries and salary schedules, including Councilmembers' salaries; 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:

1. To provide that any salaries altered by a resolution adopted by the Salary Commission will take effect on the first day of the City's fiscal year subsequent to the resolution's adoption and cannot be rejected or altered by the City Council; and
  2. To specify that a member of the Salary Commission can only be reappointed once to a second five-year term?"
2. That Section 3-122 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Salary Commission"), be amended to read as follows:

**"Section 3-122. Salary Commission –**

1. There shall be an independent salary commission to establish the salaries of all elected officials, including the mayor, councilmembers, and prosecuting attorney, and the following appointed officials: managing director, deputy managing director, department head, deputy department head, and band director. The commission shall also establish schedules for salaries of deputies of the corporation counsel and prosecuting attorney. The commission shall consist of seven members, who shall serve for staggered terms of five years and until their successors have been appointed and qualified. The initial appointments shall commence no later than January 15, 1993, and shall be as follows:



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- |     |  |             |
|-----|--|-------------|
| (1) | Two members, one appointed by the mayor and one appointed by the council | Two years   |
| (2) | Two members, one appointed by the mayor and one appointed by the council | Three years |
| (3) | Two members, one appointed by the mayor and one appointed by the council | Four years  |
| (4) | One member appointed by the mayor and confirmed by the council           | Five years  |

Each succeeding appointment shall be for a term ending five years from the date of the expiration of the term for which the predecessor had been appointed. A member may only be reappointed once to a second five-year term. The commission shall elect a chair from among its members and the commission shall act by a majority vote of its membership. Any vacancy shall be filled in the same manner as for an original appointment.

2. The commission shall convene annually no later than the first day of February, and shall, after public hearing, establish salaries and salary schedules no later than the first day of May subsequent thereto, said salaries and salary schedules to be effective prospectively from the first day of the fiscal year subsequent to their adoption by the commission. The commission may meet at other times during the year pursuant to its own rules, but may alter salaries and salary schedules no more than once annually. Any action of the commission altering salaries shall be by resolution accompanied by findings of fact[.], and is not subject to rejection or alteration by the council or the mayor. ~~[Said resolution shall be forwarded to the mayor and the council but shall take effect without their concurrence sixty calendar days after its adoption unless rejected by a three-quarters vote of the council's entire membership. The council may reject either the entire resolution or any portion of it.]~~

3. The commission shall set salaries in accordance with the principles of adequate compensation for work performed, and preservation of a sensible relationship with the salaries of other city employees.

4. The commission shall establish its rules of procedure and adopt rules and regulations pursuant to law.

5. The commission shall employ consultants and staff as is necessary to assist it in the performance of its duties.



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6. The members of the salary commission shall serve without compensation but shall be reimbursed for expenses, including travel ~~[expense]~~ expenses necessary for the performance of their duties."
3. That in Section 2 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 (Amended 2017 Edition), as amended, the Revisor of the Charter need not include the brackets, the material that has been bracketed and stricken, or 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.
5. That upon approval of this resolution by the Council, and its approval by the Mayor, 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 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. 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 electors at the 2024 general election.



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6. That upon approval of the Charter amendment question posed in 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:

Val A. Oka

DATE OF INTRODUCTION:

AUG 9 2023

Honolulu, Hawaii

Councilmembers

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
RICK BLANGIARDI, Mayor  
City and County of Honolulu