

2016 Proposed Charter Amendments
submitted by the
City Charter Commission

Full Text

PROPOSED CHARTER AMENDMENT 1

SECTION 1. Section 6-1603, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 6-1603. Chief of Police —

1. The chief of police shall be appointed by the police commission for a term of five years. The chief shall serve at the pleasure of the police commission and shall not attain any property interest in the position of chief of police. The police commission may remove or suspend the chief of police at any time prior to the expiration of the five year appointment. The chief shall have had a minimum of five years of training and experience in law enforcement work, 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 police commission. If desiring to do so, the police commission may appoint an incumbent chief to a new term without first engaging in an applicant solicitation and selection process.

2. Before the expiration of a term to which appointed, the chief may be removed [by the police commission only for cause.] or suspended by the police commission for any reason. Such reasons may include but are not limited to:

(a) The chief has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer;

(b) The chief has caused a material fact to be misrepresented for any improper or unlawful purpose;

(c) The chief is unable to perform his or her duties with reasonable competence or reasonable safety because of a mental condition, including alcohol or substance abuse.

(d) The chief has acted in a manner for of furthering his or her self-interest or in a manner inconsistent with the interest of the public or the chief’s governing body.

As prerequisites to removal or suspension, the chief shall be given a written statement of the [charge] reasons for removal or suspension and an opportunity for a hearing before the police commission.

[3. Gross or continuous maladministration shall be a cause sufficient for removal of the chief. Before removing the chief for such cause, the commission shall give the chief written notice of and a reasonable period to cure the gross or continuous maladministration. If the gross or continuous maladministration is not cured to the commission’s satisfaction within the period given, the commission may proceed to remove the chief in accordance with subsection 2.

This subsection shall not be construed as:

(a) Making gross or continuous maladministration the only cause sufficient for removal of a chief; or

(b) Requiring the commission to give the notice and opportunity for cure specified under this subsection when removing a chief for a cause other than gross or continuous maladministration.]”

SECTION 2. Section 6-1606, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 6-1606. Powers, Duties and Functions --

The police commission shall:

(a) Adopt such rules as it may consider necessary for the conduct of its business and review rules and regulations for the administration of the department.

(b) Review the annual budget prepared by the chief of police and may make recommendations thereon to the mayor.

(c) Submit an annual report to the mayor and the city council.

(d) Receive, consider and investigate charges brought by the public against the conduct of the department or any of its members and submit a written report of its findings to the chief of police. If the chief of police disagrees with the findings of the police commission, the chief shall submit the reasons in writing to the police commission. A summary of the charges filed and their disposition shall be included in the annual report of the commission.

(e) The police commission may issue subpoenas and require the attendance of witnesses and the production of evidence pertinent to the investigation and administer oaths to such witnesses to the extent permissible by law and pursuant to Section 13-114.

[(e)](f) Review and, if deemed necessary, make recommendations on the five-year plan and any update of goals and objectives for the police department which is submitted by the chief of police. The commission shall not have the power to approve, modify, or reject the plan or any update.

[(f)](g) Compare at least annually the actual achievements of the police department against the goals and objectives in the five-year plan or latest update submitted by the chief.

[(g)](h) Evaluate at least annually the performance of duties by the chief of police.

Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department.”

PROPOSED CHARTER AMENDMENT 2

SECTION 1. Section 11-107, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended to read as follows:

“Section 11-107. Ethics Commission –

There shall be within the department of the corporation counsel for administrative purposes only an ethics commission which shall consist of seven members. The commission shall be governed by the provisions of Section 13-103 of this charter. In accordance with the prohibition in Article XIV of the Constitution of the State of Hawaii, the members of the ethics commission shall be prohibited from taking an active part in political management or in political campaigns.

The commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. Such staff and consultations may include attorneys who may advise the commission independently of the department of the corporation counsel. All staff positions shall be exempt from the provisions of Chapter 11 of Article VI of this charter, but such staff positions, except the position of executive director and staff attorneys, shall be included in the position classification plan. The executive director shall be an attorney qualified to practice law in the State of Hawaii. [The salary of the executive director shall be fixed by ordinance.] The salaries of the executive director and any staff attorneys of the ethics commission shall be set by the ethics commission. The salary of the executive director shall not exceed the salary of the first deputy corporation counsel and the salaries of any other staff attorney shall not exceed the salary of the executive director.

The commission is authorized to hold hearings and to conduct investigations concerning the application of this article of the charter and shall have the powers provided in Section 13-114 of this charter.

The commission may, on its own initiative, render advisory opinions with respect to this article of the charter. An advisory opinion shall be rendered pursuant to a written request of any elected or appointed officer or employee concerned and may be rendered pursuant to the request of any person. The commission shall publish its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of the persons involved.

The commission may impose civil fines established by ordinance against elected and appointed officers and employees of the city with significant discretionary or fiscal power as determined by ordinance, found by the commission to have violated the standards of conduct established by this article of the charter or by ordinance. The commission shall recommend appropriate disciplinary action against officers and employees found to have violated the standards of conduct established by this article of the charter or by ordinance. The appointing authority shall promptly notify the commission of the action taken on the recommendation.”

PROPOSED CHARTER AMENDMENT 3

SECTION 1. Section 9-106, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended (“Administration and Enforcement of the Budget Ordinances –”), is amended by amending subsection 2 to read as follows:

“2. Administration and enforcement of the executive operating budget ordinance:

(a) The enactment of the executive operating budget ordinance or any supplementary appropriation shall constitute an appropriation of the sums specified therein for the purposes and from the funds indicated. Such appropriation shall be considered valid only for the fiscal year for which made, and any part of such appropriation which is not encumbered or expended shall lapse [to] at the end of the fiscal year. Executive agencies authorized to make expenditures under the executive operating budget ordinance may proceed without other authority from the council to incur obligations or make expenditures for proper purposes to the extent that the moneys are available.

(b) Immediately following the enactment of the executive operating budget ordinance, the heads of all executive agencies, including the prosecuting attorney, shall submit to the director of budget and fiscal services schedules, supported by work programs, showing the expenditures anticipated for each quarter of the fiscal year.

(c) The approval of an expenditure schedule by the mayor shall constitute a budgetary allotment which shall, unless a revision thereof is approved by the mayor, be binding upon such agencies. The director of budget and fiscal services shall approve or issue no requisition, purchase order, voucher or warrant that is not in accordance with an allotment.

(d) The allotments herein provided may be altered at any time by the mayor. The mayor shall direct appropriate revisions in allotments to keep expenditures within the revenues received or anticipated.

(e) The expenditure schedule submitted by the prosecuting attorney shall constitute a budgetary allotment, without the approval by the mayor, which shall, unless a revision thereof by the prosecuting attorney, be binding upon the prosecuting attorney. The director of budget and fiscal services shall approve or issue no requisition, purchase order, voucher or warrant that is not in accordance with an allotment. The allotments herein provided may not be altered at any time by the mayor. The mayor shall not direct appropriate revisions in allotments to keep expenditures within the revenues received or anticipated.

[e](f) Any part of an allotment which is not expended or encumbered shall lapse at the end of the allotment period.

[f](g) The mayor may transfer an unencumbered appropriation balance or portion thereof within the same department only as prescribed by law. Transfers between departments shall be made only by the council by ordinance upon the recommendation of the mayor.

[g](h) The director of budget and fiscal services and the director’s surety shall be liable for moneys withdrawn from any operating fund other than in accordance with the executive operating budget ordinance and allotments.”

PROPOSED CHARTER AMENDMENT 4

SECTION 1. Section 6-1701, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 6-1701. Organization —

There shall be a department of transportation services which shall consist of a director of transportation services, [transportation] a rate commission, and necessary staff. The director of transportation services shall be the administrative head of the department.”

SECTION 2. Section 6-1703, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 6-1703. Powers, Duties and Functions —

[1.] The director of transportation services shall:

- (a) Plan, operate and maintain the city’s multimodal municipal transportation [systems including bikeways, except for activities relating to the city’s fixed guideway mass transit system, to meet public transportation needs,] system, in accordance with the general plan and development plans, and advise on the [design and construction] development thereof.
- (b) Locate, select, install and maintain traffic control facilities and devices.
- (c) Provide educational programs to promote traffic safety.
- (d) Promulgate rules and regulations pursuant to standards established by law.
- (e) Manage and maintain all commercial parking facilities except facilities that are attached or adjacent to a building or project managed by another city agency.
- (f) Enforce the collection of fares, fees, rates, tolls and other charges for use of any and all modes of the multimodal municipal transportation system and deposit those collections into the city treasury in a fund separate and apart from any other funds of the city.
- (g) Identify, create and recommend new sources of revenue from non-fare sources to provide additional funding for the planning, operation and maintenance of the multimodal municipal transportation system, including:
 - (1) Promoting, creating and assisting transit oriented development projects near fixed guideway system stations or other multimodal municipal transportation system facilities, which projects are designed to promote transit ridership and are consistent with the intent of the adopted community plans and zoning.
 - (2) Recommending to the council the sale, exchange, lease or transfer of city-owned surplus real property or any interest therein, including air rights, for transit oriented developments.
 - (3) Entering into public-private partnerships or other innovative business relationships with private entities or other public agencies.
 - (4) Engaging in concessions or other means for advertising, parking or other revenue-generating activities as permitted by law in or associated with any multimodal municipal transportation system facilities.
 - (5) Collecting and reporting transit data and receiving federal funds for the multimodal municipal transportation system.
 - (6) Engaging in other activities authorized by law for the purpose of increasing ridership.

[2.] The director of transportation services shall have no power, duty, or function with respect to transportation systems, facilities, or programs which are under the jurisdiction of the public transit authority.]”

SECTION 3. Section 6-1704, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is repealed:

[“Section 6-1704. Transportation Commission —

1. There shall be a transportation commission consisting of seven members appointed as follows:
 - (a) Three members shall be appointed by the mayor without necessity of council confirmation;
 - (b) Three members shall be appointed by the council; and

- (c) One member shall be nominated and, upon council confirmation, appointed by the mayor. The member appointed pursuant to this paragraph shall be the chair of the commission. Each member shall be a duly registered voter of the city.
- 2. Each member of the transportation commission shall be appointed to a five-year term; except that:
 - (a) Of the initial members appointed by the mayor without council confirmation, one shall be appointed to a two-year term, one shall be appointed to a three-year term, and one shall be appointed to a four-year term; and
 - (b) Of the initial members appointed by the council, one shall be appointed to a two-year term, one shall be appointed to a three-year term, and one shall be appointed to a four-year term.

The term of each member shall commence on July 1 and expire on June 30 of the applicable years. A member, however, may serve beyond the expiration date until a successor is appointed and qualified. The term of the successor, no matter when appointed, shall commence on the July 1 immediately following the June 30 expiration of the predecessor's term.

When a member leaves the commission by other than expiration of a term, a successor shall be appointed to serve the remainder of the unexpired term. The successor shall be appointed in the same manner as the predecessor.

The council may establish procedures by ordinance for the replacement of a member who cannot serve temporarily because of illness, incapacity, or absence.

No person shall serve on the commission for more than two consecutive full terms or more than ten consecutive years, whichever is greater.

3. A majority of the entire membership of the transportation commission shall constitute a quorum. The affirmative vote of a majority of the entire membership of the commission shall be necessary to take an action.

4. Section 13-103 of this charter shall not apply to the transportation commission or its members.”]

SECTION 4. Article VI, Chapter 17, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended by adding a new Section 6-1704 to read as follows:

“Section 6-1704. Rate Commission —

- 1. There shall be a rate commission consisting of seven members appointed as follows:
 - (a) Three members shall be appointed by the mayor without necessity of council confirmation;
 - (b) Three members shall be appointed by the council; and
 - (c) One member shall be nominated and, upon council confirmation, appointed by the mayor. The member appointed pursuant to this paragraph shall be the chair of the rate commission. Each member shall be a duly registered voter of the city.
- 2. Each member of the rate commission shall be appointed to a five-year term except that:
 - (a) Of the initial members appointed by the mayor without council confirmation, one shall be appointed to a two-year term, one shall be appointed to a three-year term, and one shall be appointed to a four-year term; and
 - (b) Of the initial members appointed by the council, one shall be appointed to a two-year term, one shall be appointed to a three-year term, and one shall be appointed to a four-year term.

The term of each member shall commence on July 1 and expire on June 30 of the applicable years. A member, however, may serve beyond the expiration date until a successor is appointed and qualified. The term of the successor, no matter when appointed, shall commence on the July 1 immediately following the June 30 expiration of the predecessor's term.

When a member leaves the rate commission by other than expiration of a term, a successor shall be appointed to serve the remainder of the unexpired term. The successor shall be appointed in the same manner as the predecessor.

The council may establish procedures by ordinance for the replacement of a member who cannot serve temporarily because of illness, incapacity, or absence.

No person shall serve on the rate commission for more than two consecutive full terms or more than ten consecutive years, whichever is greater.

3. A majority of the entire membership of the rate commission shall constitute a quorum. The affirmative vote of a majority of the entire membership of the rate commission shall be necessary to take an action.

4. Section 13-103 of this charter shall not apply to the rate commission or its members.”

SECTION 5. Section 6-1705, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is repealed:

[“Section 6-1705. Powers, Duties and Functions —

1. The transportation commission shall:
 - (a) Adopt rules for the conduct of its business.
 - (b) Evaluate at least annually the performance of the director of transportation services and, if appropriate, make recommendations to address the results of the evaluation.
 - (c) Review and make recommendations on rules concerning the administration and operation of the department of transportation services.
 - (d) Review and make recommendations on the annual budget prepared by the director of transportation services.
 - (e) Receive, review, and make recommendations on complaints regarding the systems, programs, and facilities under the department of transportation services.
 - (f) Recommend changes to the public transit fare structure when deemed necessary and appropriate.
 - (g) Review and make recommendations concerning the performance of public transit and other transportation system contractors under the jurisdiction of the department of transportation services.
 - (h) Submit an annual report to the mayor and council. The commission shall make the recommendations authorized under this subsection to the director of transportation services, mayor, and council.
2. Except for purposes of inquiry, neither the transportation commission nor its members shall interfere in any way with the administrative affairs of the department of transportation services.”]

SECTION 6. Article VI, Chapter 17, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended by adding a new Section 6-1705 to read as follows:

“Section 6-1705. Powers, Duties and Functions —

1. The rate commission shall:
 - (a) Adopt rules for the conduct of its business.
 - (b) When requested by the director of transportation services, or when otherwise deemed necessary and appropriate, but in no event less frequently than annually, review the fares, fees, rates, tolls and other charges for the use of any and all modes of the multimodal municipal transportation system. The rate commission shall recommend adjustments thereto, such that the revenues derived therefrom, in conjunction with any other revenues allocated to the multimodal municipal transportation system, shall be sufficient or as nearly sufficient as possible, to support the operation and maintenance of the multimodal municipal transportation system. In making recommendations on such fares, fees, rates, tolls and other charges, the rate commission may also consider factors such as transportation equity, accessibility, sustainability, availability, and effect on ridership.
 - (c) Submit an annual report to the director of transportation services, mayor and council.

The rate commission shall make the recommendations authorized under this subsection to the mayor, through the director of transportation services. The mayor will transmit the recommendations to council, with or without amendments. After receiving the recommendations from the mayor, the council shall fix and adjust reasonable fares, fees, rates, tolls and other charges for the use of any and all modes of the multimodal municipal transportation system so that the revenues derived therefrom, in conjunction with any other revenues allocated to the multimodal municipal transportation system, shall be sufficient or as nearly sufficient as possible, to support the operations and maintenance of the multimodal municipal transportation system. In setting fares, fees, rates, tolls and other charges, the council may also consider factors such as transportation equity, accessibility, sustainability, availability, and effect on ridership.
2. Except for purposes of inquiry, neither the rate commission nor its members shall interfere in any way with the administrative affairs of the department of transportation services or the authority.”

SECTION 7. Section 16-115, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is repealed:

[“Section 16-115. Transition Provisions Concerning Establishment of Transportation Commission —

From January 2, 1997, the mayor and council may commence appointing the initial members of the transportation commission in the manner specified by Section 6-1704 of this charter. Initial members may be appointed before July 1, 1997, but they shall take office from that date. Notwithstanding its later effective date, Section 6-1704 of this charter shall be deemed applicable to this section from January 2, 1997.”]

SECTION 8. Article XVI, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended by adding a new section to be appropriately designated by the revisor of the charter and to read as follows:

“Section 16- . Transition Provisions Concerning the Operation and Maintenance of the Fixed Guideway System —

1. All positions with the public transit authority on June 30, 2017, whether vacant or filled, the primary responsibilities of which involve the operation and/or maintenance of the fixed guideway system, and all persons holding such positions on that date, whether in civil service, by exempt appointment, by contract, or by any other means, shall be transferred to the department of transportation services on July 1, 2017. Any affected civil service officers and employees shall suffer no loss of vacation allowance, sick leave, service credits, retirement benefits, or other rights and privileges because of the transfer. Nothing in this subsection, however, shall be construed as preventing future changes in status pursuant to the civil service provisions of this charter.

2. All lawful obligations and liabilities owed by or to the public transit authority relating to the operation and maintenance of the city’s fixed guideway system on June 30, 2017, shall remain in effect on July 1, 2017. The obligations and liabilities shall be assumed by the City through the department of transportation services.

3. Subject to Section 17-121, all records, property, and equipment of the public transportation authority that are necessary for the operation and maintenance of the fixed guideway system shall be transferred and delivered to the department of transportation services.”

SECTION 9. Section 17-102, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 17-102. Definitions —

For the purposes of this article and Article VI:

“Authority” and “public transit authority” shall mean the governmental unit known as the “Honolulu Authority for Rapid Transportation.”

“Board” shall mean the policy-making body, consisting of ten members of the board of directors, nine voting members and one non-voting member.

“Develop” shall mean plan, design, develop and construct.

“Executive director” shall mean the executive director of the public transit authority.

“Fixed guideway system” shall mean the minimum operable segment approved by the city council and any extensions to the minimum operable segment approved by the mayor and the city council.

“Multimodal municipal transportation system” shall mean all public transportation systems of the city including, without limitation, bus, paratransit and fixed guideway systems and associated parking and other services.”

SECTION 10. Section 17-103, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 17-103. Powers, Duties, and Functions —

1. The public transit authority shall have authority to develop[, operate, maintain and expand the city] the fixed guideway system as provided in this article.

2. To perform its duties and functions, the transit authority shall have the following general powers:

- (a) To make and execute contracts, project labor agreements and other instruments requiring execution by the authority on such terms as the authority may deem necessary and convenient or desirable with any person or entity in the execution and performance of its powers, duties and functions.
- (b) 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] development of the fixed guideway system; provided[,] however that, prior to commencing such action, the authority shall submit to the council, in writing, a list of the parcels and areas to be acquired. The authority shall have the right to proceed with such condemnation action so long as the council does not adopt a resolution objecting to the condemnation within 45 days of such notification. Alternatively, after receipt of the notice from the authority, the council may approve, upon a single reading of a resolution, such acquisition by eminent domain.

- (c) To recommend to the council the sale, exchange or transfer of real property or any interest therein which is under the control of the authority. The council shall take no action to dispose of such property without the written approval of the authority, and all proceeds from the disposition shall be deposited into [funds of the authority or fixed guideway system] the transit fund.
 - (d) To direct the [planning, design, and construction] development of the fixed guideway system [and operate and maintain the system thereafter].
 - [(e) To establish all fares, fees, and charges for the fixed guideway system.
 - (f) (e) To maintain proper accounts in such manner as to show the true and complete financial status of the authority and the [results of management] activities and [operation] performance thereof.
 - [(g) (f) To prepare an annual operating budget for the authority and an annual capital [budgets] budget for the development of the fixed guideway system [and the authority].
 - [(h) (g) To make and alter policies for its organization and internal administration.
 - [(i) (h) To create or abolish positions within the authority and establish a pay plan for those persons holding positions in the position classification plan in accordance with Section 6-1109 of this charter.
 - [(j) (i) To make temporary transfers of positions between subdivisions of the authority.
 - [(k) (j) To adopt rules in accordance with state law, when necessary, to effectuate its functions and duties.
 - [(l) (k) To enter into agreements with any public agency or private entity as it deems proper[, including agreements for the joint use or operation of transit facilities with agencies of the city].
 - [(m) (l) To have full and complete control of all real and personal property used or useful in connection with the development of the fixed guideway system, including all materials, supplies, and equipment.
 - [(n) (m) To promote[,create] and assist transit oriented development projects near fixed guideway system stations that promote transit ridership, and are consistent with the intent of the adopted community plans and zoning.
 - [(o) (n) To apply for and receive and accept grants of property, money and services and other assistance offered or made available to it by any person, government or entity, which it may use to meet its capital or operating expenses and for any other use within the scope of its powers, and to negotiate for the same upon such terms and conditions as the authority may determine to be necessary, convenient or desirable.
 - [(p) (o) In addition to the general powers under this subsection, other general or specific powers may be conferred upon the authority by ordinance, so long as the powers are consistent with this article of the charter.
- [3. The board shall:
- (a) 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.
 - (b) Review, modify as necessary, and adopt annual operating and capital budgets submitted by the executive director of the authority.
 - (c) Appoint and may remove an executive director, who shall be the chief executive officer of the public transit authority. The qualifications, powers, duties, functions, and compensation of the executive director shall be established by the board.
 - (d) Evaluate the performance of the executive director at least annually; and submit a report thereon to the mayor and the council.
 - (e) 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.

- (f) Have the authority to enter into such arrangements and agreements for the joint, coordinated or common use with any other public entity or utility owning or having jurisdiction over rights-of-way, tracks, structures, subways, tunnels, stations, terminals, depots, maintenance facilities, and transit electrical power facilities.
- (g) Determine the policy for the planning, construction, operation, maintenance, and expansion of the fixed guideway system. Except for purposes of inquiry or as otherwise provided in this article, neither the board nor its members shall interfere in anyway with the administrative affairs of the authority.
- (h) Prescribe and enforce rules and regulations having the force and effect of law to carry out the provisions of this article of the charter.
- (i) Submit an annual report to the mayor and council on its activities.
- (j) 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.]”

SECTION 11. Section 17-104, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is repealed:

[“Section 17-104. Powers, Duties and Functions of the Executive Director —

The executive director shall:

- (a) Administer all affairs of the authority, including the rules, regulations and standards adopted by the board.
- (b) Have at least five years of fixed guideway system experience.
- (c) Sign all necessary contracts for the authority, unless otherwise provided by this article.
- (d) Recommend to the board the creation or abolishment of positions.
- (e) Enforce the collection of fares, tolls, rentals, rates, charges and other fees.
- (f) Prepare payrolls and pension rolls.
- (g) Maintain proper accounts in such manner as to show the true and complete financial status of the authority and the results of management and operation thereof.
- (h) Prepare annual operating and capital budgets.
- (i) Prepare and maintain a six-year capital program.
- (j) Prescribe rules and regulations as are necessary for the organization and internal management of the authority.
- (k) Recommend rules and regulations for adoption by the board.
- (l) Request, and accept appropriations from the city, and request and accept grants, loans and gifts from other persons and entities.
- (m) Administer programs promoting appropriate developments near transit stations, including compilation of city incentive programs.
- (n) Review development projects having significant impact on the operation of the fixed guideway system.
- (o) Plan, administer and coordinate programs and projects of the fixed guideway system that are proposed to be funded, wholly or partially, under federal or state law and required to be transmitted to the Oahu metropolitan planning organization.
- (p) Attend all meetings of the board unless excused.
- (q) In addition to the general powers under this section, other general or specific powers may be conferred upon the executive director by ordinance, so long as the powers are consistent with this article of the charter.”]

SECTION 12. Article XVII, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended by adding a new Section 17-104 to read as follows:

“Section 17-104. Powers, Duties and Functions of the Board of Directors —

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. The qualifications, powers, duties, functions, and compensation of the executive director shall be established by the board.
- (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.

2. The board shall consist of ten members, nine voting members and one non-voting member. All members shall serve part-time. The board shall be governed by the provisions of Section 13-103 of this charter, except that subsections (b) and (e) shall not apply and as otherwise provided herein.

3. Appointed members. There shall be seven appointed members. The mayor shall appoint three members. The council shall appoint three members. The six appointed and two ex officio voting members shall appoint, by majority vote, a ninth member.

The initial appointments of the seven appointed members shall be as follows: One member from each mayoral or council appointment shall be designated to serve a five-, four-, and three-year term. The ninth member appointed by the voting members shall serve a two-year term.

4. Ex officio members. The state director of transportation and the city director of transportation services shall be ex officio voting members of the board. The director of the department of planning and permitting shall be the ex officio non-voting member of the board. The ex officio members of the board shall not be subject to any term limit.”

SECTION 13. Section 17-105, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is repealed:

[“Section 17-105. Board of Directors —

- 1. The board shall:
 - (a) Be the policy making body of the authority;
 - (b) Be responsible for establishing policies for the development, operation, and maintenance of the public transit system; and
 - (c) Perform other duties and functions assigned to it or to the authority by ordinance in accordance with Section 17-103.3(j).

The board shall consist of ten members, nine voting members and one non-voting member. All members shall serve part-time. The board shall be governed by the provisions of Section 13-103 of this charter, except that subsections (b) and (e) shall not apply and as otherwise provided herein.

2. Appointed members. There shall be seven appointed members. The mayor shall appoint three members. The council shall appoint three members. The six appointed and two ex officio voting members shall appoint, by majority vote, a ninth member. The initial appointments of the seven appointed members shall be as follows: One member from each mayoral or council appointment shall be designated to serve a five-, four-, and three-year term. The ninth member appointed by the voting members shall serve a two-year term.

3. Ex officio members. The state director of transportation and the city director of transportation services shall be ex officio voting members of the board. The director of the department of planning and permitting shall be the ex officio non-voting member of the board. The ex officio members of the board shall not be subject to any term limit.”]

SECTION 14. Article XVII, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended by adding a new Section 17-105 to read as follows:

“Section 17-105. Powers, Duties and Functions of the Executive Director —

The executive director shall:

- (a) Administer all affairs of the authority, including the rules, regulations and standards adopted by the board.
- (b) Sign all necessary contracts for the authority, unless otherwise provided by this article.
- (c) Recommend to the board the creation or abolishment of positions.
- (d) Prepare payrolls and pension rolls.
- (e) Maintain proper accounts in such manner as to show the true and complete financial status of the authority and the activities and performance thereof.
- (f) Prepare an annual operating budget for the authority and an annual capital budget for the development of the fixed guideway system.
- (g) Prepare and maintain a six-year capital program.
- (h) Recommend rules and regulations for adoption by the board, including those pertaining to the organization and internal management of the authority and allocation of decision-making responsibility as between the board and administrative staff.
- (i) Administer programs approved by the board that promote developments near transit stations that would increase multimodal municipal transportation system ridership.
- (j) Review development projects having significant impact on the development of the fixed guideway system.
- (k) As directed by the board, plan, administer and coordinate programs and projects of the fixed guideway system that are proposed to be funded, wholly or partially, under federal or state law and required to be transmitted to the Oahu metropolitan planning organization.
- (l) Attend all meetings of the board unless excused.
- (m) In addition to the general powers under this section, other general or specific powers may be conferred upon the executive director by ordinance, so long as the powers are consistent with this charter.”

SECTION 15. Section 17-106, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 17-106. [Rates, Revenues and] Appropriations —

[The board shall fix and adjust reasonable rates and charges for the fixed guideway system so that the revenues derived therefrom, in conjunction with revenues received from the general excise and use tax surcharge, from the federal government, and from the revenue-generating properties of the authority, shall be sufficient or as nearly sufficient as possible, to support the fixed guideway system and the authority.] The authority shall submit a line-item appropriation request for [each of] its [proposed] annual operating [and] budget for the authority and its annual capital [budgets] budget for the development of the fixed guideway system for the ensuing fiscal year to the council through the office of the mayor by December 1st of each year. The office of the mayor shall submit the authority’s line-item appropriation requests without alteration or amendment. The council shall, with or without amendments, approve the authority’s appropriation requests.”

SECTION 16. Section 17-107, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 17-107. Public Hearings —

The board shall hold public hearings prior to [fixing and adjusting rates and] adopting a proposed budget.”

SECTION 17. Section 17-108, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 17-108. Receipt and Disbursement of Funds —

[The authority shall make its own collections, but all receipts shall be paid daily into the city treasury and maintained in a fund separate and apart from any other funds of the city.]

All moneys expended by the authority shall be disbursed with the written approval of the authority according to the procedures prescribed by the director of budget and fiscal services.

The authority shall have management and control over the moneys made available to the authority in the special transit fund established to receive the county surcharge on state tax.

The authority shall have the authority to receive and expend federal funds authorized for the [planning, construction, and operation and maintenance of] development of the fixed guideway system [projects].”

SECTION 18. Section 17-109, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 17-109. Bond Sales —

All bond sales shall be subject to council approval. At the request of the authority, the council may, by resolution, approve and the director of budget and fiscal services, when so directed by the board, shall sell such bonds for the acquisition[, construction, replacement, rehabilitation, approved extensions or completion] and development of the fixed guideway system in accordance with the procedures prescribed by law for such sales. The proceeds from such sales shall be kept by the director of budget and fiscal services in a separate fund to be used only for the purposes for which the bonds are sold.”

SECTION 19. Section 17-114, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 17-114. Transit Fund —

There shall be established a special fund into which shall be transferred the county surcharge on state tax and all revenues generated by the [fixed guideway system] authority, including interest earned on the deposits and all other receipts dedicated for the development of the fixed guideway system. All moneys collected from the county surcharge on state excise and use tax and received by the city shall be promptly deposited into the special fund. Expenditures from the special fund shall be for the operating [or] costs of the authority and the capital costs of the fixed guideway system and for expenses in complying with the Americans with Disabilities Act of 1990 as it may be amended.”

SECTION 20. Article XVII, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended by adding a new Section 17-121 to read as follows:

“Section 17-121. Transfer of Property For Fixed Guideway System Operation and Maintenance —

As and when any segment of the fixed guideway system has completed its final testing and has been approved to commence revenue service, all real property and interests therein that are under the jurisdiction and control of the authority and that are necessary, used, or useful for the operation and maintenance of that segment, shall be transferred to the jurisdiction and control of the department of transportation services, whereupon the department of transportation services shall assume authority and responsibility therefor and all revenues derived therefrom.”

PROPOSED CHARTER AMENDMENT 5

SECTION 1. Section 9-204, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended (“Clean Water and Natural Lands Fund and Affordable Housing Fund –”), is amended by amending subsection 3 to read as follows:

“3. Moneys in the Affordable Housing Fund shall be used to provide [and maintain] affordable rental housing for persons earning [less than fifty] sixty percent or less of the median household income in the city for the following purposes: provision and expansion of affordable rental housing and suitable living environments in projects, which may include mixed-use, mixed-income projects, having residential units that are principally for persons of low and moderate income through land acquisition for, development of, construction of, [and maintenance of affordable] and/or capital improvements or rehabilitation to such housing [for sale or for rental], provided that the funded housing remains affordable [in perpetuity.] for at least sixty years.”

PROPOSED CHARTER AMENDMENT 6

SECTION 1. Section 6-803 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-803. Powers, Duties and Functions --

The director of the department of environmental services shall:

[(a)] Advise the director of design and construction concerning the planning and design of wastewater facilities.]

(a) Prepare a functional plan for wastewater to emphasize source reduction and reuse where appropriate. The plan shall be for a thirty-year period with review and revisions every five years. The wastewater functional plan shall be reviewed and approved for consistency with the general plan and development plans by the planning commission.

(b) Oversee the operation and maintenance of sewer lines, treatment plants and pumping stations.

(c) Monitor the collection, treatment and disposal of wastewater.

(d) Provide chemical treatment and pumping of defective cesspools.

(e) Develop and administer solid waste collection, processing and disposal systems including a comprehensive curbside recycling system.

(f) Promulgate rules and regulations as necessary to administer and enforce requirements established by law.

(g) Perform such other duties as may be required by law.

(h) Ensure that design and construction of wastewater and solid waste facilities are done in accordance with the functional plans.

(i) Prepare a functional plan that incorporates a proactive and sustainable approach for waste management, which shall include but not be limited to reduction and recycling efforts to meet state greenhouse gas reduction goals. The plan shall be for a thirty-year period with review and revisions every five years. The solid waste functional plan shall be reviewed and approved for consistency with the general plan and development plans by the planning commission.”

SECTION 2. Section 6-903 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-903. Powers, Duties and Functions --

The chief engineer shall:

(a) Prepare and implement an energy efficiency plan to reduce greenhouse gas emissions and meet state and city clean energy goals. The energy efficiency plan shall be updated annually.

[(a)](b) Maintain public buildings and their adjoining parking facilities, except as otherwise provided by law.

[(b)](c) Maintain public streets, roads, bridges, traffic medians, triangles, circles, other traffic calming appurtenances and walkways, and drainage and flood control systems.

[(c)](d) Install and maintain street lighting systems.

[(d)](e) Maintain, oversee and monitor drainage and flood control systems, administer city storm water permits, programs and management plans, and enforce city ordinances and rules relating to storm water quality.

[(e)](f) Perform such other duties as may be required by law.”

SECTION 3. Section 6-1403 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-1403. Powers, Duties and Functions --

The director of parks and recreation shall:

(a) Prepare a functional plan for parks and recreation on Oahu. The plan shall cover a period of thirty years with review and revision every five years. The parks and recreation functional plan shall be reviewed and approved for consistency with the general plan and development plans by the planning commission.

[(a)](b) Advise the director of design and construction on the planning and design of the parks and

recreational facilities of the city, and maintain and operate all such facilities.

[(b)](c) Develop and implement programs for cultural, recreational and other leisure-time activities for the people of the city, except as otherwise provided by law.

[(c)](d) Beautify the public parks, facilities and streets of the city, including, but not limited to, the planting, trimming and maintaining of all shade trees, hedges and shrubs on such city parks, facilities and streets except hedges and shrubs on traffic medians, triangles, circles, and other traffic calming appurtenances.

[(d)](e) Process permit applications to use city parks and recreational facilities for free or affordable child day care programs for consideration by the council pursuant to Section 3-123 of this charter, provided that the director finds that such use does not interfere with the public's use of the property for park and recreational purposes.”

SECTION 4. Section 6-1509 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-1509. Development Plans –

“Development plans” shall promote the formation of smart and sustainable communities.

[“Development plans”] Development plans shall consist of conceptual schemes for implementing and accomplishing the development objectives and policies of the general plan within the city. A development plan shall include a map, statements of standards and principles with respect to land uses, statements of urban design principles and controls, and priorities as necessary to facilitate coordination of major development activities.

The development plans and maps (which shall not be detailed in the manner of zoning maps) shall describe the desired urban character and the significant natural, scenic and cultural resources for the several parts of the city to a degree which is sufficient to serve as a policy guide for more detailed zoning maps and regulations and public and private sector investment decisions.”

SECTION 5. Section 6-1703 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-1703. Powers, Duties and Functions --

1. The director of transportation services shall:

(a) Plan, operate and maintain transportation systems, including bikeways, except for activities relating to the city’s fixed guideway mass transit system, to meet public transportation needs, in accordance with the general plan and development plans, and advise on the design and construction thereof.

(b) Locate, select, install and maintain traffic control facilities and devices.

(c) Provide educational programs to promote traffic safety.

(d) Promulgate rules and regulations pursuant to standards established by law.

(e) Manage and maintain all commercial parking facilities except facilities that are attached or adjacent to a building or project managed by another city agency.

(f) Prepare an energy conservation and emissions reduction plan for city transportation systems which shall include methods to meet state greenhouse gas reduction and clean energy goals. The plan shall be for a thirty-year period with review and revisions every five years. The energy conservation and emissions reduction plan shall be reviewed and approved for consistency with the general plan and sustainable community plans by the planning commission.

2. The director of transportation services shall have no power, duty, or function with respect to transportation systems, facilities, or programs which are under the jurisdiction of the public transit authority.”

ARTICLE IX FINANCIAL ADMINISTRATION.

SECTION 6. Section 9-103 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 9-103. Scope of the Annual Executive Budget --

The annual executive budget shall contain at least the following:

(a) An explanation of the financial program and policies proposed by the mayor for the executive branch for the ensuing fiscal year, including the relationships of the financial program and policies and operating and capital program to the general plan and development plans of the city and additionally, a financial statement reflecting the relationship of the expenses of the council, based upon current level of services, to the city's financial program.

(b) An operating budget which shall at least contain a statement of transactions of each of the pension systems, trust proceeds funds, debt service funds and revolving funds for the preceding, current and ensuing fiscal periods.

(c) A capital budget which shall contain at least the following:

(1) Permanent public improvements and furnishings, fixtures and appurtenances of any improvement when first constructed or acquired.

(2) The acquisition of land or any interest therein for any permanent public improvement.

(3) Planning, engineering and conceptual studies relative to proposed public improvements or land acquisition.

(4) An explanation of the relationship of the capital program and budget to the general plan and development plans of the city as well as to the functional plans prepared by the director of the department of environmental services and the director of parks and recreation, the energy efficiency plan prepared by the chief engineer of the department of facility maintenance, and the energy conservation and emissions reduction plan prepared by the director of transportation services.

(d) Such other information as may be requested by the council.”

PROPOSED CHARTER AMENDMENT 7

SECTION 1. Section 2-102 of the Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 2-102. Purposes.

All city powers shall be used to serve and advance the general welfare, [health, happiness,] safety and aspirations of its inhabitants[,] in a sustainable manner and promote stewardship of natural resources for present and future[, and to] generations. All city powers shall be administered in a transparent manner that is inclusive and shall encourage [their] full participation by the citizenry in the process of governance.”

Section 6-107 of the Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 6-107. Office of Climate Change, Sustainability and Resiliency –

There shall be an office of climate change, sustainability and resiliency headed by an executive for climate change, sustainability and resiliency who shall be appointed and may be removed by the mayor. The executive for climate change, sustainability and resiliency shall:

- (a) Seek local information from scientists and track climate change science and potential impacts on city facilities.
- (b) Coordinate actions and policies of departments within the city to:
 - (1) Increase community preparedness.
 - (2) Protect economic activity.
 - (3) Protect the coastal areas and beaches.
 - (4) Develop resilient infrastructure in response to the effects from climate changes.
- (c) Develop or coordinate city policies and programs that will improve environmental performance of city operations and advance environmental priorities.
- (d) Integrate sustainable and environmental values into city plans, programs and policies.
- (e) Promote resiliency of communities and coastal areas.
- (f) Report to the mayor and council regarding overall performance in meeting sustainability and environmental targets and objectives.
- (g) Coordinate with federal and state agencies regarding climate change, sustainability and the environment.
- (h) Convene a climate change commission consisting of five members with expertise in climate change in Hawaii, which Commission shall meet no less than twice annually for the purpose of gathering the latest science and information on climate change effects in the city and providing advice as is deemed appropriate to the executive for climate change and sustainability, the mayor, council and executive departments of the city.”

SECTION 2. Section 6-1103 of the Revised Charter of the City and County of Honolulu 1973, (2000 ed.), as amended, is amended to read as follows:

“Section 6-1103. Civil Service and Executive Branch Exemptions –

The provisions of this chapter of the charter shall apply to all positions in the service of the executive branch. This section shall apply to semi-autonomous agencies as though they are departments of the executive branch. The following positions shall be exempt from the provisions of this chapter of the charter:

- (a) Positions of officers elected by public vote; positions of heads of departments; the position of the band director of the Royal Hawaiian Band; the position of the executive for housing; the position of the manager and chief engineer of the board of water supply, the executive for climate change, sustainability and resiliency, and the manager of any semi-autonomous agency created by ordinance.
- (b) Positions in the office of the mayor, but such positions shall be included in the position classification plan. Employees of the civil defense agency and Royal Hawaiian Band, other than the band director, shall not be exempted from civil service.
- (c) Positions of deputies of the corporation counsel, deputies and administrative or executive assistants of the prosecuting attorney and law clerks.

- (d) Positions of members of any board, commission or equivalent body.
- (e) Positions of a temporary nature filled by students.
- (f) Personal services obtained by contract where the director has certified that the service is special or unique, is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform such service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year.
- (g) Personal services of a temporary nature needed in the public interest where the need for the same does not exceed one year, but before any person may be employed to render such temporary service, the director of human resources shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable.
- (h) Personal services performed on a fee, contract or piecework basis by persons who may lawfully perform their duties concurrently with their private business or profession or other private employment, if any, and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the portion of time devoted to the service of the city and when such fact is certified to by the director of human resources.
- (i) Positions of one first deputy; and for the Honolulu Police Department one additional deputy; private secretaries to heads of departments and their deputies and to the executive for housing; and the position of managing director, one first deputy and private secretaries to each; but private secretarial positions shall be included in the position classification plan. The first deputy in the department of human resources, however, shall not be exempt from civil service.
- (j) Positions or personal services in demonstration programs and joint participation and special projects which serve the community; provided that such exemptions are required by federal law or rules and regulations and then in accordance with procedures established by ordinance.
- (k) The following positions of the public transit authority:
 - (1) The executive director, deputy director(s), private secretaries to the executive director and deputy director(s); and
 - (2) Positions certified by the director of human resources that require specialized knowledge and experience in fixed guideway system planning, development, operations, maintenance, and management, or transit-oriented development; provided that, except for private secretarial positions, such positions shall not be included in the position classification plan and salaries for such positions shall be set by the public transit authority.
- (l) Positions in the liquor commission of the liquor administrator and the deputy liquor administrator, but such positions shall be included in the position classification plan.

The director of human resources shall determine the applicability of this section of the charter to specific employment or services in the executive branch.”

PROPOSED CHARTER AMENDMENT 8

SECTION 1. Article VI, Revised Charter of the City and County of Honolulu 1973, as amended, is amended by adding a new chapter designated as Chapter 18 and to read as follows:

ARTICLE VI “CHAPTER 18 DEPARTMENT OF LAND MANAGEMENT

Section 6-1801. Organization --

There shall be a department of land management headed by a director of land management who shall be appointed and may be removed by the mayor.

Section 6-1802. Powers, Duties and Functions –

The director of land management shall:

- (a) Protect, develop, and manage city real property interests, except those under the jurisdiction of the department of parks and recreation.
- (b) Prepare and maintain a perpetual inventory of city real property interests, including all lands owned, leased, rented or controlled by the city.
- (c) Consult with, and advise executive departments and agencies on best practices in land management, property management, and conservation and stewardship with respect to city real property interests under the jurisdiction of executive departments and agencies.
- (d) Develop and implement land management plans, property management plans, and conservation and stewardship plans for all city real property interests that are not under the jurisdiction of any executive department or agency or when requested by any executive department or agency.
- (e) Review and negotiate any transaction or activity that will result in real property interests being added to the city’s inventory, including, but not limited to acquisitions funded by the city’s Clean Water and Natural Lands Fund and dedications of real property interests to the city.
- (f) Recommend, review and negotiate any transaction or activity relating to city real property interests, with particular focus on Transit Oriented Development (TOD) special districts, except those under the jurisdiction of the department of parks and recreation, including, but not limited to public-private partnership agreements, development agreements, purchase and sale agreements, leases, licenses, and concessions.

Section 6-1803. Transaction or Activities Relating to City Real Property Interests --

- (1) The director shall conduct a public hearing to determine whether each transaction or activity relating to city real property interests serves the public interest. For any transaction or activity affecting a city real property interest that is over one-quarter acre in size, the director shall conduct the public hearing in the council district where the real property interest is located.
- (2) The director shall prepare a report for each transaction or activity relating to city real property interests that makes specific findings that such transaction or activity serves the public interest, including, but not limited to, increasing affordable or low income housing inventory; reducing fossil fuel dependence; producing renewable energy projects; improving transportation connectivity; increasing transportation options for the least mobile in society; increasing productive agricultural lands; increasing recreation opportunities and open space; providing critical habitat for native wildlife; protection of watersheds; improving the city’s fiscal health; and preservation of sacred sites, and that confirms such transaction or activity is in compliance with the environmental laws of the city, State of Hawaii and the United States of America. Such report shall be transmitted to council with a request for approval of the transaction or activity.
- (3) The council must approve by resolution the execution by the city of any instruments concerning transactions or activities relating to city real property interests.”

SECTION 2. Section 4-104, Revised Charter of the City and County of Honolulu 1973, as amended, is amended by amending subsection 1. and to read as follows:

“Section 4-104. Appointment, Confirmation and Removal of Officers and Employees –

1. All department and executive agency heads and the managing director, as provided in Sections 5-201, 6-101, 6-105, 6-201, 6-301, 6-401, 6-501, 6-601, 6-701, 6-801, 6-901, 6-1101, 6-1201, 6-1301, 6-1401, 6-1501, [and 6-1701, and 6-1801], shall be nominated and, by and with the advice and consent of the council, appointed and may be removed by the mayor, except as otherwise provided by this charter. Department heads shall be duly registered voters of the city and qualifications of department heads shall be as required by this charter.”

SECTION 3. Section 6-203, Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-203. Powers, Duties and Functions –

The director of budget and fiscal services shall be the chief accounting officer of the city and shall:

- (a) Prepare bills for the collection of moneys due the city or authorize the preparation thereof by other executive agencies of the city government under the director’s general supervision.
- (b) Collect and receive moneys due to or receivable by the city and issue receipts therefor or authorize other executive agencies to do so under conditions prescribed by the director of budget and fiscal services.
- (c) Keep accurate and complete account of receipts and disbursements.
- (d) Maintain the treasury and, with the approval of the mayor, deposit moneys belonging to the city in depositories authorized by law which fulfill all conditions prescribed for them by law.
- (e) Contract for services of independent contractors, purchase materials, supplies and equipment and permit disbursements to be made only pursuant to rules and regulations adopted under the terms of this charter.
- (f) Have the responsibility for issuing, selling, paying interest on and redeeming bonds of the city.
- (g) Prepare and issue warrants.
- (h) Prepare payrolls and pension rolls.
- (i) Be responsible for the management of city funds.
- (j) Sell real property upon which improvement assessments are not paid within the period prescribed pursuant to policies established by the council, and dispose of personal property not needed by any agency of the city.
- (k) Rent or lease city property, except property controlled by the board of water supply and the public transit authority, and award concessions, pursuant to law and to policies established by the council.
- [(l)] Prepare and maintain a perpetual inventory of all lands owned, leased, rented or controlled by the city.
- [(m)] (l) Prepare and maintain a perpetual inventory of equipment owned or controlled by the city and materials and supplies.
- [(n)] (m) Review assessment rolls for assessable public improvements prior to approval by the council and issue bills therefor after such approval has been given.
- [(o)] (n) Have custody of all official bonds, except the bond of the budget and fiscal services director, which shall be in the custody of the mayor.
- [(p)] (o) Review the manner in which public funds are received and expended and report to the mayor on the integrity with which said funds are accounted for and on the financial responsibility of officers and employees administering said funds.
- [(q)] (p) Provide information pertaining to the financial affairs of the city and make financial reports at least quarterly to the mayor and the council.
- [(r)] (q) Prepare the operating and capital program and budget and necessary budget ordinances and amendments or supplements thereto under the direction of the mayor.
- [(s)] (r) Review the operating and capital budget program schedules of each executive agency and make budgetary allotments for their accomplishment with the approval of the mayor.
- [(t)] (s) Review all executive agency requests for the creation of new positions.”

PROPOSED CHARTER AMENDMENT 9

SECTION 1. The Revised Charter, City and County of Honolulu 1973 (2000 ed.), as amended, is amended by adding a new section to be appropriately designated by the revisor of the charter and to read as follows:

“Section _____. Honolulu Zoo Fund –

1. There shall be established a Honolulu Zoo Fund. In adopting each fiscal year's budget and capital program, the council shall appropriate a minimum of one-half percent of the estimated real property tax revenues of which shall be deposited into the Honolulu Zoo Fund.

2. Moneys in the Honolulu Zoo Fund shall be used to provide the funds for the operation, repair, maintenance, and improvement of the Honolulu Zoo; the salaries of persons employed to work at the Honolulu Zoo, and related expenses; acquisition of zoo animals for the city, including shipping, insurance, travel, and other costs related to the purchase of animals for the Honolulu Zoo; and to pay for debt service owed for capital improvements at the Honolulu Zoo.

3. The moneys in the fund may also be used for the payment of principal, interest, and premium, if any, due with respect to bonds issued subsequent to enactment of this section and pursuant to Sections 3-116 or 3-117, in whole or in part, for the purposes enumerated in subsections 2 and 3 of this section and for the payment of costs associated with the purchase, redemption or refunding of such bonds.

4. Any balance remaining in the fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The moneys in the fund shall not be used for any purposes except those listed in this section.

5. The council shall by ordinance establish procedures for the administration and expenditure of moneys in the fund.

6. This section shall become effective as of July 1, 2017; provided that if the Honolulu Zoo is not an Association of Zoos and Aquariums accredited institution on or before June 30, 2023, this section shall be repealed and any balance remaining in the Honolulu Zoo Fund shall be deposited into the general fund.”

PROPOSED CHARTER AMENDMENT 10

SECTION 1. Section 3-101, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 3-101. Legislative Power --

The legislative power of the city shall be vested in and exercised by the city council, except as otherwise specifically provided by this charter.”

SECTION 2. Section 4-101, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 4-101. Executive Power --

The executive power of the city shall be vested in and exercised by the mayor, as chief executive officer, except as otherwise specifically provided by this charter.”

SECTION 3. Section 9-202, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 9-202. Creation of Funds –

In addition to the funds established by this charter, the council [, on its own initiative] or [on the recommendation of] the mayor[,], upon the approval of the council, may establish other funds [when the council deems it necessary and] when no appropriate class of funds exists.”

SECTION 4. Section 9-105, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended (“Amendments to the Annual Legislative and Executive Budget Ordinances and Executive Program; Other Appropriations –”), is amended by amending subsection 2 to read as follows:

“2. Amendments to the annual executive budget ordinances and program may be submitted by the mayor and the council, and considered by the council under the same procedures prescribed for the enactment of the annual executive budget ordinances and adoption of the executive program, provided that:

(a) No amendment shall increase the aggregate of authorized expenditures to an amount greater than the estimate of available resources for the fiscal year.

(b) Amendments to the capital budget ordinance shall conform to the operating and capital program, as amended.”

PROPOSED CHARTER AMENDMENT 11

SECTION 1. Section 9-204, Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 9-204. Clean Water and Natural Lands Fund and Affordable Housing Fund --

1. There shall be established a Clean Water and Natural Lands Fund and an Affordable Housing Fund. In adopting each fiscal year’s budget and capital program, the council shall appropriate [a minimum of] one percent of the estimated real property tax revenues, one-half of which shall be deposited into the Clean Water and Natural Lands Fund and the remaining one-half of which shall be deposited into the Affordable Housing Fund.

2. Moneys in the Clean Water and Natural Lands Fund shall be used to purchase or otherwise acquire real estate or any interest therein for land conservation in the city for the following purposes: protection of watershed lands to preserve water quality and water supply; preservation of forests, beaches, coastal areas and agricultural lands; public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; conservation of land [in order] to reduce erosion, floods, landslides, and runoff; and acquisition of public access to public land and open space.

3. Moneys in the Affordable Housing Fund shall be used to provide and maintain affordable housing for persons earning less than fifty percent of the median household income in the city for the following purposes: provision and expansion of affordable housing and suitable living environments principally for persons of low and moderate income through land acquisition, development, construction, and maintenance of affordable housing for sale or for rental, provided that the housing remains affordable in perpetuity.

4. The moneys in each fund may also be used for the payment of principal, interest, and premium, if any, due with respect to bonds issued subsequent to enactment of this section and pursuant to Sections 3-116 or 3-117, in whole or in part, for the purposes enumerated in subsections 2 and 3 of this section and for the payment of costs associated with the purchase, redemption or refunding of such bonds.

5. At any given time, no more than five percent of the moneys in each fund shall be used for administrative expenses.

6. Any balance remaining in each fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The moneys in each fund shall not be used for any purposes except those listed in this section.

7. The department of budget and fiscal services shall receive proposals for the use of funds in the Clean Water and Natural Lands Fund and shall submit qualified proposals to an advisory commission, which shall make recommendations to the council for approval. All proposals for uses of the Clean Water and Natural Lands Fund shall be processed consistent with this procedure.

8. There shall be established a Clean Water and Natural Lands advisory commission to consider proposals submitted to it by the department of budget and fiscal services and to submit recommendations to the council for approval of expenditures under this section. The commission shall consist of seven members, with three appointed by the mayor, three appointed by the council, and one appointed by a majority vote of the six appointed members. The members 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, 2017, and shall be as follows:

(a) For an initial two-year term, two members, one each appointed by the mayor and the council.

(c) For an initial three-year term, two members, one each appointed by the mayor and the council.

(d) For an initial four-year term, two members, one each appointed by the mayor and the council.

(e) For a five-year term, the member appointed by the majority vote of the other six appointed members.

9. The director of the department of budget and fiscal services shall administer the fund.

[7.]10. The council shall by ordinance establish other procedures for the administration and expenditure of moneys in each fund consistent with this section. The appropriations to each fund shall not substitute for, but shall be in addition to, those appropriations historically made for the purposes stated in this section.”

PROPOSED CHARTER AMENDMENT 12

SECTION 1. Section 13-103, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“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. 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.”

PROPOSED CHARTER AMENDMENT 13

SECTION 1. Section 9-205, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended (“Grants in Aid Fund –“), is amended by amending subsection 1 to read as follows:

“1. There shall be established a Grants in Aid Fund. [Monies] Except as otherwise provided by federal or state law, monies in the Grants in Aid Fund shall be used by the city as the sole source of city funds, excluding all federal monies, state monies, city matching monies used by the city, city monies for grants under city loan programs, and city Affordable Housing Fund monies under Section 9-204, to award grants in aid to federal income tax exempt non-profit organizations that provide services to economically and/or socially disadvantaged populations or provide services for public benefit in the areas of the arts, culture, economic development or the environment.”

PROPOSED CHARTER AMENDMENT 14

SECTION 1. Section 3-105, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 3-105. Vacancy in Office --

A vacancy in the office of any councilmember shall be filled in the following manner:

(a) If the unexpired term is less than one year, the remaining members of the council shall elect a successor with requisite qualifications to fill the vacancy for the unexpired term. Vacancies shall be filled only at a [regular] meeting of the council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the council by the presiding officer. Should the council fail to fill any vacancy within thirty days after its occurrence, the mayor shall appoint a successor to fill the vacancy for the unexpired term.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by special election to be called by the council within ten days and to be held within [sixty] one hundred twenty days after the occurrence of the vacancy. At such time, the electors of the district shall elect a successor to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election. Pending the election, the remaining members of the council shall make a temporary appointment with requisite qualifications to fill the vacancy until a successor is duly elected. The vacancy shall be filled only at a meeting of the council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the council by the presiding officer. Should the council fail to fill the vacancy within thirty days after its occurrence, the mayor shall make the temporary appointment to fill the vacancy until a successor is duly elected.”

SECTION 2. Section 5-106, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended (“Vacancy in Office --”), is amended by amending subsection 1 to read as follows:

“1. A vacancy in the office of mayor caused by death, resignation, removal or disqualification to hold office shall be filled as follows:

(a) If the unexpired term is for less than one year, the council shall, by a majority vote of all of its members, elect one of its members to be mayor for the unexpired term, and a vacancy shall thereupon exist in the council.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by a special election to be called by the council within ten days and to be held within [sixty] one hundred twenty days after the occurrence of the vacancy. The electors of the city shall then elect a successor with requisite qualifications to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election is to be held in conjunction with such other election.”

SECTION 3. Section 8-106, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 8-106. Vacancy in Office --

A vacancy in the office of the prosecuting attorney caused by death, resignation, removal or disqualification to hold office shall be filled as follows:

(a) If the unexpired term is for less than one year, the office of the prosecuting attorney shall be filled by the first deputy who shall act as prosecuting attorney, or if the position of first deputy is vacant or if the first deputy does not meet the minimum qualifications for prosecuting attorney, the mayor with the approval of the council shall fill the vacancy by

appointment of a person with the requisite qualifications within thirty days after the occurrence of the vacancy.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by a special election to be called by the council within ten days and to be held within [sixty] one hundred twenty days after the occurrence of the vacancy. The electors of the city shall then elect a successor with requisite qualifications to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election. Pending the election of the prosecuting attorney, the first deputy shall act as prosecuting attorney. If the position of first deputy is vacant or if the first deputy does not meet the minimum qualifications for prosecuting attorney, the mayor, with the approval of the council, shall fill the vacancy by appointment of a person with the requisite qualifications within thirty days after the occurrence of the vacancy.”

PROPOSED CHARTER AMENDMENT 15

SECTION 1. Section 3-102, Revised Charter of the City and County of Honolulu 1973, 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] three consecutive four-year terms[.]; provided that for any councilmember in office as of January 1, 2017, their previous consecutive four-year term or terms in office shall count toward the term limit.”

SECTION 2. Section 5-101, Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 5-101. Election and Term of Office --

The electors of the city shall elect a mayor whose term of office shall be four years beginning at twelve o'clock meridian on the second day of January following the mayor's election. No person shall be elected to the office of mayor for more than [two] three consecutive [full] four-year terms[.]; provided that for any mayor in office as of January 1, 2017, their previous consecutive four-year term or terms in office shall count toward the term limit.”

SECTION 3. Section 8-102, Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 8-102. Election and Term of Office --

The electors of the city shall elect a prosecuting attorney whose term of office [of the prosecuting attorney] shall [commence] be four years beginning at twelve o'clock meridian on the second day of January following the prosecuting attorney's election. No person shall be elected to the office of prosecuting attorney for more than three consecutive four-year terms; provided that for any prosecuting attorney in office as of January 1, 2017, their previous consecutive four-year term or terms in office shall count toward the term limit.”

PROPOSED CHARTER AMENDMENT 16

(DDC)

SECTION 1. Section 6-503 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-503. Powers, Duties and Functions --

The director of design and construction shall:

- (a) [Direct] In consultation with the respective departments, direct and perform the project planning, engineering, design, and construction [and improvement] of [public buildings.] city facilities, except to the extent such duties and functions are reserved to other departments under this charter.
- [(b) Direct and perform the planning, engineering, design and construction of public streets, roads, bridges and walkways, and drainage and flood improvements.]
- (b) Advise and assist the respective departments on matters related to the planning, engineering, design, construction, improvement, repair renovation and maintenance of city facilities under their jurisdiction.
- [(c) In consultation with the respective departments, direct and perform the planning, engineering, design and construction of wastewater facilities, parks and recreational facilities, and transportation systems.]
- (c) Manage and develop long-range planning of energy conservation projects at city facilities in cooperation with the respective departments.”

(DES)

SECTION 2. Section 6-702 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-702. Powers, Duties and Functions --

The director of enterprise services shall:

- (a) Operate and maintain the Neal S. Blaisdell Center and any other auditorium or cultural or entertainment facilities assigned to the department.
- (b) Direct and perform the program planning for the Neal S. Blaisdell Center and other auditorium or cultural or entertainment facilities assigned to the department.
- (c) Direct and perform the planning, engineering, design and construction for minor improvement projects for the Neal S. Blaisdell Center and other city auditorium or cultural or entertainment facilities assigned to the department as determined and identified by the director.
- [(b)] (d) Perform such other duties as may be required by law.”

(ENV)

SECTION 3. Section 6-803 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-803. Powers, Duties and Functions --

The director of the department of environmental services shall:

- [(a) Advise the director of design and construction concerning the planning and design of wastewater facilities.
- (b) Oversee the operation and maintenance of sewer lines, treatment plants, and pumping stations.
- (c) Monitor the collection, treatment and disposal of wastewater.
- (d) Provide chemical treatment and pumping of defective cesspools.
- (e) Develop and administer solid waste collection, processing and disposal systems including a comprehensive curbside recycling system.]
- (a) Operate, maintain, expand, and upgrade the wastewater system, including resource recovery programs and disposition of recovered materials.
- (b) Permit connections to the wastewater system and review plans for wastewater facilities, other than city projects, for conformance to city standards.
- (c) Operate, maintain, expand and upgrade the solid waste systems of the city, including, but not limited

to, collection of waste from single family residences, resource recovery programs and disposition of recovered materials.

- (d) Provide for disposition of materials and resources created from wastewater and solid waste resource recovery operations, including, but not limited to, recycled water, recycled sewage sludge, and electricity.
 - (e) Prepare bills, collect fees, and, by appropriate means including the discontinuance of service and commencement of civil actions, enforce the collection of charges authorized by law.
 - (f) Direct and perform the planning, engineering, design, construction and improvement projects for the city wastewater system and city solid waste systems, including sewer lines, treatment plants, pumping stations, and other city wastewater and solid waste facilities.
- [(f)] (g) Promulgate rules and regulations as necessary to administer and enforce requirements established by law.
- [(g)] (h) Perform such other duties as required by law.”

(DFM)

SECTION 4. Section 6-903 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-903. Powers, Duties and Functions --

The chief engineer shall:

- (a) Maintain [public] city buildings and their adjoining parking facilities, except as otherwise provided by law.
 - (b) Maintain public streets, roads, bridges, traffic medians, triangles, circles, other traffic calming appurtenances and walkways[, and drainage and flood control systems].
 - (c) Install and maintain street lighting systems.
 - (d) Maintain, oversee and monitor drainage and food control systems, administer city storm water permits, programs and management plans, and enforce city ordinances and rules relating to storm water quality.
 - (e) Direct and perform the program planning for city buildings and their adjoining parking facilities, public streets, roads, bridges, traffic medians, triangles, circles, traffic calming appurtenances and walkways, and drainage and flood control systems.
 - (f) Direct and perform the planning, engineering, design and construction for minor improvement projects for city buildings and their adjoining parking facilities, public streets, roads, bridges, traffic medians, triangles, circles, traffic calming appurtenances and walkways, and drainage and flood control systems, as determined and identified by the chief engineer.
- [(e)] (g) Perform such other duties as may be required by law.”

(DIT)

SECTION 5. Section 6-1202 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-1202. Powers, Duties and Functions --

The director of information technology shall:

- (a) [Operate] Install, operate and maintain information technology and telecommunications systems for the city government, excluding those systems maintained by the board of water supply and any other semi-autonomous agencies created by ordinance.
 - (b) Direct and perform the program planning for the department’s information technology and telecommunications systems.
 - (c) Direct and perform the planning, engineering, design and construction for minor improvement and repair projects for the department’s information technology and telecommunications systems, as determined and identified by the director.
- [(b)] (d) Provide technical expertise and support in information technology and telecommunication technology to the city government.
- [(c)] (e) Assist the managing director in management information technology and telecommunications analysis and evaluation.
- [(d)] (f) Advise the mayor on information technology and telecommunications technology matters.

[(e)] (g) Perform such other duties as may be required by law.”

(DPR)

SECTION 6. Section 6-1403 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-1403. Powers, Duties and Functions --

The director of parks and recreation shall:

- (a) [Advise the director of design and construction on the planning and design of] Operate and maintain the parks and recreational facilities of the city [, and maintain and operate all such facilities].
- (b) Direct and perform the program planning for the parks and recreational facilities of the city, as determined and identified by the director.
- (c) Direct and perform the planning, engineering, design, and construction for minor improvement projects for the parks and recreational facilities of the city, as determined and identified by the director.
- [(b)] (d) Develop and implement programs for cultural, recreational and other leisure-time activities for the people of the city, except as otherwise provided by law.
- [(c)] (e) Beautify the public parks, facilities and streets of the city, including, but not limited to, the planting, trimming and maintaining of all shade trees, hedges and shrubs on such city parks, facilities and streets except hedges and shrubs on traffic medians, triangles, circles, and other traffic calming appurtenances.
- [(d)] (f) Process permit applications to use city parks and recreational facilities for free or affordable child day care programs for consideration by the council pursuant to Section 3-123 of this charter, provided that the director finds that such use does not interfere with the public's use of the property for park and recreational purposes.”

(DTS)

SECTION 7. Section 6-1703 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-1703. Powers, Duties and Functions –

1. The director of transportation services shall:
 - (a) [Plan, operate and maintain] Direct and perform program planning, operation and maintenance of transportation systems, including bikeways, except for activities relating to the city’s fixed guideway mass transit system, to meet public transportation needs, in accordance with the general plan and development plans, and advise on the design and construction thereof.
 - (b) Direct and perform the planning, engineering, design, and construction for minor improvement projects for transportation systems, including bikeways but excluding the city’s fixed guideway mass transit system as determined and identified by the director.
 - [(b)] (c) Locate, select, install and maintain traffic control facilities and devices.
 - [(c)] (d) Provide educational programs to promote traffic safety.
 - [(d)] (e) Promulgate rules and regulations pursuant to standards established by law.
 - [(e)] (f) Manage and maintain all commercial parking facilities except facilities that are attached or adjacent to a building or project managed by another city agency[.], and direct and perform planning, engineering, design, construction, and minor improvement projects for said parking facilities as determined and identified by the director.
2. The director of transportation services shall have no power, duty, or function with respect to transportation systems, facilities, or programs which are under the jurisdiction of the public transit authority.”

PROPOSED CHARTER AMENDMENT 17

SECTION 1. Section 5-103 of the Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 5-103. Powers, Duties and Functions –

The mayor shall be the chief executive officer of the city. The mayor shall have the power to:

(a) Except as otherwise provided, exercise direct supervision over all agencies enumerated in this article of the charter and other agencies as the mayor may deem desirable and through the managing director exercise supervision over all other executive agencies of the city. The mayor shall provide for the coordination of all administrative activities and see that they are honestly, efficiently and lawfully conducted.

(b) Appoint the necessary staff for which appropriations have been made by the council. This paragraph shall not empower the mayor to appoint the deputy chief and private secretaries to the fire chief and the deputy fire chief.

(c) Create or abolish positions within the executive branch as provided by law. A monthly report of such creation or abolishment of positions shall be made to the council.

(d) Make temporary transfers of positions between departments or between subdivisions of departments.

(e) Except as otherwise provided, recommend to the council a pay plan for all persons employed in the executive branch or any of its boards and commissions, whether as officers or otherwise.

(f) Appoint a personal representative who shall, subject to the mayor's direction, perform such ceremonial functions of the mayor's office and such other duties as the mayor may designate.

(g) Submit an operating and capital program and budget and necessary proposed budget ordinances annually to the council for its consideration and necessary action.

(h) Sign, or designate the managing director, the first deputy to the managing director, or the administrative head of an executive department or office to sign instruments requiring execution by the city, except those which the director of budget and fiscal services or other officer is authorized to sign by this charter, ordinance or resolution[.]; provided that the administrative head of a department or office of the executive branch may be designated to sign only instruments requiring execution by that department or office.

(i) Present information or messages to the council which, in the mayor's opinion, are necessary or expedient.

(j) In addition to the annual report, make periodic reports informing the public as to city policies, programs and operations.

(k) Call special sessions of the council.

(l) Veto ordinances, resolutions authorizing proceedings in eminent domain and resolutions adopting or amending the general plan.

(m) Have a voice, but no vote, in the proceedings of all boards provided for by this charter or by ordinance.

(n) Enforce the provisions of this charter, the ordinances of the city and all applicable laws.

(o) Exercise such other powers and perform such other duties as may be prescribed by this charter or by ordinance.”

PROPOSED CHARTER AMENDMENT 18

SECTION 1. Section 6-1004, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 6-1004. Powers, Duties and Functions --

The fire chief shall:

- (a) Perform fire fighting and [rescue] emergency response work [in order] to save lives, property and the environment [from fires].
- (b) Respond to emergencies [arising on hazardous terrain and on the sea] and hazardous material incidents on land and sea.
- (c) Provide emergency medical care and general safety measures to the public.
- (d) Train, equip, maintain and supervise a force of fire fighting and emergency response [rescue] personnel.
- (e) [Monitor the construction and occupancy standards of buildings] Review construction plans and inspect buildings, occupancies and premises for the purposes of fire prevention.
- (f) Investigate fires and explosions for cause and origin.
- [(f)](g) Provide educational programs related to fire prevention and life safety.
- [(g)](h) Appoint the deputy fire chief and the private secretaries to the fire chief and the deputy fire chief.
- [(h)](i) Perform such other duties as may be required by law.”

SECTION 2. Section 6-1005 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 6-1005. Fire Commission –

There shall be a fire commission which shall consist of [five] seven members. The commission may appoint such staff and engage consultants as necessary for the performance of its duties. The commission shall be governed by the provisions of Section 13-103 of this charter.”

PROPOSED CHARTER AMENDMENT 19

SECTION 1. Section 3-103, Revised Charter of the City and County of Honolulu 1973, as amended (“Reapportionment and Reapportionment Years –“), is amended by amending subsection 2 to read as follows:

“2. A council reapportionment commission shall be constituted on or before the first day of July of each reapportionment year and whenever reapportionment is required by court order. The commission shall consist of nine members. The presiding officer of the council shall, with the approval of the council, select the members of the commission[, no more than a majority of who shall be from the same political party].

The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment. The commission shall act by majority vote of its membership and shall establish its own procedures. The members of this commission shall not, in any manner, be deemed officers of the city. The commission and its members shall be subject only to the provisions of this section, Section 3-114, and Section 3-502 of the charter. Commission members shall be compensated and reimbursed for their necessary expenses as provided by ordinance. No member of the commission shall be eligible to become a candidate for election to the council in the initial election held under any reapportionment plan adopted by the commission.

The city clerk, under the direction of the commission, shall furnish all necessary technical and secretarial services. The council shall appropriate funds to enable the commission to carry out its duties.”

PROPOSED CHARTER AMENDMENT 20a

SECTION 1. Section 13-105, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 13-105. Records Open to the Public—

[All] Except as otherwise provided by law, all books and records of the city shall be open to the inspection of any [citizen] person at any time during business hours. Certified copies or extracts from such books and records shall be given by the officer having custody of the same to any person demanding the same and paying or tendering a reasonable fee to be fixed by the council for such copies or extracts [, but the records of the police department or of the prosecuting attorney shall not be subject to such inspection unless permission is given by the chief of police or the prosecuting attorney, except in the case of traffic accidents where such records, including all statements taken, shall be available for inspection by the parties directly concerned in such accident, or their duly licensed attorneys acting under written authority signed by either party. Any person who may sue because of death resulting from any such accident shall be deemed a party directly concerned].”

PROPOSED CHARTER AMENDMENT 20b

SECTION 1. Section 15-105, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 15-105. Mandatory Review --

1. After November 1 of every year ending in “4,” but before the immediate following February 1, the mayor and the presiding officer of the council shall appoint a charter commission consisting of thirteen members to study and review the operation of the government of the city under this charter. The mayor shall appoint six members; the presiding officer of the council, with the approval of the council, shall appoint six members; and the thirteenth member shall be appointed by the mayor and confirmed by the council.

For the 2005 charter commission, Section 16-127 shall prevail over any conflicting provision of this subsection.

2. The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment, except as otherwise provided under Section 16-127 for the 2005 charter commission. The commission shall act by majority vote of its membership and shall establish its own procedures. The commission shall be recognized as a constituent body, and its members shall not, in any manner, be deemed officers of the city. The commission and its members shall be subject only to provisions of this article, Section 3-114, and Section 3-502 of the charter.

3. The commission may propose amendments to the existing charter or a draft of a revised charter, which shall be submitted to the city clerk at any time prior to September 1 of the year ending in “6” that immediately follows the appointment of the commission. Upon receipt of the amendments or revised charter, together with ballot language prepared by the commission, the clerk shall provide for the submission of such amendments or revised charter to the electors of the city at the next general election.

4. The commission shall publish, not less than forty-five days before any election at which charter amendments or a revised charter are submitted, at least once in a daily newspaper of general circulation within the city, a brief digest of the amendments or revised charter and a notice to the electorate that copies of the amendments or revised charter are available at the office of the city clerk.

5. Notwithstanding any provision to the contrary, the corporation counsel, as revisor of the charter, shall prepare a new and updated edition of the charter by July 1 of the year following the general election in the year ending in “6”.”

PROPOSED CHARTER AMENDMENT 20c

SECTION 1. Section 15-105, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 15-105. Mandatory Review --

1. After November 1 of every year ending in “4,” but before the immediate following February 1, the mayor and the presiding officer of the council shall appoint a charter commission consisting of thirteen members to study and review the operation of the government of the city under this charter. The mayor shall appoint six members; the presiding officer of the council, with the approval of the council, shall appoint six members; and the thirteenth member shall be appointed by the mayor and confirmed by the council.

For the 2005 charter commission, Section 16-127 shall prevail over any conflicting provision of this subsection.

2. The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment, except as otherwise provided under Section 16-127 for the 2005 charter commission. The commission shall act by majority vote of its membership and shall establish its own procedures. The commission shall be recognized as a constituent body, and its members shall not, in any manner, be deemed officers of the city. The commission and its members shall be subject only to provisions of this article, Section 3-114, and Section 3-502 of the charter.

3. The commission may propose amendments to the existing charter or a draft of a revised charter, which shall be submitted to the city clerk at any time prior to [September 1] five working days before the deadline for submitting ballot questions for placement on the general election ballot as established in state law of the year ending in “6” that immediately follows the appointment of the commission. Upon receipt of the amendments or revised charter, together with ballot language prepared by the commission, the clerk shall provide for the submission of such amendments or revised charter to the electors of the city at the next general election.

4. The commission shall publish, not less than forty-five days before any election at which charter amendments or a revised charter are submitted, at least once in a daily newspaper of general circulation within the city, a brief digest of the amendments or revised charter and a notice to the electorate that copies of the amendments or revised charter that are available at the office of the city clerk.”

PROPOSED CHARTER AMENDMENT 20d

SECTION 1. Section 7-116, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 7-116. Legal Counsel –

The corporation counsel of the city shall be the legal adviser of the department and shall institute and defend, as the board may require, any and all actions involving matters under the jurisdiction of the department. The corporation counsel may, with the prior approval of the board, compromise, settle or dismiss any claim or litigation, for or against the department. Before execution, all written contracts to which the department is a party shall be approved by the corporation counsel as to form and legality.

The compensation for such legal work shall be as agreed upon by the board and the council and shall be paid from the revenues of the department.

The department may employ an attorney to act as its legal adviser and to represent the department in any litigation to which the department is a party.”

SECTION 2. Section 17-112, Revised Charter of the City and County of Honolulu 1973 (2000 ed.), as amended, is amended to read as follows:

“Section 17-112. Legal Counsel --

The corporation counsel of the city shall be the legal adviser of the authority and shall institute and defend, as the board may require, any and all actions involving matters under the jurisdiction of the authority. The corporation counsel may, with the prior approval of the board, compromise, settle or dismiss any claim or litigation, for or against the authority. Before execution, all written contracts to which the authority is a party shall be approved by the corporation counsel as to form and legality.

The compensation for such legal work shall be as agreed upon by the board and the council and shall be paid from the revenues of the authority.

The authority may employ an attorney to act as its legal adviser and to represent the authority in any litigation to which the authority is a party.”

PROPOSED CHARTER AMENDMENT 20e

SECTION 1. Section 9-301 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 9-301. Centralized Purchasing --

1. The department of budget and fiscal services shall be responsible for the procurement of all materials, supplies, equipment, construction and services required by any agency of the city.

[2. There shall be a standardization committee composed of five members. The mayor shall appoint four members, each of whom shall be from a separate department. The fifth member shall be a representative for the department of budget and fiscal services who shall serve as chair of the committee. The committee shall classify all materials, supplies, and equipment commonly used by the various agencies of the city and shall prepare and adopt standards and specifications for such materials, supplies and equipment.

3] 2. All purchases and contracts for materials, supplies, equipment, construction and services shall be made [by advertising, except that such purchases and contracts may be negotiated without advertising if:

- (a) The public exigency will not admit of the delay incident to advertising.
- (b) The amount involved does not exceed limits specified for various types of contracts in applicable state statutes, as the same may be amended from time to time.
- (c) It is impracticable to secure competitive bidding for materials, supplies and equipment, including animals, plants, food and fodder for animals in the zoo, nonprocessed agricultural products, patented or proprietary articles and books and publications.
- (d) It is determined that the procurement of equipment determined to be technical equipment is necessary to assure standardization of the equipment and interchangeability of parts and that such standardization and interchangeability are necessary in the interest of economy.

The advertisement for bids shall be made for a sufficient time before the purchase or contract, and specifications and invitations for bids shall permit such full and free competition as is consistent with the procurement of the types of materials, supplies, equipment and services necessary to meet the requirements of the agency concerned.

All bids shall be publicly opened at the time and place stated in the advertisement. Award shall be made with reasonable promptness by written notice to that responsible bidder, whose bid, conforming to the invitation for bids, will be most advantageous to the city, price and other factors considered] in accordance with the Hawaii Revised Statutes and applicable Hawaii Administrative Rules.

[4.] 3. Purchase orders shall be issued upon the endorsement of the purchasing administrator, and such endorsement shall be made in accordance with rules and regulations promulgated by the director of budget and fiscal services.

[5.] 4. The director of budget and fiscal services shall, from time to time, secure from all agencies estimates of their needs for articles of common use and shall, when practicable, consolidate requisitions [in order] to secure the benefits of quantity purchases, and to that end, [when authorized by the council,] cooperate with other public agencies.

[6.] 5. The director of budget and fiscal services shall by rules and regulations provide for:

- (a) [Emergency purchases which might be required.
- (b)] Petty cash funds or blanket purchase orders or both.
- [(c) Noncompetitive purchases and contracts provided for under Subsection 9-301.3(c) of this charter.
- (d)](b) Approval and signing procedures related to the issuance of purchase orders.
- [(e)](c) Such other matters as the director may reasonably deem necessary for the effective administration and implementation of federal, state and city purchasing and contracting laws.

[7.] 6. The director of budget and fiscal services shall require such guarantees of performance by vendors as in the director’s opinion may be necessary or as may be prescribed by ordinance.”