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### 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, including interest earned on the deposits and all other receipts dedicated for 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 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. *(Reso. 09-252)*

### Section 17-115. Reserve Funds --
The board may provide for the accumulation of funds for the purpose of financing major replacements, or extensions and additions to the fixed guideway system, the average estimated annual increment to which, for a period of ten years, shall not exceed fifteen percent of the gross revenues of the fixed guideway system of the authority in any fiscal year. *(Reso. 09-252)*

### Section 17-116. Performance Bonds --
The board may require an individual or blanket bond in such amount as it shall deem proper for any or all employees, which bond shall be duly conditioned for the faithful performance of duties, and the board may provide that the premium on the bond be paid out of the revenues of the authority. *(Reso. 09-252)*

### Section 17-117. Personnel --
The mayor may transfer a civil service position existing on July 1, 2011 within any department to the authority, if the position is necessary for the administration or operation of the authority or the performance of another duty or function assigned to the authority. The civil service employee holding a permanent appointment in a position that is to be transferred 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 section, however, shall be construed as preventing future changes in status pursuant to the civil service provisions of this charter. *(Reso. 09-252)*

### Section 17-118. Standards of Conduct --
Article XI of the charter shall be applicable to the authority. *(Reso. 09-252)*

### Section 17-119. Fixed Guideway Alignments, Extensions and Additions --
The authority shall adhere to the fixed guideway system alignment of the locally preferred alternative approved by the council. Any new alignment, extension or addition to the fixed guideway system alignment shall be subject to council approval by ordinance, except that any adjustment of the alignment necessitated by the impact mitigation shall not constitute a new alignment for purposes of this section. *(Reso. 09-252)*

### Section 17-120. Applicability of Charter Provisions --
Except as otherwise provided, no provision of this charter, other than those set forth in this article of the charter, shall be applicable to the authority. *(Reso. 09-252)*

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(based on legal text)
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. (Reso. 09-252)

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 operating and capital budgets 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. (Reso. 09-252)

Section 17-107. Public Hearings --
The board shall hold public hearings prior to fixing and adjusting rates and adopting a proposed budget. (Reso. 09-252)

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 fixed guideway system projects. (Reso. 09-252)

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,
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(Reso. 09-252)

Section 17-104. Powers, Duties and Functions of the Executive Director -- 37
The executive director shall:

(a) Administer all affairs of the authority, including the rules, regulations and standards of the authority.

(b) Administer all affairs of the board, unless otherwise provided by this article.

(c) Administer all affairs of the executive director.

(d) Administer all affairs of the board, including the rules, regulations and standards of the organization.

(e) Administer all affairs of the board, including the rules, regulations and standards of the organization.

(f) Administer all affairs of the board, including the rules, regulations and standards of the organization.

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(z) Administer all affairs of the board, including the rules, regulations and standards of the organization.

{Reso. 09-252}

Section 17-105. Board of Directors -- 37

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 the powers and functions of the authority.

In addition to the general powers under this section, other general or specific powers may be conferred upon the board, so long as the powers are consistent with this article of the charter.

{Reso. 09-252}
(h) To make and alter policies for its organization and internal administration.
(i) 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) To make temporary transfers of positions between subdivisions of the authority.
(k) To adopt rules in accordance with state law, when necessary, to effectuate its functions and duties.
(l) 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) To have full and complete control of all real and personal property used or useful in connection with the fixed guideway system, including all materials, supplies, and equipment.
(n) 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) 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 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) 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 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 any way 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.

 ARTICLE III
 LEGISLATIVE BRANCH

 CHAPTER 1
 COUNCIL

 Section 3-103. Reapportionment and Reapportionment Years --
 1. The year 1991 and every tenth year thereafter shall be reapportionment years.
 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.\(^3\)

 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.

 3. In effecting reapportionment, the commission shall be guided by the following criteria:

(a) No district shall be so drawn as to unduly favor a person or political faction.
(b) Districts, insofar as practicable, shall be contiguous and compact.\(^4\)
(c) District lines shall, where possible, follow permanent and easily recognized features, and, when practicable, shall coincide with census tract boundaries.

 4. On or before January 2 of the year following appointment, the commission shall file with the city clerk a reapportionment plan, which shall be applicable to the next succeeding election at which councilmembers are elected to regular terms.

 5. Any duly registered voter may petition the proper court to compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or the court may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days after the filing of a reapportionment plan.

\(^3\)To be “from the same political party,” within the purview of the city and county charter provision governing composition of reapportionment commission, means to be a member of the same political party recognized as such by that party and the member. Kawamoto v. Okata, 75 Haw. 463, 868 P.2d 1183 (1994), reconsideration denied, 75 Haw. 580, 871 P.2d 795.

Section 3-121. Creation of Semi-Autonomous Agencies --

1. The city may by ordinance create special proprietary semi-autonomous agencies as may be necessary. Any such agency shall function as a public body, corporate and politic, with the definition under Section 3-502.

(Reso. 78-278, 84-197 and 02-39)

3. For the purpose of this section, “agency or operation of the city” means the same as defined under Section 3-502.

A copy of the audit report shall be filed with the city clerk and be a public record.

6. In order to commence the staggering of councilmembers’ terms in accordance with the authority of the charter, which may include the following objectives:

(a) Examination and testing of processes to determine whether the laws, policies and programs of the city are being carried out in the most effective, efficient and economical manner.

(b) Examination and testing of internal control systems to ensure that such systems are properly designed to safeguard public assets against loss from waste, fraud, or error, to determine whether the laws, policies and programs of the city are being carried out in the most effective, efficient and economical manner.

(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.

(d) To direct the planning, design, and construction of the fixed guideway system and all real property or any interest therein necessary for the construction, maintenance, repair, operation and expansion of the fixed guideway system as provided in this article.

(e) To establish all fares, fees, and charges for the fixed guideway system.

(f) To maintain proper accounts in such manner as to show the true and complete funds and accounts for the audited fiscal year. The financial audit shall be conducted by a certified public accountant or a firm of certified public accountants. The scope of the audit shall be set forth in the resolution and shall be in accordance with the terms of a written contract to be signed by the presiding officer of the council, which contract shall encourage recommendations for better financial controls and procedures and shall provide for the completion of the audit within a reasonable time after the close of the audited fiscal year.

(g) To prepare annual operating and capital budgets for the fixed guideway system and obtain, enter into, execute, and enforce contracts required or authorized by law or necessary for the operation of the fixed guideway system.

Section 3-104. Qualifications of Councilmembers --

No. 8(II); Reso. 02-39)

For the purposes of this article:

“Board” shall mean the policy-making body, consisting of ten members of the board of transportation.

“Authority” shall mean the governmental unit known as the “Honolulu Authority for Rapid Transportation.”

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“Board” shall mean the policy-making body, consisting of ten members of the board of transportation.

“Authority” shall mean the governmental unit known as the “Honolulu Authority for Rapid Transportation.”

ARTICLE XVII

PUBLIC TRANSPORT AUTHORITY

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

Section 17-102. Definitions --

1. The public transit authority shall have the following powers:

(a) To provide, operate and maintain the system thereafter.

(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, operation and expansion of the fixed guideway system.

(c) 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 equal or superior to the terms of the contract, which contracts shall encourage recommendations for better financial controls and procedures.

(d) To maintain proper accounts in such manner as to show the true and complete funds and accounts for the audited fiscal year. The financial audit shall be conducted by a certified public accountant or a firm of certified public accountants. The scope of the audit shall be set forth in the resolution and shall be in accordance with the terms of a written contract to be signed by the presiding officer of the council, which contract shall encourage recommendations for better financial controls and procedures.

Section 17-101. Organization --

To be eligible for election or appointment to the council, a person must be a duly qualified elector of the council district from which the person seeks to be elected or appointed. Any councilmember who removes his or her residence from the district from which the person was elected or appointed shall, by that fact, be deemed to have vacated the office.

To be eligible for election or appointment to the council, a person must be a duly qualified elector of the council district from which the person seeks to be elected or appointed. Any councilmember who removes his or her residence from the district from which the person was elected or appointed shall, by that fact, be deemed to have vacated the office.
Section 16-128. Effective Date of Revisions --

All provisions of the amendments to the charter of the City and County of Honolulu, approved on November 7, 2006, shall become effective as of the second day of January 2007, except as otherwise provided. (2006 General Election Charter Amendments, in general)

Section 16-129. Transition Provisions Concerning the Establishment of the Honolulu Authority for Rapid Transportation --

1. All civil service officers and employees holding positions with the rapid transit division, department of transportation services, on June 30, 2011, shall be transferred to the Honolulu Authority for Rapid Transportation on July 1, 2011. The 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 City and County of Honolulu relating to the city’s fixed guideway mass transit system on June 30, 2011 shall remain in effect on July 1, 2011. The obligations and liabilities shall be assumed by the authority.

3. All records, property, and equipment whatsoever of any office, division, department, board, commission, authority, or agency, the functions of which, or some of the functions of which, are assigned to any other agency by the amendments to this charter approved on November 2, 2010, shall be transferred and delivered to the agency to which such functions are assigned. (Reso. 09-252)

Section 16-130. Transition Provisions for Liquor Administrator and Deputy Liquor Administrator --

1. The civil service positions of the liquor administrator and of the deputy liquor administrator of the liquor commission shall be abolished as of the end of the day, June 30, 2011.

2. Effective July 1, 2011, the positions of the liquor administrator and the deputy liquor administrator shall be established in the liquor commission and shall be exempt from civil service.

3. An employee holding a permanent civil service appointment on June 30, 2011 to the position of the liquor administrator or the liquor commission or to the position of deputy liquor administrator shall be afforded such rights under civil service rules as are applicable to those whose civil service position has been abolished. Nothing in this section shall be construed as disqualifying such individuals from appointment after June 30, 2011 to the position of liquor administrator or deputy liquor administrator.

4. The liquor commission may select an individual for the exempt civil service position of liquor administrator prior to July 1, 2011, but the appointment to such position shall not take effect until July 1, 2011 or thereafter. (Reso. 09-357)

Section 3-124. Temporary Replacement of Councilmember Called to Active Military Duty --

1. A person may be appointed to temporarily replace a councilmember who, as a member of the military reserve or national guard, is called to active duty to serve in the United States armed forces for a period in excess of 180 consecutive days out of the State of Hawaii. An appointment shall be made pursuant to this section.

2. For this section:
   (a) A call to active duty that is indefinite or unclear as to period or location of active duty shall not be deemed for a “period in excess of 180 consecutive days out of the State of Hawaii” nor deemed sufficient for the appointment of a temporary replacement councilmember.
   (b) “Temporarily replaced councilmember” means the councilmember who is temporarily replaced because of a call to active duty.
   (c) “Temporary replacement councilmember” means the councilmember who is appointed to temporarily replace a councilmember called to active duty.
   (d) “Written call-up order” means an order in writing from an authorized United States officer that requires a councilmember who is in the military reserve or guard to report for active duty in the United States armed forces.

3. After a councilmember receives a written call-up order for a period in excess of 180 consecutive days out of the State of Hawaii, the councilmember may submit to the council chair a written request for the appointment of a temporary replacement councilmember. The written request shall be accompanied by a copy of the order.

   (a) The council may appoint a temporary replacement councilmember for the councilmember who requested the replacement by adoption of a resolution. Such a resolution shall be adopted by the affirmative vote of a majority of the council’s entire membership within 60 days of receipt of the written request by the council chair.
   (b) If the council does not adopt a resolution appointing a temporary replacement councilmember pursuant to paragraph (a) within the specified 60-day period:
      (1) The council shall not have any further opportunity to appoint a temporary replacement councilmember for the councilmember who requested the temporary replacement; and
      (2) The mayor may make the appointment of a temporary replacement councilmember by written proclamation at any time after the 60th day. Such a written proclamation shall be immediately submitted to the council.

4. When a temporary replacement councilmember vacates office before the end of the temporary term because of the temporary replacement councilmember’s death or disability, a new temporary replacement councilmember may be appointed in accordance with subsection 3; authority to sue and be sued and may be granted such other powers as may be necessary or convenient for its purposes.

2. Any such agency shall be subject to the civil service provisions and centralized purchasing and disposal of personal property provisions of this charter and shall come within the purview of the performance audit conducted by the managing director and such audits as may be required by the council or conducted by the city auditor.

3. Pensions for officers and employees of any such agency shall be governed by law. (Reso. 83-357, 84-197, 90-295, 95-205 and 02-39)
6. The term of office of the temporary replacement councilmember shall:

(a) End on the earliest of the following: (1) the date the council receives written notice from the temporarily replaced councilmember that the councilmember’s active duty ends; (2) if the appointment is made under subsection 3(b), the date of receipt of the written proclamation by the council; and (3) if the appointment is made under subsection 4, the date the previously appointed temporary replacement councilmember vacates office; and

(b) Terminate on the earliest of the following: (1) the date the council receives written notice from the temporarily replaced councilmember that the councilmember’s active duty ends; (2) if the appointment is made under subsection 3(b), the date of receipt of the written proclamation by the council; and (3) if the appointment is made under subsection 4, the date the previously appointed temporary replacement councilmember vacates office.
Section 16-123. Transition Provisions Concerning the Transfer of Audit Functions to the Office of City Auditor —

1. All lawful obligations and liabilities owed by or to the office of council services relating to financial and performance audits on June 30, 2003 shall remain in effect on July 1, 2003. The obligations and liabilities shall be assumed by the office of the city auditor. All contracts held by the office of council services relating to financial and performance audits, which are to remain effective after June 30, 2003, shall be assumed by the office of the city auditor. The contracts shall continue in effect until fulfilled or lawfully terminated. All financial and performance audit activities administered by the office of council services on June 30, 2003 shall be assumed by the office of the city auditor on July 1, 2003.

2. On July 1, 2003, all records, data, and information held by the office of council services relating to financial and performance audits which have not been completed as of June 30, 2003 shall be transferred to the office of the city auditor.

3. The assistant legislative auditor position and the employee occupying the position in the office of council services on June 30, 2003 shall continue with the office of the city auditor on July 1, 2003. The employee shall continue service without any loss of vacation allowance, sick leave, service credits, retirement benefits, or other rights and privileges because of the charter amendments of this resolution. Nothing in this subsection, however, shall be construed as preventing future changes in the employee’s status pursuant to the city auditor’s powers with respect to personnel in the office of the city auditor. (Reso. 02-39)


1. For the purpose of this section:

“Compliance with this Charter amendment” means having on the neighborhood commission (1) at least two of the council’s appointees with service of at least one full term on a neighborhood board and (2) at least two of the mayor’s unilateral appointees with service of at least one full term on a neighborhood board.

“Council’s appointees” means members of the neighborhood commission who are appointed by the council presiding officer, with the approval of the council.

“Effective date” means the effective date of this Charter amendment.

“Mayor’s unilateral appointees” means members of the neighborhood commission who are appointed by the mayor without confirmation by the council.

2. This Charter amendment shall not affect the term of any member of the neighborhood commission who is serving on the effective date. Unless vacating office sooner, each such member shall continue in service on the commission until the expiration of the member’s term or appointment of a successor.

3. If, on the effective date, the mayor’s unilateral appointees are not in compliance with this Charter amendment, the mayor shall make appointments to fill vacancies and new terms so that the mayor’s unilateral appointees will come into compliance as soon as possible.

If, on the effective date, the council’s appointees are not in compliance with this Charter amendment, the council’s presiding officer and council shall respectively make and approve appointments to fill vacancies and new terms so that the council’s appointees will come into compliance as soon as possible. (Reso. 04-18)
examination. (Reso. 10-64) statistical random sampling examination and provide procedures for challenge of a sampling.

The city clerk may promulgate administrative rules to implement this chapter. The rules may establish requirements for a petition and may establish a method for examination of a petition by the city clerk.

Section 3-408. Administrative Rules --
(1982); 1992 General Election Charter Amendment Question No. 32A(7); Reso. 10-64)

1. For General Elections. Any petition for proposed ordinance which has been filed with the office of the city clerk, Presiding Officer of the Council, the Clerk of the Circuit Court, or the City Clerk shall be examined by the city clerk.

For Initiative Special Elections. A special election for an ordinance by initiative power shall be held in conjunction with the general election for that year and which has been certified by the city clerk, or in any special election in which the city clerk certifies less than fifteen percent but at least ten percent of the petition signatures.

2. The city clerk shall examine the petition which is not accompanied by the required affidavit of the person who circulated the petition if signed by duly registered voters equal in number to at least fifteen percent of voters registered in the city, if the petition is not accompanied by the required affidavit of the person who circulated the petition if signed by duly registered voters equal in number to at least fifteen percent of voters registered in the city, then the proposed ordinance need not be submitted to the electors.

3. City Clerk to Certify or Reject Petition, When. The city clerk shall eliminate any sheet of the petition. The invalidity of any sheet shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such invalid sheet. The city clerk shall certify the petition or shall reject the petition.

4. Review by the Court. A final determination as to the sufficiency or validity of the petition may be subject to court review.

The city clerk may promulgate administrative rules to implement this chapter. The rules may establish requirements for a petition and may establish a method for examination of a petition by the city clerk.

Section 3-408. Administrative Rules --
(1982); 1992 General Election Charter Amendment Question Nos. 32A(7) and 32A(8); Reso. 10-64)

1. For General Elections. Any petition for proposed ordinance which has been filed with the office of the city clerk, Presiding Officer of the Council, the Clerk of the Circuit Court, or the City Clerk shall be examined by the city clerk.

2. The city clerk shall examine the petition which is not accompanied by the required affidavit of the person who circulated the petition if signed by duly registered voters equal in number to at least fifteen percent of voters registered in the city, if the petition is not accompanied by the required affidavit of the person who circulated the petition if signed by duly registered voters equal in number to at least fifteen percent of voters registered in the city, then the proposed ordinance need not be submitted to the electors.

3. City Clerk to Certify or Reject Petition, When. The city clerk shall eliminate any sheet of the petition. The invalidity of any sheet shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such invalid sheet. The city clerk shall certify the petition or shall reject the petition.

4. Review by the Court. A final determination as to the sufficiency or validity of the petition may be subject to court review.

The city clerk may promulgate administrative rules to implement this chapter. The rules may establish requirements for a petition and may establish a method for examination of a petition by the city clerk.

Section 3-408. Administrative Rules --
(1982); 1992 General Election Charter Amendment Question No. 32A(7); Reso. 10-64)
The commission shall act by majority vote of its membership and shall establish its own procedures. Commission members shall be compensated and reimbursed for their necessary expenses as provided by ordinance. The council shall appropriate funds to the neighborhood commission necessary for the performance of its official duties.

The terms of members initially appointed shall be for five years, and their successors shall serve for staggered terms of five years in the manner provided in Section 13-103(c) of this charter. (Reso. 83-357; 1992 General Election Charter Amendment Question No. 25; Reso. 04-18)

ARTICLE XV
CHARTER AMENDMENT OR REVISION

Section 15-101. Initiation of Amendments or Revisions --
Except as hereinafter provided, amendments or revisions of this charter may be initiated only in the following manner:

(a) By resolution of the council adopted after three readings on separate days and passed by an affirmative vote of two-thirds of its entire membership at each reading.

(b) By petition filed with the city clerk, signed by duly registered voters equal in number to at least ten percent of the total voters registered in the last regular mayoral election, setting forth the proposed amendments or revisions. Such petition shall designate and authorize not less than three nor more than five of the signers thereto to approve any alteration or change in the form or language or any restatement of the text of the proposed amendments or revisions which may be made by the corporation counsel.

Such petition shall include each signing voter’s signature, residence, and date of signing. Signatures may be on separate sheets, but each sheet shall have appended to it the affidavit of the person who circulated that sheet of the petition, that to the best of the affiant’s knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition and that their residences are correctly given.

Such petition shall be filed with the city clerk at least forty-five days before the first special election preceding the general election of that year. Such petition shall be tendered in its entirety for filing with the city clerk with a transmittal letter to the city clerk. Upon filing of such petition with the city clerk, the city clerk shall examine it to determine whether it contains a sufficient number of apparently genuine signatures of registered voters. The city clerk may question the genuineness of any signature or signatures appearing on the petition, and if the city clerk finds that any such signature or signatures are not genuine, the city clerk shall disregard them in determining whether the petition contains a sufficient number of signatures. The city clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit of the person who circulated that sheet of the petition. The invalidity of any sheet shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such invalid sheet. The city clerk shall complete the examination of the petition within twenty working days after the date of filing and shall certify the petition or shall reject the petition.

Notwithstanding the foregoing, the corporation counsel, as revisor, may, subject to the provisions of Section 4-202 of this charter, prepare supplements or editions of the charter where it appears that amendments or revisions of the charter have been initiated.

CHAPTER 5
CITY AUDITOR

Section 3-501. Office Established; City Auditor --
1. There is established within the legislative branch an office of the city auditor, to be headed by a city auditor who shall be appointed by the city council and shall serve for a period of six years, and thereafter, until a successor is appointed. The council shall fix the salary of the city auditor. The council, by a two-thirds vote of its membership, may remove the auditor from office at any time for cause.

2. The city auditor shall possess adequate professional proficiency for the office, demonstrated by relevant certification, such as certification as a certified internal auditor or certified public accountant, or have an advanced degree in a relevant field with at least five years experience in the field of government auditing, evaluation, or analysis. A certified internal auditor or certified public accountant shall be preferred. The city auditor shall have a bachelor’s degree in accounting, business administration, or public administration or related field. If financial statement audits are conducted, the city auditor shall be a certified public accountant.

3. Except for exercising the right to vote, neither the auditor nor any member of the office of the city auditor shall support, advocate, or aid in the election or defeat of any candidate for city public office.

4. The city auditor may appoint the necessary staff for which appropriations have been made by the council. Subject to the provisions of this charter and applicable rules and regulations adopted thereunder, the auditor shall have the same powers with respect to the personnel of the office of the city auditor as executive branch department heads have over their personnel. Staff shall be appointed by the auditor in a manner consistent with the merit principles set forth in Section 6-1102 of this charter, but shall not otherwise be subject to the provisions of Chapter 11 of Article VI of this charter, pursuant to Section 6-1104 of this charter. (Reso. 02-39)

Section 3-502. Powers, Duties, and Functions --
1. It shall be the duty of the city auditor to conduct or cause to be conducted:

(a) The annual financial audit of the city, as required by Section 3-114;

(b) Performance audits of the funds, programs, and operations of any agency or operation of the city as requested by the council by resolution, as authorized by Section 3-114;

(c) Performance and financial audits of the funds, programs, and operations of any agency or operation of the city, as determined by the auditor to be warranted. Before the commencement of each fiscal year, a plan of the audits proposed to be conducted by the auditor during the fiscal year shall be transmitted to the council for review and comment, but not approval. The plan also shall be transmitted to the mayor and filed with the city clerk as public record; and

(d) Follow-up audits and monitoring of compliance with audit recommendations by audited entities.

Revision note: Citation error, Section 11-302 replaced with Section 6-1102.

Revision note: Citation error, Section 11-304 replaced with Section 6-1104.
unrestricted access to any city officer or employee and shall be authorized to examine and
3. For the purposes of carrying out any audit, the auditor shall have full, free, and
city clerk as public record.
2. Audit findings and recommendations shall be set forth in written reports of the city
government auditing standards.

The city auditor shall conduct or cause to be conducted all audits in accordance with
"Record" includes any account, book, paper, and document, and any financial affair,
sections.  It shall not be construed as excluding the office of the city auditor from the legislative
councilmember's immediate staff, the office of the city clerk, the office of council services, a
"Council office" includes the council itself, the office of a councilmember and the
5. For the purpose of this section and Section 3-114:  "Agency or operation of the city"
written report of the independent review shall be transmitted to the council and mayor and filed
applicable government auditing standards by a professional, non-partisan, objective group.  The
represent the auditor in implementing these powers.

witness or compelled to produce records shall fail or refuse to respond thereto, the proper court,
inspect any record of any agency or operation of the city, to administer oaths and subpoena
upon request of the auditor, shall have the power to compel obedience to any process of the
witness or compulsory attendance on behalf of the individual.

misconduct or alleged criminal conduct on the part of any individual, such individual shall have
the prosecuting attorney for prosecution.  In any audit which concerns the alleged gross
False swearing by any witness shall constitute perjury and shall be referred by the auditor to

4. The city auditor's performance shall be evaluated annually by the council.

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Section 12-202. Impeachment of a Councilmember --

Any councilmember may be impeached for malfeasance, misfeasance or non-feasance in office or for interference with the performance of the duties of any officer or employee in any executive agency of the city government. The courts of the State of Hawaii shall have jurisdiction as provided by applicable law over any proceeding for the removal of a councilmember who may be charged on any of the foregoing grounds. The charges shall be set forth in writing in a petition for impeachment signed by not less than one thousand duly registered voters of the council district for the removal of a councilmember, and said signatures shall be necessary only for the purpose of filing the petition. The petition having once been filed, hearings shall be held on all such charges. (Reso. 83-357; 1992 General Election Charter Amendment Question Nos. 14 and 32A(4); Reso. 08-135)

Section 12-203. Impeachment of the Prosecuting Attorney --

The prosecuting attorney may be impeached for malfeasance, misfeasance or non-feasance in office. The courts of the State of Hawaii shall have jurisdiction as provided by applicable law over any proceeding for the removal of the prosecuting attorney who may be charged on any of the foregoing grounds. The charges shall be set forth in writing in a petition for impeachment signed by not less than five hundred duly registered voters of the city, and said signatures shall be necessary only for the purpose of filing the petition. The petition having once been filed, hearings shall be held on all such charges. (1992 General Election Charter Amendment Question No. 32A(13); cf. Question No. 15; Reso. 08-135)

ARTICLE XIII
GENERAL PROVISIONS

Section 13-106. Public Hearings; Notice --

1. No public hearing shall be held by any agency or the council, unless public notice is given prior to such hearing.
2. Notice of any public hearing shall be adequately publicized at least ten days prior to such hearing via an electronic medium, such as the Internet, and in a daily newspaper of general circulation in the city and may be advertised, as deemed helpful, in such other newspapers and through communications media as will afford the public maximum information concerning such hearing. The notice shall include:
   (a) The date, time and place of such hearing.
   (b) A statement in plain language of the nature or purpose, including the issues involved, if any, of such hearing.
   (c) A statement that all interested persons shall be afforded the opportunity of being heard.
(2006 General Election Charter Amendment Question No. 12(g))

Section 13-116. City Elections --

1. In general: City elections shall be conducted in accordance with the election laws of the state insofar as applicable, but all city elective officers shall be elected by nonpartisan special elections. Except as otherwise provided in this charter, such special elections shall be held in conjunction with the primary and general elections of the applicable year; a special election held

(a) One member shall be the chair of the council committee with jurisdiction over the executive budget ordinances; and
(b) The other members shall be appointed by the council. The council shall appoint members who are qualified by experience, expertise, and independence to perform the duties of the audit committee. A member appointed by the council shall not hold any other office or position with the city while on the audit committee. The method of appointment, terms, and specific qualifications of the appointed members shall be established by the council by ordinance or rule. The council also may establish by ordinance or rule provisions for the removal of an appointed member for cause.

The audit committee shall be within the office of the city auditor.

2. Members of the audit committee shall have the power to render advice to the city auditor only on an individual basis. The members may gather and render the advice at meetings closed to the public.

The audit committee shall not have the power to take official actions or make collective decisions based on voting by the members. A quorum shall not be required for the audit committee to meet.

The audit committee is intended to have the duty of advising the city auditor on preliminary audit findings and recommendations and other confidential matters which should not be disclosed prematurely at meetings open to the public. Thus, this subsection is intended to permit the audit committee to gather in closed meetings without violating the state law on open meetings for public agencies.

If, however, a court of competent jurisdiction rules that the audit committee is subject to the state law on open meetings, the audit committee shall comply with the state law. Or, the audit committee may suspend its operation until appropriate amendment is made to the state law to permit the committee to gather in closed meetings.

3. The chair of the audit committee shall be appointed by the council in the manner provided by ordinance or rule.

A meeting of the audit committee may be called by the chair or auditor.

4. Members appointed by the council shall not be entitled to compensation for serving on the committee. The member from the council shall not be entitled to compensation for serving on the committee that is additional to the compensation received as a councilmember. All members, however, shall be entitled to be reimbursed for travel and other necessary expenses incurred by them in the performance of their official duties.

5. Section 13-103 shall not apply to the members of the audit committee. (Reso. 02-39)

ARTICLE IV
EXECUTIVE BRANCH - GENERAL PROVISIONS

CHAPTER 1
GENERAL ORGANIZATION

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, shall be nominated and, by and with the advice and
The director of emergency management shall:

There shall be a department of emergency management headed by a director of emergency management who shall be appointed and may be removed by the mayor in accordance with Section 6-103. Department of Emergency Management -- (time, 2007 Reorganization)

(b) Coordinate the civil defense and emergency preparedness activities and functions of City and County of Honolulu organizations for civil defense within the state.

The position of civil defense administrator is a civil service position. Malcolm A. Sussel v. City and County of Honolulu Civil Service Commission, the nominee shall not be eligible for another interim appointment to the same office.

other public or private safety and welfare of the people of the city.

The position of head of an executive agency becomes vacant and the mayor is the appointing authority, the mayor may temporarily fill the vacancy by granting a commission allowing the nominee to fulfill the responsibilities of the position. The commission shall begin when the council makes the confirmation decision. If the nominee fails to be confirmed by the council, the nominee shall remain in office after a recall petition directed to the said person has been filed, shall be eligible for appointment to any office of the city within two years after said person's removal or resignation.

No recall petition shall be filed against an elected officer within the first or the last year of an elected officer's term or within six months after an unsuccessful recall election against such officer.

No person, who has been removed from elected office or who has resigned from such an office after a recall petition directed to the said person has been filed, is not be held.

If the elected officer does not resign from office within ten days after notice of the recall petition is given to the elected officer, the election shall terminate.

The following question shall be presented to each voter in a recall: "Shall (name of elected officer) be recalled and removed from the office of (title of office)?" The election shall be held on the date the petition is filed. The petition having once been filed, hearings shall be arranged by the city clerk within ten days of the filing of the petition. As soon as the city clerk has determined total vote for purposes of determining majority vote. Republican Party of Hawaii v. Waihee 69 Haw. 598, 870 P.2d 1111 (1994), affirmed by U.S.C.A. (9th Circuit) May 9, 1991; Sussel v. City and County of Honolulu, et al., U.S.D.C. Civil Nos. 86-1136 and 88-00375, judgments entered May 4 and May 8, 1989, affirmed by U.S.C.A. (9th Circuit) May 9, 1991; Sussel v. Civil Service Commission of the State of Hawaii (Reso. 83-357 and 89-389; 1992 General Election Charter Amendment Question Nos. 11 and 32A(9); Reso. 08-135).

ARTICLE VI

CHAPTER 1

EXECUTIVE BRANCH - MANAGING DIRECTOR

MANAGING DIRECTOR AND AGENCIES DIRECTLY UNDER THE MANAGING DIRECTOR

IMPEACHMENT OF ELECTED OFFICERS

CHAPTER 2

2006 General Election Charter Amendment Question No. 12(f); Reso. 10-64)

The mayor may be impeached for malfeasance, misfeasance or non-feasance in office after a recall petition directed to the said person has been filed, shall be eligible for appointment to any office of the city, and said signatures shall be necessary only for the officer's term or within six months after an unsuccessful recall election against such officer.

The following question shall be presented to each voter in a recall: "Shall (name of elected officer) be recalled and removed from the office of (title of office)?" The election shall be held on the date the petition is filed. The petition having once been filed, hearings shall be arranged by the city clerk within ten days of the filing of the petition. As soon as the city clerk has determined total vote for purposes of determining majority vote. Republican Party of Hawaii v. Waihee 69 Haw. 598, 870 P.2d 1111 (1994), affirmed by U.S.C.A. (9th Circuit) May 9, 1991; Sussel v. City and County of Honolulu, et al., U.S.D.C. Civil Nos. 86-1136 and 88-00375, judgments entered May 4 and May 8, 1989, affirmed by U.S.C.A. (9th Circuit) May 9, 1991; Sussel v. Civil Service Commission of the State of Hawaii (Reso. 83-357 and 89-389; 1992 General Election Charter Amendment Question Nos. 11 and 32A(9); Reso. 08-135).
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. (Reso. 84-234; 1998 Reorganization; 2006 General Election Charter Amendment Question Nos. 5 and 12(c); Reso. 07-384)

ARTICLE XII
RECALL AND IMPEACHMENT

CHAPTER 1
RECALL OF ELECTED OFFICIALS

Section 12-103. Recall Petition; Recall Election --

The recall petition shall require each signing voter’s signature, address, council district, and the date of signing. Signatures on a recall petition may be on separate sheets but each sheet shall have appended to it the affidavit of the person who circulated that sheet of the petition, that to the best of the affiant’s knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

A recall petition shall be tendered in its entirety for filing with the city clerk with a transmittal letter to the city clerk. Upon filing of such petition with the city clerk, the city clerk shall examine it to determine whether it contains a sufficient number of apparently genuine signatures of registered voters. The city clerk may question the genuineness of any signature or signatures appearing on the recall petition and if the city clerk finds that any such signature or signatures are not genuine, the city clerk shall disregard them in determining whether the petition contains a sufficient number of signatures. The city clerk shall also disregard any signature dated more than sixty days before the petition was tendered for filing. The city clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit of the person who circulated that sheet of the petition. The invalidity of any sheet of the petition shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such an invalid sheet. The city clerk shall complete the examination of the petition within twenty working days after the date of the filing with the city clerk and shall thereupon certify the petition or reject the petition.

Section 6-106. Office of Housing --

There shall be an office of housing headed by an executive for housing who shall be appointed and may be removed by the mayor. The executive for housing shall have a minimum of three years experience in the administration of affordable housing programs or projects or programs for low-income, homeless or special needs populations. The executive for housing shall:

(a) Oversee, coordinate and direct the development, preparation and implementation of plans and programs relating to affordable housing, senior housing, special needs housing, and homelessness, for the benefit of the people of the city.

(b) Oversee, coordinate and direct the activities and functions of the city relating to affordable housing, senior housing, homelessness, and special needs housing.

(c) Coordinate city activities and programs relating to affordable housing, senior housing, homelessness, and special needs housing with those of the state and federal governments and those of public or private housing organizations within the state. (Reso. 11-47)

DEPARTMENT OF BUDGET AND FISCAL SERVICES

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.
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
determined by the Council.

Section 6-207. Liquor Commission --

(1) The liquor commission shall be composed of one person appointed by the mayor in accordance with Section 6-1103. The members of the commission shall be appointed for four years, and may be reappointed for one additional term.

(2) The members of the commission shall serve as the administrative head of the commission and shall be subject to the policies and directions of the commission.

(3) The liquor commission shall appoint a chief liquor administrator who shall serve as the first deputy to the administrator.

(4) The liquor commission may appoint and may remove a deputy liquor administrator who shall serve as the administrative head of the commission.

Section 10-102. Ethics Commission --

(1) There shall be within the department of the corporation counsel for administrative purposes and in accordance with the provisions of this charter, a commission to be known as the Ethics Commission.

(2) The Ethics Commission shall consist of seven members, including the city attorney, who shall serve as the executive director of the commission and who shall be ex officio a member of the commission. The Ethics Commission shall be appointed by the mayor with the advice and consent of the council.

(3) The Ethics Commission shall have the power to investigate and to make recommendations to the mayor and the council with respect to the possible disciplinary action against any officer or employee of the city who may be found to have violated the standards of conduct established by this article.

Section 11-106. Penalties and Disciplinary Action for Violations --

The failure to comply with or any violation of the standards of conduct established by this article shall be a violation of the charter. The Ethics Commission may impose fines and penalties for violations of the standards of conduct.

The Ethics Commission may also impose civil fines and penalties for violations of the standards of conduct committed by elected or appointed officers and employees of the city.

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The Ethics Commission may also impose civil fines and penalties for violations of the standards of conduct committed by elected or appointed officers and employees of the city.
4. 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. The director of budget and fiscal services shall, from time to time, secure from each agency 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. 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) Approval and signing procedures related to the issuance of purchase orders.
   (e) 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. 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. (Reso. 90-295; 1992 General Election Charter Amendment Question Nos. 28, 29 and 32B; Reso. 95-205; 1998 General Election Charter Amendment Question No. 2 (VII); Reso. 10-110)

Section 9-302. Disposition of Personal Property --
All agencies, the council and its offices, having materials, supplies or equipment which are not useful to them, shall, from time to time, and at least annually, furnish a list thereof to the director of budget and fiscal services who shall examine such property, and if the same is found to be usable, it shall be inventoried for use by the city. If it is found to be unusable for public purposes, the director of budget and fiscal services, shall dispose of the property by public auction, competitive bid, or other appropriate method, as provided for in rules and regulations of the director, and the proceeds shall be placed in the fund from which the original purchase was made. (1998 General Election Charter Amendment Question No. 2 (VII); Reso. 10-110)

ARTICLE XI
STANDARDS OF CONDUCT

Section 11-102. Conflicts of Interest --
1. No elected or appointed officer or employee shall:
   (a) Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of such person’s official duties. Nothing herein shall preclude the solicitation or acceptance of lawful contributions for election campaigns.
   (b) Disclose confidential information gained by reason of such person’s office or position or use such information for the personal gain or benefit of anyone.
   (c) Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of such person’s official duties or

CHAPTER 3
DEPARTMENT OF COMMUNITY SERVICES

Section 6-302. Powers, Duties and Functions --
The director of community services shall:
   (a) Develop and administer projects, programs and plans of action for human resources, human services and housing programs.
   (b) Develop and administer projects, programs and plans of action designed to achieve sound community development, provided that such projects, programs and plans of action conform to and implement the general plan and development plans.
   (c) Administer grants awarded from the grants in aid fund.
   (d) Act as the local public officer for the purpose of implementing federally-aided and state-aided human resources, human services, housing, urban renewal and community development programs.
(Reso. 89-537 and 93-139; 1998 Reorganization; Reso. 10-38; Reso 11-47; Reso. 12-44)

CHAPTER 6
DEPARTMENT OF EMERGENCY SERVICES

Section 6-603. Powers, Duties and Functions --
The director of emergency services shall:
   (a) As to medical services:
      (1) Be the primary provider of emergency medical care;
      (2) Develop programs and provide training and educational programs related to emergency medical services and injury prevention;
      (3) Be responsible for medical matters relating to public health and welfare,
      (4) Be responsible for the administration of the city’s health services programs and medical evaluations of current and prospective city employees.
   (b) As to ocean safety:
      (1) Be the primary responder to emergencies arising on the beach and in the near shore waters;
      (2) Be responsible for ocean safety training, educational, and risk reduction programs relating to ocean safety.
   (c) Perform such duties as may be required by law.
(1992 General Election Charter Amendment Question No. 16; 1998 Reorganization; 2006 General Election Charter Amendment Question No. 10; 2012 Reorganization)

CHAPTER 8
DEPARTMENT OF ENVIRONMENTAL SERVICES

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.

(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.

(1992 General Election Charter Amendment Question No. 6; 1998 Reorganization; 2006 General Election Charter Amendment Question No. 4)

CHAPTER 9
DEPARTMENT OF FACILITY MAINTENANCE

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

The chief engineer shall:

(a) Maintain public 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) Perform such other duties as may be required by law.

(1992 General Election Charter Amendment Question No. 6; 1998 Reorganization; 2007 Reorganization)

CHAPTER 10
FIRE DEPARTMENT

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

The fire chief shall:

(a) Perform fire fighting and rescue 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.

(c) Provide emergency medical care.

(d) Train, equip, maintain and supervise a force of fire fighting and rescue personnel.

(e) Monitor the construction and occupancy standards of buildings for the purposes of fire prevention.

(f) Provide educational programs related to fire prevention.

(g) Appoint the deputy fire chief and the private secretaries to the fire chief and the deputy fire chief.

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

(Reso. 94-267; 2006 General Election Charter Amendment Question No. 10)

7. There shall be established a grants in aid advisory commission to advise the city on grants issued under this section. The commission shall consist of seven members appointed by the mayor who shall serve for staggered terms of five years and until their successors have been appointed and qualified. The initial appointments shall commence no later than January 15, 2013, and shall be as follows:

(a) For a two-year term, two members.

(b) For a three-year term, two members.

(c) For a four-year term, two members.

(d) For a five-year term, one member.

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

(Reso. 12-44)

CHAPTER 3
PROCUREMENT AND DISPOSITION OF PROPERTY

Section 9-301. Centralized Purchasing --

1. The department of budget and fiscal services shall be responsible for the procurement of all materials, supplies, equipment 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. All purchases and contracts for materials, supplies, equipment 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 statutes.

(c) It is impracticable to secure competitive bidding for materials, supplies and equipment.

(d) It is determined that the procurement of 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 and that the procurement of equipment in accordance with the provisions of this chapter is necessary to secure competitive bidding for materials, supplies and equipment.

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.
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 council shall by ordinance establish procedures for the administration and expenditure of moneys in each fund. 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. (2006 General Election Charter Amendment Question No. 3)

Section 9-205. Grants in Aid Fund --

1. There shall be established a Grants in Aid Fund. Moneys in the Grants in Aid Fund shall be used by the city 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.

2. In adopting each fiscal year’s budget and capital program, the council shall appropriate a minimum of one-half of one percent of the estimated general fund revenues which shall be deposited into the Grants in Aid Fund.

3. No less than $250,000 from the Grants in Aid Fund shall be expended annually in each council district.

4. At any given time, no more than five percent of the moneys in the Grants in Aid Fund shall be used for administrative expenses.

5. 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 purpose except those listed in this section.

6. The council may waive the requirements of this section of the charter pertaining to the annual appropriation of general fund revenues to the grants in aid fund for any particular fiscal year, when the council finds by a two-thirds vote of its entire membership that an emergency due to a public calamity exists or the city could not otherwise fulfill its legal obligations.

CHAPTER 11 DEPARTMENT OF HUMAN RESOURCES

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 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:
(b) Provide crime prevention training programs for law enforcement agencies, citizens, businesses, and civic groups.

c) Develop public education programs through various broadcast or print media, to provide the general public information that will assist citizens in developing the knowledge and confidence to prevent crime and to avoid being victims of crime.

d) Receive and expend financial grants, donations and other funds as permitted by the provisions of the revised charter, city ordinances and applicable city, state, and federal financial and budget policies for crime research, prevention, and education.

(Reso. 78-279, 83-357, 84-197 and 07-223)

CHAPTER 14
DEPARTMENT OF PARKS AND RECREATION

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 the parks and recreational facilities of the city, and maintain and operate all such facilities.19

(b) 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) 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) 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.

(Reso. 192 (1974) and 94-150; 1998 Reorganization; 2007 Reorganization)

ARTICLE IX
FINANCIAL ADMINISTRATION

CHAPTER 1
BUDGETING

Section 9-106. Administration and Enforcement of the Budget Ordinances --

1. Administration and enforcement of the legislative budget ordinance: Immediately following the enactment of the legislative budget ordinance, the presiding officer of the council shall submit to the director of budget and fiscal services a schedule showing the expenditures of the legislative branch anticipated for each quarter of the fiscal year. The schedule shall not require the approval of nor can it be altered by the mayor, and the council may proceed without any other authority to incur obligations and make expenditures after the schedule has been submitted. The director of budget and fiscal services shall approve or issue any requisition, purchase order, voucher, warrant or contract, in accordance with the schedule and upon request of the presiding officer of the council. Barring judicial order prohibiting the honoring of any specific requisition, purchase order, voucher, warrant or contract, the director of budget and fiscal services shall process the same for payment within three working days from the date of receipt thereof. Appropriations for the legislative branch 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 at the end of the fiscal year.

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 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 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) Assist the managing director in information technology and telecommunication technology analyses and evaluation.

d) Advise the mayor on information technology and telecommunication technology matters.

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

(Reso. 90-295 and 95-205; 1998 Reorganization; 2006 General Election Charter Amendment Question No. 12(a))

CHAPTER 16
POLICE DEPARTMENT

Section 6-1608. Political Activities Prohibited -- (Repealed; 2006 General Election Charter Amendment Question No. 12(d))

CHAPTER 17
DEPARTMENT OF TRANSPORTATION SERVICES

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

1. The director of transportation services shall:

19The director of parks and recreation, as opposed to the city council, has the power to decide whether or not a concession should be permitted on park property. City Council v. Fasi, et al., 52 Haw. 3, 467 P.2d 576 (1970).
The department shall be subject to the civil service provisions of this charter.

Section 7-107. Personnel Administration; Centralized Purchasing; Auditing; Pension --

1. The department shall be subject to the civil service provisions of this charter.

2. The department shall be subject to the centralized purchasing and disposal of personal property provisions of this charter.

3. The department shall come within the purview of the performance audit conducted by the auditor.

4. Pensions for officers and employees shall be governed by law.

Section 8-104. Powers, Duties and Functions --

1. The department of transportation services shall:

   a. Plan, operate and maintain transportation systems, including bikeways, except for those activities relating to the city’s fixed guideway mass transit system,* to meet public needs.

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

   c. Provide educational programs to promote traffic safety.

   d. Institute proceedings before the district judges for the arrest of persons charged with offenses against the laws of the state under the authority of the attorney general.

   e. Promulgate rules and regulations pursuant to standards established by law.

   f. Establish a steel wheel on steel rail transit system, provided that nothing in this subsection shall preclude the director from utilizing technologies other than steel wheel on steel rail technology to complement or extend the rail transit system.

   g. Investigate all matters which may properly come before the prosecuting attorney.

   h. Report the results of the investigation of any public offense to the director of transportation services.

2. The director of transportation services shall have the following powers, duties and functions:

   a. Plan, operate and maintain transportation systems, including bikeways, except for those activities relating to the city’s fixed guideway mass transit system,* to meet public needs.

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

   c. Provide educational programs to promote traffic safety.

   d. Institute proceedings before the district judges for the arrest of persons charged with offenses against the laws of the state under the authority of the attorney general.

   e. Promulgate rules and regulations pursuant to standards established by law.

   f. Establish a steel wheel on steel rail transit system, provided that nothing in this subsection shall preclude the director from utilizing technologies other than steel wheel on steel rail technology to complement or extend the rail transit system.

   g. Investigate all matters which may properly come before the prosecuting attorney.

   h. Report the results of the investigation of any public offense to the director of transportation services.

3. The prosecuting attorney shall:

   a. Attend all courts in the city and prosecute the same in any jurisdiction to which the same is changed or transferred.

   b. Prosecute offenses against the laws of the state under the authority of the attorney general.

   c. Appear in every criminal case where there is a change of venue from the courts in the county of Honolulu to courts in any other county in the state.

   d. Attend before and give advice to the grand jury whenever cases are presented to it for its consideration.

   e. Attend before and give advice to the grand jury in connection with any matter prescribed by law.

   f. Attend before and give advice to the grand jury in connection with any matter prescribed by law.

   g. Attend before and give advice to the grand jury in connection with any matter prescribed by law.

   h. Attend before and give advice to the grand jury in connection with any matter prescribed by law.

4. The attorney general shall:

   a. Review and approve the complaint and indictment returned by the grand jury.

   b. Institute proceedings before the district judges for the arrest of persons charged with offenses against the laws of the state under the authority of the attorney general.

   c. Promulgate rules and regulations pursuant to standards established by law.

   d. Institute proceedings before the district judges for the arrest of persons charged with offenses against the laws of the state under the authority of the attorney general.

   e. Promulgate rules and regulations pursuant to standards established by law.

   f. Institute proceedings before the district judges for the arrest of persons charged with offenses against the laws of the state under the authority of the attorney general.

   g. Promulgate rules and regulations pursuant to standards established by law.

   h. Institute proceedings before the district judges for the arrest of persons charged with offenses against the laws of the state under the authority of the attorney general.

5. The board of water supply shall:

   a. Adopt rules and regulations for the use and conservation of the water of the city and for the construction and maintenance of all works of the department.

   b. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   c. Establish and maintain a system of water works for the supply and use of water in the city.

   d. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   e. Establish and maintain a system of water works for the supply and use of water in the city.

   f. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   g. Establish and maintain a system of water works for the supply and use of water in the city.

   h. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

6. The board of water supply shall:

   a. Adopt rules and regulations for the use and conservation of the water of the city and for the construction and maintenance of all works of the department.

   b. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   c. Establish and maintain a system of water works for the supply and use of water in the city.

   d. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   e. Establish and maintain a system of water works for the supply and use of water in the city.

   f. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   g. Establish and maintain a system of water works for the supply and use of water in the city.

   h. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

7. The board of water supply shall:

   a. Adopt rules and regulations for the use and conservation of the water of the city and for the construction and maintenance of all works of the department.

   b. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   c. Establish and maintain a system of water works for the supply and use of water in the city.

   d. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   e. Establish and maintain a system of water works for the supply and use of water in the city.

   f. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   g. Establish and maintain a system of water works for the supply and use of water in the city.

   h. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

8. The board of water supply shall:

   a. Adopt rules and regulations for the use and conservation of the water of the city and for the construction and maintenance of all works of the department.

   b. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   c. Establish and maintain a system of water works for the supply and use of water in the city.

   d. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   e. Establish and maintain a system of water works for the supply and use of water in the city.

   f. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   g. Establish and maintain a system of water works for the supply and use of water in the city.

   h. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

9. The board of water supply shall:

   a. Adopt rules and regulations for the use and conservation of the water of the city and for the construction and maintenance of all works of the department.

   b. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   c. Establish and maintain a system of water works for the supply and use of water in the city.

   d. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   e. Establish and maintain a system of water works for the supply and use of water in the city.

   f. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   g. Establish and maintain a system of water works for the supply and use of water in the city.

   h. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

10. The board of water supply shall:

   a. Adopt rules and regulations for the use and conservation of the water of the city and for the construction and maintenance of all works of the department.

   b. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   c. Establish and maintain a system of water works for the supply and use of water in the city.

   d. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   e. Establish and maintain a system of water works for the supply and use of water in the city.

   f. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   g. Establish and maintain a system of water works for the supply and use of water in the city.

   h. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

11. The board of water supply shall:

   a. Adopt rules and regulations for the use and conservation of the water of the city and for the construction and maintenance of all works of the department.

   b. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   c. Establish and maintain a system of water works for the supply and use of water in the city.

   d. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   e. Establish and maintain a system of water works for the supply and use of water in the city.

   f. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.

   g. Establish and maintain a system of water works for the supply and use of water in the city.

   h. Determine the rates at which the water of the city shall be furnished and the charges to be made therefor.