

Charter Question #1: Term Limits for the Prosecuting Attorney

Resolution #: [19-35](#)
Resolution Title: Resolution Initiating Amendments to the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) to Establish a Term Limit for the Prosecuting Attorney of the City and County of Honolulu.
Introduced: 2/19/2019 by Ron Menor
Committee Referral: Executive Matters and Legal Affairs
Committee Reports: [CR-356 \(2019\)](#) and [CR-10 \(2020\)](#)

Ballot Question:

"Shall the Revised City Charter be amended to establish for the Prosecuting Attorney of the City and County a term limit of two consecutive full four-year terms, the same term limit as is applicable to the Mayor and the Councilmembers of the City and County of Honolulu?"

Current Situation:

There are currently no term limits for the Prosecuting Attorney.

Proposal:

The proposed Charter Amendment would establish a term limit of two consecutive full four-year terms, the same term limit that currently applies to both the Mayor and Councilmembers.

Charter Question #2: Creation of a Youth Commission

Resolution #: [19-329, CD1](#)
Resolution Title: Resolution Initiating Amendments to the Revised Charter of the City and County of Honolulu 1973 (2017 Edition), as Amended, Relating to the Creation of a Youth Commission.
Introduced: 12/13/2019 by Tommy Waters
Committee Referral: Executive Matters and Legal Affairs
Committee Reports: [CR-75 \(2020\)](#) and [CR-142 \(2020\)](#)

Ballot Question:

"Shall the Revised City Charter be amended to establish a Youth Commission under the Managing Director?"

Current Situation:

Revised Ordinances of Honolulu Chapter 3, Article 3, established the Oahu Committee on Children and Youth ("OCCY") to comply with H.B. 506, HD2, SD2 (later enacted as HRS Chapter 581), which was adopted by the State Legislature in 1949 and mandated that each county appoint a committee concerning the needs of children and youth. In 1976, the State Legislature repealed the mandate for county children and youth committees and created a State Office of Children and Youth. In 1996, the State Legislature repealed Chapter 581 in its entirety and disbanded the State Office of Children and Youth in order to reorganize the office of the Governor for greater efficiency. Today, the Governor's office is directly responsible for broad policy relating to children and youth while State agencies and departments, such as the Department of Health and the Department of Human Services, are responsible for direct service programs for children and youth.

On May 8, 2019, the City Council adopted [CR 124 \(2019\)](#), which recommended the repeal of the OCCY, finding that the OCCY was duplicative of State efforts and resources. Although there was a draft bill attached to [CR 124 \(2019\)](#) to repeal ROH Chapter 3, Article 3, as of October 9, 2020, the bill had not been introduced as of October 9, 2020. The OCCY is not currently active; according to the City Administration, the last record of the OCCY's activities was in 1970.

There had been no requirement relating to the ages of the members of the OCCY.

Proposal:

The proposed Youth Commission would advise the City Council and the Mayor on issues relating to children and youth in order to give youth a greater role in the

policymaking process, develop future leaders, and help the City develop public policy that addresses all City residents.

The proposed Youth Commission would consist of 15 members, each between the ages of 14 to 24 at the time of their appointment. The Mayor would be responsible for appointing six members and the City Council would appoint nine members (with each Councilmember responsible for appointing one member).

The responsibilities of the Youth Commission would be the following:

- Advising the City Council and the Mayor on the effects of policies, needs, assessments, priorities, programs and budgets concerning the children and youth of the City;
- Expressing the policy priorities of the children and youth of the City; and
- Responding to requests for comment and recommendation on matters referred to the Youth Commission by the City Council, the Mayor, and any officers, agencies including semi-autonomous agencies, and executive and legislative branch advisory committees of the City.

Charter Question #3: Ethics Commission Budgetary Control

Resolution #: [19-331](#)
Resolution Title: Resolution Initiating Amendments to the Revised Charter of the City and County of Honolulu 1973 (2017 Edition), Relating to the Honolulu Ethics Commission.
Introduced: 12/13/2019 by Tommy Waters
Committee Referral: Executive Matters and Legal Affairs
Committee Reports: [CR-127 \(2020\)](#) and [CR-143 \(2020\)](#)

Ballot Question:

"Shall the Revised City Charter be amended to allow the Honolulu Ethics Commission to control its own budget after it has been enacted?"

Current Situation:

The Ethics Commission is administratively attached to the Department of the Corporation Counsel. Currently, the Department of the Corporation Counsel and the Mayor, through the Department of Budget and Fiscal Services, can impose spending restrictions on the budget approved by the City Council for the Ethics Commission. The City Charter generally authorizes the Mayor to impose spending restrictions on City departments and agencies during the fiscal year.

Proposal:

If approved, this Charter amendment would prevent the Mayor or others within the City Administration from withholding funding that had been approved by the City Council for the Ethics Commission.

Currently, the only City department or agency with the ability to control its own budget after City Council approval are the Honolulu Authority for Rapid Transportation and the Department of the Prosecuting Attorney. City voters approved a 2016 Charter amendment prohibiting the City Administration from withholding funding that had been approved by the City Council for the Department of the Prosecuting Attorney.

The Ethics Commission would remain administratively attached to the Department of the Corporation Counsel for other purposes.

Charter Question #4: Ethics Commission Staff

Resolution #: [20-83, FD1](#)
Resolution Title: Resolution Initiating Amendments to the Revised Charter of the City and County of Honolulu 1973 (2017 Edition), as Amended, Relating to Ethics Commission Staff.
Introduced: 4/17/2020 by Ron Menor (by request)
Committee Referral: Executive Matters and Legal Affairs
Committee Reports: [CR-128 \(2020\)](#) and [CR-146 \(2020\)](#)

Ballot Question:

"Shall the Revised City Charter be amended to require ethics commission staff to be appointed based on merit principles, but exempt them from the civil service position classification plan, and to have the salaries of all ethics commission staff set by the ethics commission, subject to specified limitations?"

Current Situation:

Although Ethics Commission staff are currently exempt from civil service, they are not exempt from the civil service position classification plan. Therefore, when filling its staff positions, the Ethics Commission is limited to using generic City positions and must follow the pay plan prescribed for those positions.

Proposal:

If approved, this Charter amendment would exempt all Ethics Commission staff from the civil service position classification plan. This would allow the Ethics Commission to create specialized and unique positions according to the needs of the Ethics Commission, and would allow the Ethics Commission to determine the salaries for those positions, within limits. In order to prevent any abuse of this flexibility, a provision is included to require that staff be appointed in the manner consonant with the merit principles set forth in Charter Section 6-1102. This language is based on Charter Section 3-107.7, which governs the hiring of staff within the Office of Council Services.

City voters approved a 2016 Charter amendment exempting the Ethics Commission's staff attorneys from the classification plan and enabling the Ethics Commission to set their salaries, within limits. This measure would extend the exemption to all Ethics Commission staff.