HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. 24-102

FILED

APR 11 2026

PURSUANT TO ROH Sec. 1-2.5

RESOLUTION

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

WHEREAS, there are a number of provisions of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter") that are in need of clarification or amendment in order to avoid inconsistencies within the Charter; and

WHEREAS, the City Council ("Council") desires to amend the Charter to clarify its provisions and to avoid inconsistencies therein and specify which City and County of Honolulu ("City") officers have certain authority; and

WHEREAS, these amendments include: (1) establishing terms of office, similar to those for the Police Chief, for the heads of the other City departments (the Fire Department, the Board of Water Supply, and the Honolulu Authority for Rapid Transportation) where the department head is appointed by a board, rather than by the Mayor; (2) specifying that the Director of Planning and Permitting has the authority to adopt rules implementing the various construction codes of the City and relating to the administration of zoning variances; (3) authorizing the Council to limit the service of City board and commission members who have served beyond the end of their terms of appointment; (4) requiring the Mayor to provide the Council with certain information on the Mayor's appointments to City boards and commissions; and (5) allowing elected City officials to take their oaths of office at any time after their election has been certified and before entering upon the duties of their offices; 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" or an "8"; now, therefore,

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. 24-102

RESOLUTION

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 make miscellaneous modifications to clarify its provisions, including: (1) establishing terms of office, similar to those for the Police Chief, for the heads of the other City departments (the Fire Department, the Board of Water Supply, and the Honolulu Authority for Rapid Transportation) where the department head is appointed by a board, rather than by the Mayor; (2) specifying that the Director of Planning and Permitting has the authority to adopt rules implementing the various City construction codes and relating to the administration of zoning variances; (3) authorizing the Council to limit the service of City board and commission members who have served beyond their terms of appointment; (4) requiring the Mayor to provide the Council with certain information on the Mayor's appointments to City boards and commissions; and (5) allowing elected City officials to take their oaths of office at any time after their election has been certified and before entering upon the duties of their offices?"

2. That Section 6-1003 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"**Section 6-1003. Fire Chief, Qualifications –**

The fire chief shall be appointed by the fire commission for a term of five years. The chief may be removed by the fire commission only after being given a written statement of the charges and a hearing before the commission. The chief shall have had a minimum of five years of training and experience in a fire department, at least three years of which shall have been in a responsible administrative capacity. The chief shall not serve beyond the expiration of a term unless appointed again by the fire commission. If desiring to do so, the fire commission may appoint an incumbent chief to a new term without first engaging in an applicant solicitation and selection process."

3. That Section 6-1503, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"**Section 6-1503. Powers, Duties, and Functions –**

The director of planning and permitting shall:

(a) Prepare a general plan and development plans, and revisions thereof, for the improvement and development of the city.

(b) Establish procedures for adopting and revising the general plan and development plans and amending state land use district boundaries. The director's procedures shall include provisions for the processing of any proposed revision to the general plan or development plans which is submitted with the prescribed level of supporting documentation, regardless of whether the proposal is supported by the director or the council. However, a proposal lacking such support shall be processed as an "unendorsed proposal" under the provisions of this chapter.

(c) Review the executive operating and capital program and budget for conformance to the purposes of the general and development plans and make a written report of findings to the council within thirty days after receipt of such program and budget.

(d) Prepare and submit to the council on at least a biennial basis a report on the condition of the city in terms of the general plan and development plans. In addition, the director shall prepare and submit to the council an annual report on the current status of land use and other data pertaining to the development plans.

(e) Undertake studies and prepare plans for special planning areas and issues.

(f) Perform other functions that will promote comprehensive planning, public participation, and an efficient planning process.

(g) Prepare zoning ordinances, maps, and rules and regulations and any amendments thereto.

(h) Prepare the land subdivision code and rules and regulations and any amendments thereto.

(i) Prepare the building, electrical, plumbing, and housing codes and rules and regulations and any amendments thereto.

[~~(i)~~](j) Establish procedures for the review of land utilization applications.

[~~(j)~~](k) Be charged with the administration and enforcement of the zoning, subdivision, park dedication, building and housing ordinances, and rules and regulations adopted thereunder, and any regulatory laws or ordinances [~~which~~] that may be adopted to supplement or replace such ordinances.

[~~(k)~~](l) Review the following for conformance to city standards:

(1) Plans for wastewater facilities for other than city projects;

(2) Plans for construction, reconstruction, widening, and maintenance of public streets and roads, including utilities, landscaping, street lighting, traffic control, and related items;

(3) Plans for the construction, reconstruction, and maintenance of bridges and walkways and drainage and flood control systems."

4. That Section 6-1517, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"Section 6-1517. Zoning Variances –

The director shall hear and determine petitions for varying the application of the zoning code with respect to a specific parcel of land and may grant such a variance upon the ground of unnecessary hardship if the record shows that (1) the applicant would be deprived of the reasonable use of such land or building if the provisions of the zoning code were strictly applicable; (2) the request of the applicant is due to unique circumstances and not the general conditions in the neighborhood, so that the reasonableness of the neighborhood zoning is not drawn into question; and (3) the request, if approved, will not alter the essential character of the neighborhood nor be contrary to the intent and purpose of the zoning ordinance. Prior to the granting of any variance, the director shall hold a public hearing thereon. The director shall specify the particular evidence [~~which~~] that supports the granting of a variance. The director may adopt rules in accordance with HRS Chapter 91 for the administration of this section."

5. That Section 7-105 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"Section 7-105. Powers, Duties, and Functions of the Board of Water Supply –

The board of water supply shall:

(a) Appoint and remove the manager and chief engineer of the department. The manager and chief engineer shall be appointed for a term of five years. The manager and chief engineer shall be a registered engineer who shall have had a minimum of five years of training and experience in waterworks activities or related fields, at least three years of which shall have been in a responsible administrative capacity. The manager and chief engineer shall not serve beyond the expiration of a term unless appointed again by the board. If desiring to do so, the board may appoint an incumbent manager and chief engineer to a new term without first engaging in an applicant solicitation and selection process.

(b) Fix the salary of the manager and chief engineer.

(c) Have the authority to create and abolish positions.

(d) Determine the policy for construction, additions, extensions, and improvements to the water systems of the city, which shall include a long range capital improvement program covering a period of at least six years which shall be adopted after consultation with the director of planning and permitting and which may be amended or modified by the board from time to time.

(e) Have the authority to acquire by eminent domain, purchase, lease, or otherwise, in the name of the city, all real property or any interest therein necessary for the construction, maintenance, repair, extension, or operation of the water systems of the city. The council shall take no action to acquire real property or any interest therein for the department without the written approval of the board.

(f) Have the authority to recommend to the council the sale, exchange, or transfer of real property or any interest therein which is under the control of the department. The council shall take no action to dispose of such property without the prior approval of the board,

and all proceeds from the disposition of such property shall be paid into the special fund of the department.

(g) Have the authority to enter into arrangements and agreements, as it deems proper for the joint use of poles, conduits, towers, stations, aqueducts, and reservoirs, for the operation of any of the properties under its management and control.

(h) Have the authority to issue revenue bonds under the name of "board of water supply."

(i) Modify, if necessary, and approve and adopt annual operating and capital budgets submitted by the manager and chief engineer.

(j) Prescribe and enforce rules and regulations having the force and effect of law to carry out the provisions of this article of the charter, including (1) the regulation of water systems and necessary appurtenances for subdivisions and other properties and requirements for adequate water supply and storage facilities for domestic use and fire protection, (2) the prevention of waste and pollution of water, (3) the manner in which new wells or shafts may be bored, drilled or excavated, cased and capped or recased, (4) the manner in which wells or shafts shall be maintained, controlled, and operated to prevent waste of water or the impairment of potability, (5) the limitation to beneficial uses of all water, (6) in times of shortage or threatened shortage of water or of danger to potability of the water of any ground water basin or area by overdraft on such basin, the restriction of the drawing of water in all wells supplied from such basin on a basis proportionate to the proper and beneficial uses served by them respectively, and (7) other matters having for their object the proper conservation and beneficial use of the water resources available for the city.

(k) Hear appeals from the order of the manager and chief engineer refusing, suspending, or revoking any permit for the sinking, drilling, or reopening of any well or shaft for the development of underground water supply."

6. Section 13-103, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

RESOLUTION

"Section 13-103. Boards and Commissions –

1. Except as otherwise provided by this charter or by law, all boards and commissions established by this charter or by ordinance shall be governed by the following provisions:

(a) To be eligible for appointment to a board or commission, a person shall be a duly registered voter of the city.

(b) All members shall be appointed by the mayor and confirmed by the council.

(c) All appointed members shall serve for staggered terms of five years, and they shall serve until their successors have been appointed and qualified[.]; provided that limitations on the time being served by an appointed member after the member's term has expired may be established by ordinance. No person shall serve on the same board for more than two consecutive full terms or for more than ten consecutive years, whichever is greater. The initial appointments shall be as follows:

(1) Five members: One member each to serve for five, four, three, two, and one year, respectively.

(2) Seven members: Two members to serve for five years, one member for four years, two members for three years, one member for two years, and one member for one year.

(3) Nine members: Two members each to serve for five, four, three, and two years, respectively, and one member for one year.

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.

(d) Any vacancy occurring other than by expiration of the term of office shall be filled for the remainder of such unexpired term in the same manner as for an original appointment.

(e) Temporary vacancies shall be filled by the mayor as provided by ordinance.

(f) A chair shall be elected annually by members from the membership.

(g) A majority of the members shall constitute a quorum.

(h) All meetings shall be held in city hall or other public places.

(i) The affirmative vote of a majority of the entire membership shall be necessary to take any action, and such action shall be made at a meeting open to the public.

(j) All members shall be entitled to be reimbursed for travelling and other necessary expenses incurred by them in the performance of their official duties.

(k) All appointed members may be compensated for their service as provided by ordinance.

(l) Policies and procedures for the removal of members of boards and commissions shall be as provided by ordinance.

2. All boards and commissions established by this charter or by ordinance shall be periodically evaluated and reviewed as provided by ordinance to determine whether the charter provisions or ordinances establishing the board or commission shall be retained, amended, or repealed; provided that this subsection shall not apply to the Board of Water Supply, the board for the Honolulu Authority for Rapid Transportation, or to boards or commissions mandated by federal or state law.

3. Whenever the mayor appoints a person to serve as a member of a board or commission, regardless of whether the appointment requires confirmation by the council, the mayor shall provide notice of the appointment to the council through the city clerk. Whenever the mayor appoints a person to serve as a member of a board or commission for which an appointment requires council confirmation, and for which some or all of its members must meet certain minimum qualifications or for which there is a limitation on the number of members on the board or commission who are members of the same political party, the mayor shall provide the council with information sufficient to allow the

council to determine whether the appointee meets such minimum qualifications or would cause the board or commission to exceed the maximum number of members who may be members of the same political party."

7. That Section 13-118, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"**Section 13-118. Oaths of Office –**

Before entering upon the duties of office, each officer elected or appointed shall subscribe to the following oath or affirmation before some person duly qualified to administer oaths:

"I solemnly swear (or affirm) that I will faithfully support the Constitution and laws of the United States of America, the Constitution and laws of the State of Hawaii, and the Charter and laws of the City and County of Honolulu, and conscientiously and impartially discharge my duties as _____ of the City and County of Honolulu."

Elected officers may subscribe to the oath at any time after the certification of the results of their respective elections and before entering upon the duties of their offices."

8. That Section 15-104 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"**Section 15-104. Effective Date of Amendment or Revision –**

Any amendment or revision approved by the electors of the city shall become effective at the time and under the conditions specified in the amendment or revision[.]; provided that in the absence of such specification, it shall become effective, without conditions, upon approval by the electorate and after the certification of said approval by the city clerk."

9. Article 16, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Transition Schedule"), be amended by adding a new section to be designated by the Revisor of the Charter and to read as follows:

"**Section 16- . Transition Provisions Concerning the Terms of Office for the Fire Chief, Manager and Chief Engineer of the Board of Water Supply,**

and the Executive Director of the Honolulu Authority for Rapid Transportation –

1. The fire chief holding office on December 31, 2024 shall serve for a term expiring on December 31, 2029 unless, at an earlier date:

(a) The fire commission removes the chief pursuant to Section 6-1003 of this charter; or

(b) The chief otherwise vacates the office.

Upon the office becoming vacant, it shall be filled in accordance with Section 6-1003 of this charter.

2. The manager and chief engineer of the Board of Water Supply holding office on December 31, 2024 shall serve for a term expiring on December 31, 2029 unless, at an earlier date:

(a) The Board of Water Supply removes the manager and chief engineer pursuant to Section 7-105 of this charter; or

(b) The manager and chief engineer otherwise vacates the office.

Upon the office becoming vacant, it shall be filled in accordance with Section 7-105 of this charter.

3. The executive director of the Honolulu Authority for Rapid Transportation holding office on December 31, 2024 shall serve for a term expiring on December 31, 2029 unless, at an earlier date:

(a) The board of directors of the Honolulu Authority for Rapid Transportation removes the executive director pursuant to Section 17-104 of this charter; or

(b) The executive director otherwise vacates the office.

Upon the office becoming vacant, it shall be filled in accordance with Section 17-104 of this charter."

10. That Section 17-104 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Powers, Duties and Functions of

the Board of Directors"), be amended by amending subsection 1 to read as follows:

"1. The board shall:

(a) Be the policy making body of the authority.

(b) Determine the policies for the development of the fixed guideway system.

(c) Have the authority to issue revenue bonds under the name of "Honolulu Authority for Rapid Transportation" in accordance with HRS Chapter 49, subject to council approval.

(d) Review, modify as necessary, and adopt an annual operating budget for the authority and an annual capital budget for the fixed guideway system submitted by the executive director of the authority.

(e) Request and accept appropriations from the city, and request and accept grants, loans, and gifts from other persons and entities.

(f) Appoint and may remove an executive director, who shall be the chief executive officer of the public transit authority, for a term of five years. The qualifications, powers, duties, functions, and compensation of the executive director shall be established by the board. The executive director shall not serve beyond the expiration of a term unless appointed again by the board. If desiring to do so, the board may appoint an incumbent executive director to a new term without first engaging in an applicant solicitation and selection process.

(g) Evaluate the performance of the executive director at least annually; and submit a report thereon to the mayor and the council.

(h) Review, modify as necessary, and adopt a six-year capital program within six months of the creation of the authority and annually update the six-year capital program, provided that such capital programs shall be submitted by the executive director.

(i) Determine the policy for approval of arrangements and agreements with the federal government and with any public entity or utility owning or having jurisdiction over rights-of-way, tracks, structures, subways, tunnels, stations, terminals, depots, maintenance facilities, air rights, utility lines, and transit electrical power facilities, subject to approval of the department of transportation services if such arrangements or agreements may affect the operation or maintenance of the fixed guideway system.

(j) Adopt and enforce rules and regulations having the force and effect of law to carry out the provisions of this article of this charter, and any governing federal or state agreements or laws, including rules and regulations pertaining to the organization and internal management of the authority and allocation of decision-making responsibility as between the board and the administrative staff.

(k) Submit an annual report to the mayor and council on its activities.

(l) In addition to the general powers under this subsection, other general or specific powers may be conferred by ordinance upon the board, so long as the powers are consistent with this article of the charter."

11. That in Sections 2 through 10 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.

12. 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.

13. That upon adoption of this resolution by the Council 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.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. 24-102

RESOLUTION

14. 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 Sections 2 through 10 of this resolution shall take effect on January 1, 2025.

INTRODUCED BY:

DATE OF INTRODUCTION:

APR 11 2024

Honolulu, Hawai'i

Councilmembers

APPROVED this _____ day of _____, 20 _____.

FILED
APR 11 2026
PURSUANT TO ROH Sec. 1-2.5

RICK BLANGIARDI, Mayor
City and County of Honolulu