CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 21-39

RESOLUTION

RELATING TO THE RULES OF THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU.

WHEREAS, Section 3-107.2 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition, as amended ("Charter"), provides that the City Council ("Council") shall adopt rules governing its officers and employees, the organization of committees, and the transaction of business; and

WHEREAS, pursuant to Charter Section 3-107.2, the Council has adopted the Rules of the Council of the City and County of Honolulu (January 2021) ("Council Rules"); and

WHEREAS, the Council desires to amend Council Rule 19 to:

(1) Remove duplicative language;

(2) Clarify when floor drafts of bills appropriating public funds must be distributed to each Councilmember during a Council meeting; and

(3) Clarify the exceptions to the "48-hour Rule," which requires a delay in final action for certain measures that are amended on the Council floor; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that Council Rule 19 ("Bills, Resolutions, and Other Measures") is amended by amending subsections E through K to read as follows:

"E. (1) Except as provided in subdivision (2), proposed floor drafts of bills or resolutions must be accompanied by a written summary describing the proposed amendments; provided that this requirement does not apply to a proposed floor draft prepared to reflect an oral motion made on the council floor to amend a measure in a specified manner. The city clerk shall include the written summary with the bill or resolution in the board packet required by HRS Section 92-7.5. If the floor draft is submitted prior to the meeting but too late for inclusion in the board packet, the clerk shall, within 24 hours of receipt, post the floor draft on an internet website accessible, without cost, to members of the public who have internet access, and also make copies available to the public through the clerk's office and at the council meeting. The 24 hours does not include weekend or holiday hours. If the summary is included in the board packet or otherwise made

available in the foregoing manner prior to the council meeting, a councilmember moving to amend to the floor draft may explain the amendments by reference to the written summary.

(2) Floor drafts of bills appropriating public funds must include as part of the bill an amendment list or lists denoting the amendments. In lieu of a complete proposed floor draft, a written description of the proposed amendments may be submitted for posting on the council agenda and inclusion in the board packet required by HRS Section 92-7.5[~~, provided that a copy of the proposed floor draft must be distributed to each councilmember present prior to a vote on the motion to amend~~]. If the floor draft or written description is submitted prior to the meeting but too late for inclusion in the board packet, the clerk shall, within 24 hours of receipt of the floor draft, post the floor draft or written description on an internet website accessible, without cost, to members of the public who have internet access, and also make copies available to the public through the clerk's office and at the council meeting. The 24 hours does not include weekend or holiday hours. If the proposed floor draft or written description is included in the board packet, or the floor draft or written description is otherwise made available in the foregoing manner prior to the council meeting, a councilmember moving to amend to the floor draft may explain the amendments by reference to the amendment list.

[~~F. Bills and resolutions shall not be amended to a floor draft nor pass any reading or be adopted at the meeting at which the floor amendment was made unless a copy of the amended version has been distributed to each councilmember present.~~]

[~~G.~~]F. A bill appropriating public funds shall not be amended to a floor draft unless either a written description of the proposed amendment or a copy of the amended version has been distributed to each councilmember present[~~.~~], and shall not pass any reading at the meeting at which the floor amendment was made unless a copy of the amended version has been distributed to each councilmember present. All other bills and resolutions shall not be amended to a floor draft nor pass any reading or be adopted at the meeting at which the floor amendment was made unless a copy of the amended version has been distributed to each councilmember present.

[~~H.~~]G. A bill or resolution that is up for third reading or adoption and is amended on the floor to a committee or floor draft shall have final action delayed for at least 48 hours from the time the amendment is approved. This requirement for a 48-hour

delay shall not apply to: (1) a committee or floor draft of a bill or resolution for which a copy of the amended version has been posted in accordance with HRS Section 92-7 on the agenda for the meeting as a proposed floor or committee amendment and filed with the office of the clerk for public inspection at least six calendar days before the meeting; (2) a floor draft of a bill appropriating public funds for which a written description of the proposed amendment has been posted and filed with the clerk as provided in subdivision (1) of this subsection; [~~and (3) committee drafts of those bills enumerated in Charter Section 3-202.7(a), (b), and (c); or to resolutions~~] and (3) a floor draft of a resolution authorizing eminent domain proceedings as provided in Charter Section 3-202.9.

[~~I.~~]H. Unless a written waiver request from the committee chair is approved by the council chair, the council shall not take action on a bill or resolution reported out of a standing committee unless the committee's report on the measure complies with Rule 11.C, has been filed with the office of the clerk, and has been made available to the public both at the clerk's office and on the internet at least forty-eight hours prior to the action being taken. For purposes of this subsection, the term "action" shall not include a postponement or recommittal or the granting of an extension of time.

[~~J.~~]I. Final action on a measure up for third reading or adoption that has:

(1) Been committed or recommitted to committee; or

(2) Had action thereon postponed to a certain time;

shall not be taken until the expiration of at least 24 hours after the approval of the motion to commit, recommit or postpone.

[~~K.~~]J. A measure that is up for third reading or adoption and fails because a majority of the council voted in the negative or because the requisite two-thirds vote was not received shall, unless subsequently reconsidered and passed or adopted pursuant to Rule 18, be deemed filed."; and

BE IT FURTHER RESOLVED that in the foregoing RESOLVED clause, rule language to be deleted is bracketed and stricken and new rule language is underscored; and

BE IT FURTHER RESOLVED that this resolution takes effect upon its adoption; and

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BE IT FURTHER RESOLVED that the Director of Council Services is directed to incorporate the foregoing amendments into the Rules of the Council of the City and County of Honolulu; update the Rules' Adoption and Amendment History and, if necessary, the page numbers in the Table of Contents; and provide Councilmembers, the City Clerk, and the City Administration with current sets thereof; and

BE IT FURTHER RESOLVED that in compiling the new rules, the Director of Council Services need not include the brackets, the material that has been bracketed and stricken, or the underscoring; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, and the Corporation Counsel.

INTRODUCED BY:

DATE OF INTRODUCTION:

FEB 11 2021
Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 21-39

Introduced: 02/11/21 By: TOMMY WATERS Committee: COUNCIL (CCL)

Title: RELATING TO THE RULES OF THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU.

Voting Legend: * = Aye w/Reservations

02/11/21	INTRO	Introduced.
02/17/21	CCL	Adopted. 8 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS 1 ABSENT: TSUNEYOSHI

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

GLEN I. TAKAHASHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER