



RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED, RELATING TO EMINENT DOMAIN.

WHEREAS, the City may acquire private property by eminent domain for a public purpose, such as construction of public parks, roads, and utility systems, or for economic revitalization; and

WHEREAS, Section 3-110, Revised Charter of the City and County of Honolulu, as amended (RCH), vests in the Council the authority, by resolution, to determine and declare the necessity of taking property for public purposes and RCH Section 3-202.9 permits the Council to override any Mayoral veto of such a resolution; and

WHEREAS, while most condemnation proceedings are initiated by the City Administration, the Council may of its own accord initiate proceedings to acquire private property for the City through eminent domain, subject to payment of just compensation, regardless of whether the Mayor agrees with such action; and

WHEREAS, the Council has encountered difficulties with eminent domain proceedings because the roles of City agencies for such proceedings are not established; and

WHEREAS, establishing a timeframe in which the steps preparatory to the initiation of proceedings in eminent domain shall commence will facilitate more efficient government operations; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the 2014 general election ballot:

"Should the Revised Charter of the City be amended to provide that the steps necessary to acquire private property through eminent domain (condemnation) shall commence by the City Administration within 90 days of the Council's adoption of a resolution for such action?"

2. That Section 3-110, Revised Charter of the City and County of Honolulu 1973, as amended, be amended to read as follows:



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"Section 3-110. Condemnation –

The council shall by resolution determine and declare the necessity of taking property for public purposes, describing the property and stating the uses to which it shall be devoted.

The mayor or the mayor's designated department shall commence with the necessary steps to acquire private property through eminent domain within 90 days of adoption of a resolution by the council designating real property to be acquired by the city through eminent domain. The council may, by ordinance, establish procedures, steps, and additional timeframes for acquiring property through eminent domain."

3. New Charter material is underscored. When revising, compiling or printing the foregoing Charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973, as amended, the Revisor of the Charter need not include the underscoring.
4. That if this Charter provision is amended by any other Charter amendment(s) approved by the electors in the 2014 general election, the Revisor of the Charter, in revising, compiling or printing the Revised Charter: (a) May designate or redesignate articles, chapters, sections or parts of sections, and rearrange references thereto; and (b) Shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved. The Revisor of the Charter may also change capitalization or the form of numbers and monetary sums for the sake of uniformity.
5. That the City Clerk be and is hereby directed:
 - a. To prepare the necessary ballots with the question contained in this resolution and with spaces for "yes" and "no" votes on the question for presentation to the electors at the 2014 general election. The City Clerk may make technical and non-substantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and
 - b. To publish the above-proposed Charter amendment at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the electors at the 2014 general election.



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- 6. That upon approval of the Charter amendment question posed in this resolution by a majority of the electors voting thereon, as duly certified, the amendment to the Revised Charter proposed in Section 2 of this "Be It Resolved" clause shall take effect on January 1, 2015.

INTRODUCED BY: .

[Handwritten signature]

DATE OF INTRODUCTION:

SEP 16 2013

Honolulu, Hawaii

Councilmembers

APPROVED this _____ day of _____, 20_____.

KIRK CALDWELL, Mayor
City and County of Honolulu

SEP 16 AM 9:12