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OFFICE OF COUNCIL SERVICES
City and County of Honolulu
Honolulu, Hawaii 96813

Supplement to the Revised Charter of the City & County of Honolulu



1979

OFFICE OF COUNCIL SERVICES
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ARTICLE III
LEGISLATIVE BRANCH
CHAPTER 1
COUNCIL

Section 3-107. Removal of Councilmen — Any councilman may be removed by recall or impeachment as provided in article XII of this charter.

Section 3-108.7. Organization of Council; Officers; Rules; Meetings; Employees — The Council may establish an office of council services and create such positions therein as it deems necessary to assist it in the exercise of its legislative power. The council shall fix the salaries of such positions by ordinance. Funds appropriated for such salaries shall be allotted by and the persons holding such positions shall be appointed by and serve under the direction of the presiding officer of the council. Staff shall be appointed in a manner consonant with the merit principles set forth in section 6-302 of this charter, but shall not otherwise be subject to the provisions of chapter 3 of article VI of this charter, pursuant to section 6-304 of this charter.

The council may authorize attorneys within the office of council services to represent it in court litigation where the dispute is with the Executive Branch and where the corporation counsel may represent the Mayor or officers of the Executive Branch. In the event that attorneys within the office of council services should be authorized to represent the city council, those staff attorneys shall be deemed to have the status of "special counsel." (*Reso. 78-277*)

Section 3-109. Applicability of Certain General Provisions — The council and its employees shall be subject to the provisions of the charter relative to the procurement of materials, supplies, equipment, services and the disposal of personal property, excepting the provisions relative to independent contractual services and except as otherwise provided in subsection 9-106.1 of this charter.

Section 3-115. Financial Audit — Within thirty days after the beginning of each fiscal year, the council shall provide for an independent financial audit of all operations of the city and all operations for which the city is responsible and of their funds and accounts for the current fiscal year to be made by a certified public accountant or a firm of certified public accountants. The scope of the audit 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 current fiscal year. A copy of the audit report shall be filed with the city clerk and shall be a public record.

Performance Audit— The council may at any time provide for a performance audit of any or all of the agencies and operations of the city and all operations for which the city is responsible. The scope of the audit shall be in accordance with the terms of an assignment referred to the office of council services by the city council or a written contract to be signed by the presiding officer of the council, but may include the following activities:

1. Examination and testing of city agencies' implementation processes to determine whether the laws, policies and programs of the city are being carried out in the most effective efficient and economical manner.

2. Examination and testing of the internal control systems of local agencies to ensure that such systems are properly designed to safeguard public assets against loss from waste, fraud, or error, to promote efficient operations, and to encourage adherence to prescribed management policies. Said assignment or contract shall encourage recommendations for changes in the organization, management and processes which will produce greater efficiency and effectiveness in meeting the objectives of the programs or operations carried out by the respective city agencies, and shall provide for the completion of the audit within one calendar year. A copy of the audit report shall be filed with the city clerk and shall be a public record. (*Reso. 78-278*)

ARTICLE V

EXECUTIVE BRANCH — MAYOR AND AGENCIES DIRECTLY UNDER THE MAYOR

CHAPTER 2

DEPARTMENT OF THE CORPORATION COUNSEL

Section 5-203. Powers, Duties and Functions — The corporation counsel shall serve as the chief legal adviser and legal representative of all agencies, the council and all officers and employees in matters relating to their official powers and duties, and he shall represent the city in all legal proceedings, except as otherwise provided in this charter. He shall perform all other services incident to his office as may be required by this charter or by law. (*Reso. 78-266*)

Section 5-204. Special Deputies and Counsel —

1. Special deputies may be appointed by the corporation counsel, with the approval of the city council. Such appointment shall be based on a contract specifying the compensation, if any, to be paid a special deputy. The compensation shall be based on the prevailing rate for the specified services to be rendered. (*Reso. 78-237*)

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CHAPTER 4

DEPARTMENT OF GENERAL PLANNING

Section 5-405. Planning Commission— There shall be a planning commission which shall consist of nine members. The commission shall be provided with its own executive secretary. The commission shall be governed by the provisions of section 13-103 of this charter.

ARTICLE VI

EXECUTIVE BRANCH — MANAGING DIRECTOR
AND AGENCIES DIRECTLY UNDER THE MANAGING DIRECTOR

Section 6-310. Civil Service Commission —

1. **Membership.** The civil service commission shall consist of five members who shall believe in the principles of the merit system in public employment. Of the members appointed, one shall be selected from among persons employed in private industry in either skilled or unskilled laboring positions as distinguished from executive or professional positions. Not more than three members of the commission shall belong to the same political party. The commission shall be governed by the provisions of section 13-103 of this charter.

2. **Powers, Duties and Functions.** The civil service commission shall:

(a) Advise the mayor and the director of civil service problems concerning personnel administration.

(b) Advise and assist the director in fostering the interest of institutions of learning and of civic, professional and employee organizations in the improvement of personnel standards.

(c) Make any investigation which it may consider desirable concerning personnel administration and report to the mayor, at least once a year, its findings, conclusions and recommendations. The commission may appoint a master and invest him with power to conduct such investigations and report thereon to the commission.

(d) Hear appeals. The commission may appoint a master and invest him with power to hear such appeals and report thereon to the commission.

(e) Prescribe rules and regulations to carry out the provisions of this chapter of the charter.

3. **Interference with Administrative Affairs.** Except for purposes of inquiry, neither the civil service commission nor its members shall interfere in any way with the administrative affairs of the department.

**Chapter 7 — Department of the Prosecuting Attorney
(Deleted in its entirety) (Reso. 78-279)**

**See new Article VIII — Prosecuting Attorney
(Added) (Reso. 78-279)**

CHAPTER 7*

DEPARTMENT OF THE MEDICAL EXAMINER

Section 6-701. Organization — There shall be a department of the medical examiner headed by a medical examiner who shall be appointed by the mayor. He may be removed only for cause after being given a written statement of the charges against him and a hearing before the council.

Section 6-702. Medical Examiner, Qualifications — The medical examiner and any deputy medical examiner shall be pathologists and licensed physicians.

Section 6-703. Powers, Duties and Functions — The medical examiner shall:

(a) Perform medical investigation services to establish the cause of any unattended death in the city in order to protect the rights of individuals and contribute legal evidence to the system of justice.

(b) Exercise the power vested in the coroner and coroner's physician of the city by law, where not in conflict with the provisions of this chapter of the charter.

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

Section 6-704. Office Always Open — The department of the medical examiner shall be kept open every day in the year, including Sundays and legal holidays.

Section 6-705. Notification of Death — When any person dies in the city as a result of violence or by a casualty or by apparent suicide or suddenly when in apparent health or when not under the care of a physician or when in jail or in prison or within twenty-four hours after admission to a hospital or in any suspicious or unusual manner, it shall be the duty of the person having knowledge of such death immediately to notify the department of the medical examiner and the police department.

Section 6-706. Investigations by the Medical Examiner — Immediately upon receipt of such notification, the medical examiner shall go to the body and take charge of it and shall make a full investigation concerning the medical cause of death. He shall also take possession of all property

*Changed to Chapter 7 from Chapter 8 by Reso. No. 78-279.

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of value found upon such person, make an exact inventory and surrender the property, except such items as are necessary to determine the cause of death, to the chief of police. All property, when no longer needed for medical or police purposes, shall be returned to the person entitled to its custody or possession. No person shall move the corpse or remains of any deceased person appearing to have come to death under any of the circumstances set forth in this chapter of the charter without the prior approval of the medical examiner and the chief of police.

Section 6-707. Autopsies — If, in the opinion of either the medical examiner or the prosecuting attorney, an autopsy is necessary, the autopsy shall be performed by the medical examiner. A detailed description of the findings of such autopsy and the conclusions drawn therefrom shall be filed in the department of the medical examiner.

Section 6-708. Records — The medical examiner shall keep full and complete records of all deaths resulting under the circumstances set forth in this chapter of the charter and promptly deliver to the prosecuting attorney and the chief of police copies of all such records.

Section 6-709. Oaths — The medical examiner and any deputy medical examiner may administer oaths and affirmations, take affidavits and make examinations as to any matter within the jurisdiction of the department, but may not summon a jury of inquisition.

CHAPTER 8*

DEPARTMENT OF HEALTH

Section 6-801. Organization — There shall be a department of health headed by a city physician who shall be appointed and may be removed by the mayor.

Section 6-802. City Physician, Qualification — The city physician shall be a licensed physician who shall have engaged in the practice of medicine for at least five years.

Section 6-803. Powers, Duties and Functions — The city physician shall:

- (a) Develop programs and deliver services related to emergency medical care.
- (b) Provide training and educational programs related to emergency medical care.
- (c) Perform such other duties as may be required by law.

*Changed to Chapter 8 from Chapter 9 by Reso. No. 78-279.

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CHAPTER 9*

DEPARTMENT OF LAND UTILIZATION

Section 6-901. Organization — There shall be a department of land utilization which shall consist of a director of land utilization, a zoning board of appeals and the necessary staff. The director of land utilization shall be the administrative head of the department of land utilization.

Section 6-902. Director of Land Utilization — The director of land utilization shall be appointed and may be removed by the mayor. He shall have had a minimum of five years of training and experience in a responsible planning position, at least three years of which shall have been in a responsible administrative capacity in charge of major land utilization activities.

Section 6-903. Powers, Duties and Functions — The director of land utilization shall:

(a) Prepare zoning ordinances, maps and rules and regulations and any revisions or amendments thereto.

(b) Prepare ordinances and rules and regulations governing the subdivision of lands within the city and any revisions or amendments thereto.

(c) Establish procedures for the review of land utilization applications.

(d) Be charged with the administration of the zoning and subdivision ordinances and rules and regulations adopted thereunder and any regulatory laws or ordinances which may be adopted to supplement or replace such ordinances.

Section 6-904. Other Development Codes and Ordinances — The administration of other ordinances regulating the utilization of land, to the extent practicable, shall be vested in this department.

Section 6-905. Review by the Chief Planning Officer — Prior to the submission of a proposed zoning or subdivision ordinance or revisions or amendments thereto, to the planning commission and the council, the director shall consult with the chief planning officer. Prior to the submission of proposed rules and regulations dealing with zoning and land subdivision, the director shall consult with the chief planning officer.

Section 6-906. Zoning Ordinances — The council shall, after public hearings, enact zoning ordinances which shall contain the necessary provisions to carry out the purpose of the general plan and development plans. In enacting the ordinances, the council shall take into consideration the character of the several parts of the city and their peculiar suitability for particular uses and types of development with a view to

*Changed to Chapter 9 from Chapter 10 by Reso. No. 78-279.

encouraging the most appropriate use of land throughout the city. The ordinances shall contain reasonable standards with respect to the location, height, bulk, size of buildings and other structures, the area of yards, courts, off-street parking spaces and facilities and other open spaces, the density of population, and the use of buildings, structures and land for trade, industry, business, residence or other purposes.

Section 6-907. Subdivision or Consolidation of land —

1. Subdivision Ordinance. The council shall, after public hearings, enact an ordinance governing the subdivision or consolidation of land pursuant to which subdivision rules and regulations shall be promulgated.

2. Approval of Subdivisions. After the enactment of the ordinance governing subdivisions or consolidations of land, no land may be subdivided unless the proposed subdivision plans are in conformity with the subdivision ordinance and rules and regulations and have been approved by the director of land utilization.

3. Rules and Regulations of the Board of Water Supply. The rules and regulations of the board of water supply shall govern the extent to which water and sanitary sewerage systems and all necessary appurtenances shall be installed to and within subdivisions.

Section 6-908. Zoning Board of Appeals — There shall be a zoning board of appeals which shall consist of five members. The board shall be governed by the provisions of section 13-103 of this charter.

Section 6-909. Powers, Duties and Functions — The zoning board of appeals shall:

(a) Hear and determine appeals from the actions of the director of land utilization in the administration of the zoning and subdivision ordinances and any rules and regulations adopted pursuant thereto. An appeal shall be sustained only if the board finds that the director's action was based on an erroneous finding of a material fact, or that the director had acted in an arbitrary or capricious manner or had manifestly abused his discretion.

(b) Hear and determine petitions for varying the application of the zoning ordinance with respect to a specific parcel of land and may grant such a variance upon the ground of unnecessary hardship if the record shows that (1) the applicant would be deprived of the reasonable use of such land or building if it were used only for the purpose allowed in that zone; (2) the request of the applicant is due to unique circumstances and not the general conditions in the neighborhood, so that the reasonableness of the neighborhood zoning is not drawn into question; and (3) the use sought to be authorized by the variance will not alter the essential character of the locality nor be contrary to the intent and purpose of the zoning ordinance.

The board shall specify the particular evidence which supports the granting of a variance.

Section 6-910. Public Hearings —

1. Prior to the granting of any variance, the zoning board of appeals shall hold a public hearing thereon.

2. All public hearings shall afford interested persons a reasonable opportunity to be heard and may be held in the development plan area directly affected.

CHAPTER 10*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Section 6-1001. Organization — There shall be a department of housing and community development which shall consist of a director of housing and community development, a commission on housing and community development and the necessary staff. The director of housing and community development shall be the administrative head of the department of housing and community development.

Section 6-1002. Director of Housing and Community Development — The director of housing and community development shall be appointed and may be removed by the mayor.

Section 6-1003. Powers, Duties and Functions — The director of housing and community development shall:

(a) Develop and administer projects, programs and plans of action designed to stimulate or aid the supply of housing in the city and to achieve sound community development, provided that such projects, programs and plans of action conform to and implement the general plan and development plans.

(b) Act as the local public officer for the purpose of implementing federally-aided housing and urban renewal and community development programs.

Section 6-1004. Commission on Housing and Community Development — There shall be an advisory commission on housing and community development which shall consist of seven members. The commission shall advise the mayor, the council and director on matters pertaining to housing and community development and to the promotion of community understanding and interest in such matters. The commission shall be governed by the provisions of section 13-103 of this charter.

*Changed to Chapter 10 from Chapter 11 by Reso. No. 78-279.

CHAPTER 11*

DEPARTMENT OF TRANSPORTATION SERVICES

Section 6-1101. Organization — There shall be a department of transportation services headed by a director of transportation services who shall be appointed and may be removed by the mayor.

Section 6-1102. Powers, Duties and Functions — The director of transportation services shall:

(a) Plan, design, operate and maintain transportation systems to meet public transportation needs, in accordance with the general plan and development plans.

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

(c) Approve plans and designs for the construction, reconstruction and widening of public streets and roads, all of which shall be submitted to the department.

(d) Provide educational programs to promote traffic safety.

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

CHAPTER 12*

DEPARTMENT OF PARKS AND RECREATION

Section 6-1201. Organization — There shall be a department of parks and recreation which shall consist of a director of parks and recreation, a board of parks and recreation and the necessary staff. The director of parks and recreation shall be the administrative head of the department of parks and recreation. (*Reso. 192*)

Section 6-1202. Director of Parks and Recreation — The director of parks and recreation shall be appointed and may be removed by the mayor. He shall have had a minimum of five years of training and experience in a recreation position or related fields, at least three years of which shall have been in a responsible administrative capacity. (*Reso. 192*)

Section 6-1203. Powers, Duties and Functions — The director of parks and recreation shall:

(a) Plan, design, construct, maintain and operate all parks and recreational facilities of the city.**

* Changed to Chapters 11 and 12 respectively, from Chapters 12 and 13, respectively, by Reso. No. 78-279.

**The director of parks and recreation has the power to decide whether or not a concession should be permitted on park property. *City Council v. Fasi et al*, 52 Hawaii 3 (1970)

(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 streets of the city. (*Reso. 192*)

Section 6-1204. Board of Parks and Recreation — There shall be an advisory board of parks and recreation which shall consist of nine members. The board shall advise the mayor, the council and the director on matters relating to the recreational, cultural and entertainment activities and facilities of the city. The board shall be governed by the provisions of section 13-103 of this charter. (*Reso. 192*)

CHAPTER 13*

DEPARTMENT OF DATA SYSTEMS

Section 6-1301. Organization — There shall be a department of data systems headed by a director of data systems who shall be appointed and may be removed by the mayor.

Section 6-1302. Powers, Duties and Functions — The director of data systems shall:

(a) Operate a data processing system, excluding those systems maintained by the board of water supply and any other semiautonomous agencies created by ordinance.

(b) Provide technical expertise in data processing to the city government.

(c) Assist the managing director in management information analysis and evaluation.

(d) Advise the mayor on data processing matters.

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

CHAPTER 14*

BUILDING DEPARTMENT

Section 6-1401. Organization — There shall be a building department headed by a building superintendent who shall be appointed and may be removed by the mayor.

Section 6-1402. Building Superintendent, Qualifications — The building superintendent shall be a registered architect or a registered professional engineer and shall have had a minimum of five years of training and

*Changed to Chapters 13 and 14, respectively, from Chapters 14 and 15, respectively, by Reso. No. 78-279.

experience in an architectural or engineering position, at least three years of which shall have been in a responsible administrative capacity.

Section 6-1403. Powers, Duties and Functions — The building superintendent shall:

(a) Plan and perform the engineering design, construction and maintenance of public buildings and their adjoining parking facilities, except as otherwise provided by this charter.

(b) Enforce housing and building codes as may be provided by law.

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

CHAPTER 15*

DEPARTMENT OF AUDITORIUMS

Section 6-1501. Organization — There shall be a department of auditoriums headed by a director of auditoriums who shall be appointed and may be removed by the mayor.

Section 6-1502. Powers, Duties and Functions — the director of auditoriums shall:

(a) Operate and maintain the Honolulu International Center and any other auditorium or cultural or entertainment facilities assigned to his charge.

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

ARTICLE VII

BOARD OF WATER SUPPLY

Section 7-104. Board of the Department of Water — The board shall consist of seven members. The chief engineer of the department of public works of the city and the director of transportation of the State shall be members ex officio of the board. Five other members shall be appointed as provided by section 13-103 of this charter. Each member at the time of his appointment shall be an elector of the city. The chairman of the board shall be elected annually by the appointed members from among themselves. The board shall be governed by the provisions of section 13-103 of this charter.

*Changed to Chapter 15, from Chapter 16 by Reso. No. 78-279.

ARTICLE VIII
PROSECUTING ATTORNEY

Section 8-101. Organization — There shall be a department of the prosecuting attorney headed by a prosecuting attorney. (*Reso. 78-279*)

Section 8-102. Election and Term of Office — The prosecuting attorney shall be elected for a term of four years which term shall commence at twelve o'clock meridian on the second day of January following his election. (*Reso. 78-279*)

Section 8-103. Prosecuting Attorney, Qualifications — The prosecuting attorney shall be an attorney licensed to practice and in good standing before the supreme court of the State and who shall have engaged in the practice of law for at least five years, and who shall have been actively involved in criminal cases for at least three years within ten years next preceding his election. (*Reso. 78-279*)

Section 8-104. Compensation — The salary of the prosecuting attorney shall be established by ordinance. (*Reso. 78-279*)

Section 8-105. Powers, Duties and Functions — The prosecuting attorney shall:

(a) Attend all courts in the city and conduct on behalf of the people all prosecutions therein for offenses against the laws of the State and the ordinances and rules and regulations of the city.

(b) Prosecute offenses against the laws of the State under the authority of the attorney general of the State.

(c) Appear in every criminal case where there is a change of venue from the courts in the city and prosecute the same in any jurisdiction to which the same is changed or removed. The expense of such proceeding shall be paid by the city.

(d) Institute proceedings before the district judges for the arrest of persons charged with or reasonably suspected of public offenses when he has information that any such offenses have been committed, and for that purpose, take charge of criminal cases before the district judges either in person or by a deputy or by such other prosecuting officer or in such other manner as he shall designate with approval of the district court or in accordance with statute, draw all indictments and attend before and give advice to the grand jury whenever cases are presented to it for its consideration, and investigate all matters which may properly come before him. Nothing herein contained shall prevent the conduct of proceedings by private counsel before courts of record under the direction of the prosecuting attorney. (*Reso. 78-279*)

Section 8-106. Staff —

1. The prosecuting attorney may appoint deputies and other

necessary staff, including investigators who shall have all the powers and privileges of a police officer of the city.

2. At the request of the prosecuting attorney, one or more officers of the police department may be detailed by the chief of police for the purpose of doing necessary investigative work and such police officers shall continue to serve on such a detail during the pleasure of the prosecuting attorney and as long as the necessity of such detail exists.

3. The deputy who is designated as first deputy shall, during the temporary absence or disability of the prosecuting attorney assume the power and perform the duties of the prosecuting attorney. (*Reso. 78-279*)

Section 8-107. Vacancy in Office—A vacancy in the office of prosecuting attorney shall be filled by the first deputy who shall act as prosecuting attorney, or if the position of first deputy is vacant or if the first deputy is unable to so act, the mayor with the approval of the council shall fill the vacancy by appointment of a person with the requisite qualifications within thirty days after the occurrence of the vacancy.

The first deputy or the person appointed to fill the vacancy shall serve until a successor is duly elected at the next State or State and county election and seated. The election shall be held in accordance with the election laws of the State insofar as applicable.

The person elected as the successor shall serve out the unexpired term of the person he succeeds commencing at twelve o'clock meridian on the second day of January following his election. (*Reso. 78-279*)

Section 8-108. Removal of Prosecuting Attorney—(1) The prosecuting attorney may be removed by recall which shall be initiated upon ⁷ petition signed by registered voters equal in number to at least ten percent of the votes cast at the last preceding city general election. Signatures from any one council district as provided by this charter for the election of councilmen in excess of forty percent of the total number required on the petition shall not be counted. (2) The prosecuting attorney may be impeached for malfeasance, misfeasance or non-feasance in office. The supreme court of the State shall constitute a board of impeachment in 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 qualified electors 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. The board of impeachment may appoint a master and invest him with power to investigate the charge and report thereon to the board if the board sustains the charge, the prosecuting attorney shall be deemed removed from office. (*Reso. 78-279*)

ARTICLE IX*
FINANCIAL ADMINISTRATION

CHAPTER 1
BUDGETING

Section 9-101. Fiscal Year — The fiscal year of the city shall begin on the first day of July and end on the last day of June of the succeeding year.

Section 9-102. Preparation and Submission of the Program and Annual Budget for the Executive Branch —

1. Not less than one hundred twenty days prior to the end of each fiscal year, the mayor shall prepare and submit to the council:

(a) An operating and capital program and a statement of relationships between the operating and capital components for the ensuing six fiscal years for the executive branch.

(b) An operating and capital budget and a statement of relationships between operating and capital items for the ensuing fiscal year for the executive branch.

(c) An accompanying message and necessary proposed ordinances for the ensuing fiscal year.

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

2. Sufficient copies of the program and annual budget shall be supplied by the mayor to the city clerk for distribution to the members of the council and the general public.

3. Appropriations to fund the activities of the executive branch shall only be made through the annual budget ordinances for the executive branch and amendments or supplements thereto.

Section 9-103. Scope of the Annual Executive Budget — The annual executive budget shall contain at least the following:

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

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

*Changed to Article IX from Article VIII by Reso. No. 78-279.

- (c) A capital budget which shall contain at least the following:
 - (1) Permanent public improvements and furnishings, fixtures and appurtenances of any improvement when first constructed or acquired.
 - (2) The acquisition of land or any interest therein for any permanent public improvement.
 - (3) Planning, engineering and conceptual studies relative to proposed public improvements or land acquisition.
 - (4) An explanation of the relationship of the capital program and budget to the general plan and development plans of the city.
- (d) Such other information as may be requested by the council.

Section 9-104. Consideration and Adoption by the Council —

1. Upon receipt of the executive program, annual budget, and proposed ordinances from the mayor, the council shall immediately notify the public of its intention to hold public hearings on the proposed executive program and annual budget and on the proposed annual legislative budget. Such notice shall conform to the provisions of section 12-106 of this charter, and in addition, shall set forth the following:

- (a) A summary of the estimated revenues and expenditures as prepared by the chief budget officer.
- (b) Details of recommended new sources of revenues or increased rates for existing licenses, fees or other revenues.
- (c) Summaries of the executive program and budget and of the legislative budget.
- (d) Notice that copies of the executive and legislative budgets are available at the office of the city clerk.
- (e) Such other information as the council may deem desirable.

2. Upon the conclusion of the hearings, the council may add new items to, or delete or amend any item or items in the proposed executive program and annual budget and proposed annual legislative budget. The council shall adopt the executive program and pass on third reading the annual executive and legislative budget ordinances not less than thirty days before the ensuing fiscal year begins if final action is not taken on or prior to that day, the budget ordinances as submitted shall be deemed to have been enacted.

Notwithstanding the above, the city council shall be authorized additional time beyond the above mentioned thirty days to reconsider and take final action on any vetoed item or items or portion or portions of the annual budgets vetoed by the mayor. The number of additional days, procedures and requirements as to votes shall be identical with that of bills which have been disapproved by the mayor. (*Reso. 78-271*)

Section 9-105. Amendments to the Annual Legislative and Executive Budget Ordinances and Executive Program; Other Appropriations —

1. Amendments to the annual legislative budget ordinance may be

initiated and considered by the council under the same procedures prescribed for the adoption of the annual legislative budget ordinance, subject to the proviso in subsection 2(a) of this section of the charter.

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

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

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

3. Appropriations for items not included in the annual legislative or executive budget ordinances may be proposed by the council or by the mayor and enacted for the following purposes only:

(a) To meet contingencies which could not be anticipated when the budget ordinances were passed.

(b) To pay the expenses of holding special elections and elections on proposals to amend this charter.

Unless paid for out of current revenues, all amounts appropriated under this subsection of the charter must be included as liabilities of the city in the next succeeding annual legislative or executive budget ordinances. Operating expenses shall neither be appropriated nor paid out of loan funds, except to meet emergencies as declared by the mayor.

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 chief budget officer 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 finance 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 finance shall process the same for payment within three working days from 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. (*Reso. 78-273*)

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 at the end of the fiscal year. Executive agencies authorized to make expenditures under the executive operating budget ordinance may proceed without other authority from the council to incur obligations or make expenditures for proper purposes to the extent that the moneys are available.

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

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

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

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

(f) The mayor may at any time transfer an unencumbered appropriation balance or portion thereof within a division or between divisions in the same department, and a report of such transfer shall be made to the council. Transfers between departments shall be made only by the council by ordinance upon the recommendations of the mayor.

(g) The director of finance and his surety shall be liable for moneys withdrawn from any operating fund other than in accordance with the executive operating budget ordinance and allotments.

3. Administration and enforcement of the executive capital budget ordinance:

(a) Appropriations authorized in the executive capital budget ordinance or any supplementary appropriation shall be considered valid only for the fiscal year for which made and for six months thereafter, and any part of such appropriations which is not expended or encumbered shall lapse six months after the end of the

fiscal year. Agencies authorized to make expenditures under the executive capital 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) The director of finance shall be responsible for the enforcement of the executive capital budget ordinance to the same extent that he is responsible for the enforcement of the executive operating budget ordinance.

Section 9-107. Improvement Revolving Fund — There may be established a revolving fund for the purpose of acquiring real estate and constructing improvements thereon. Moneys in the fund may be used to option, purchase, lease, make down payments and take other actions necessary to acquire real estate or any interest therein for specific public purposes related to the development of the city as proposed in the general plan and development plans. No expenditure from this fund shall be made unless approved by the council. Reimbursements to this fund shall be made from the appropriated funds of any project for which such expenditures are made, and such reimbursements shall be effected immediately upon the appropriation of funds for such project.

CHAPTER 2 FUND ADMINISTRATION

Section 9-201. Deposit of Funds — Money received by officers and employees shall be deposited promptly to the city's account in depositories authorized by law. The depository account shall indicate the name of the fund or the name of the department, board or beneficiary for whom deposited.

Section 9-202. Creation of Funds — In addition to the funds established by this charter, the mayor, with the approval of the council, may establish other funds when necessary and when no appropriate class of funds exists.

Section 9-203. Fund Investment Policy — Funds in excess of the immediate needs of the city shall, whenever practicable, be invested at interest in accordance with applicable law.

CHAPTER 3 PROCUREMENT AND DISPOSITION OF PROPERTY

Section 9-301. Centralized Purchasing —

1. The department of finance shall be responsible for the procure-

ment 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 of the department of finance who shall serve as chairman 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 aggregate amount involved does not exceed \$4,000.00; however, any purchases or contracts involving sums between \$500.00 and \$4,000.00 shall be based on competitive bids which shall be in writing.

(c) It is impracticable to secure competitive bidding for materials, supplies and equipment, including animals, plants, food and fodder for animals in the zoo, non-processed agricultural products, patented or proprietary articles and books and publications.

(d) It is determined that the procurement of equipment determined to be technical equipment is necessary to assure standardization of the equipment and interchangeability of parts and that such standardization and interchangeability are necessary in the interest of economy.

The advertisement for bids shall be made 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.

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 finance.

5. The director of finance shall, from time to time, secure from all agencies estimates of their needs for articles of common use and shall,

when practicable, consolidate requisitions in order to secure the benefits of quantity purchases, and to that end, when authorized by the council, cooperate with other public agencies.

6. The director of finance 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) Non-competitive 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) Negotiated sales of city property found unusable for public purposes and valued below \$100.00 without public auction.
7. All city storerooms (other than departmental) shall be supervised and operated by the director of finance.
8. The director of finance shall require such guarantees of performance by vendors as in his opinion may be necessary or may be prescribed by ordinance.

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 finance who shall examine such property, and if the same is found to be usable, it shall be returned to the general storeroom or inventoried for subsequent issue upon requisition. If it is found to be unusable for public purposes, the director of finance, after fixing a minimum price for the property, shall cause it to be exchanged or sold at public auction to the highest bidder for not less than the minimum price established or without public auction, if such property is valued below \$100.00, after advertisement twice in one week in a daily newspaper of general circulation in the city, and the proceeds shall be placed in the fund from which the original purchase was made.

Section 9-303. Insurance — The director of finance shall procure insurance in such amounts and under such conditions as the council shall prescribe by ordinance for the protection of all properties of the city. Such insurance shall be procured from companies licensed to do business in the State. With reference to property under the control and management of the board of water supply, however, its board may specify the kind and amount of insurance to be procured.

Section 9-304. Surety Bonds — Except as otherwise provided, the council shall determine which officers and employees shall be required to furnish surety bonds and shall determine the kind and amount of each individual or blanket bond. All officers concerned with the receipt, collection, custody or disbursement of public funds shall be bonded. The director of finance shall procure all such surety bonds from companies licensed to do business in the State. All such bonds shall be in the favor

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of and the premiums thereon shall be borne by the city.

Section 9-305. Contracts —

1. Before execution, all written contracts to which the city is a party shall be approved by the corporation counsel as to form and legality. Except as otherwise provided, all such contracts shall be signed by the mayor. Except as provided in paragraph (2) below, nothing in this section and this article shall be construed as granting any authority to the mayor, the corporation counsel or any department to exercise control over the organization, programs, functions, operations or expenditures of the legislative branch.

2. Before execution, contracts involving financial obligations of the city shall also be approved by the director of finance as to the availability of funds in the amounts and for the purposes set forth therein. Such contracts shall not extend beyond the term for which an appropriation to finance such obligations has been made, except as otherwise provided by this charter. This paragraph shall not apply to obligations for the procurement of utility services. (*Reso. 78-272*)

ARTICLE X*

SPECIAL ASSESSMENT IMPROVEMENTS

Section 10-101. Improvements by Special Assessments — Improvements by special assessment shall be as provided by law. No changes, however, shall be made by the council regarding any matter under the control of the board of water supply without the prior approval of its board.

ARTICLE XI*

STANDARDS OF CONDUCT

Section 11-101. Declaration of Policy — Elected and appointed officers and employees shall demonstrate by their example the highest standards of ethical conduct, to the end that the public may justifiably have trust and confidence in the integrity of government. They, as agents of public purpose, shall hold their offices or positions for the benefit of the public, shall recognize that the public interest is their primary concern, and shall faithfully discharge the duties of their offices regardless of personal considerations.

Section 11-102. Conflicts of Interest — No elected or appointed officer or employee shall:

*Changed to Articles X and XI, respectively, from Articles IX and X, respectively, by *Reso. No. 78-279*.

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1. 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 him in the performance of his official duties. Nothing herein shall preclude the solicitation or acceptance of lawful contributions for election campaigns.

2. Disclose confidential information gained by reason of his office or position or use such information for the personal gain or benefit of anyone.

3. Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which may tend to impair his independence of judgment in the performance of his official duties.

4. Receive any compensation for his services as an officer or employee of the city from any source other than the city, except as otherwise provided by this charter or by ordinance.

5. Represent private interests in any action or proceeding against the interests of the city or appear in behalf of private interests before any agency, except as otherwise provided by law.

Section 11-103. Disclosure of Interest — Any elected or appointed officer or employee who possesses or who acquires such interests as might reasonably tend to create a conflict with the public interest shall make full disclosure in writing to his appointing authority or to the council, in the case of a member of the council, and to the ethics commission, at any time such conflict becomes apparent. Such disclosure statements shall be made a matter of public record and be filed with the city clerk. Any member of the council who knows he has a personal or private interest, direct or indirect, in any proposal before the council, shall disclose such interest in writing to the council. Such disclosure shall be made a matter of public record prior to the taking of any vote on such proposal.

Section 11-104. Fair and Equal Treatment — No elected or appointed officer or employee shall use his official position to secure or grant special consideration, treatment, advantage, privilege or exemption to himself or any person beyond that which is available to every other person.

Section 11-105. Future Employment — No person who has served as an elected or appointed officer or employee of the city shall, within a period of one year after termination of such service or employment, appear for compensation before any agency of the city, or receive compensation for any services rendered in behalf of any private interests in relation to any case, proceeding or application with respect to which such person was directly concerned, or which was under his active consideration, or with respect to which knowledge or information was made available to him during the period of said service or employment.

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 of the charter or by ordinance shall be grounds for impeachment of elected officers and for the removal from office or from employment of all other officers and employees. The appointing authority may, upon the recommendation of the ethics commission, reprimand, put on probation, demote, suspend or discharge an employee found to have violated the standards of conduct established by this article of the charter or by ordinance.

Section 11-107. Ethics Commission — There shall be an ethics commission which shall consist of seven members. The commission shall be governed by the provisions of section 13-103 of this charter.

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. Advisory opinions shall be rendered pursuant to the 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 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.

Section 11-108. Registration of Lobbyists — The council shall by ordinance provide for the registration of lobbyists, including the classification, issuance, revocation, suspension, and renewal of certificates of registration, the disclosure of information necessary in the public interest, and the investigative procedures and sanctions necessary to effectuate the purposes of the ordinance. As used herein, "lobbyist" means any person who engages himself for pay or other consideration for the purpose of attempting to influence legislative or administrative action of the city.

ARTICLE XII*
RECALL AND IMPEACHMENT

CHAPTER 1
RECALL OF ELECTED OFFICERS

Section 12-101. Recall of the Mayor — The mayor may be removed by recall which shall be initiated upon petition signed by registered voters equal in number to at least ten percent of the votes cast at the last preceding city general election. Signatures from any one council district, as provided by this charter for the election of councilmen, in excess of forty percent of the total number required on the petition shall not be counted.

Section 12-102. Recall of a District Councilman — A district councilman may be removed by recall which shall be initiated upon petition signed by registered voters equal in number to at least ten percent of the votes cast in his district at the last preceding city general election.

Section 12-103. Recall Petition; Recall Election — Each elector signing a recall petition shall add to his signature his address, his 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 some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are registered electors 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 for filing with the city clerk. The clerk shall examine it to see whether it contains a sufficient number of apparently genuine signatures of registered voters. The clerk may question the genuineness of any signature or signatures appearing on the recall petition and if he finds that any such signature or signatures are not genuine, he shall disregard them in determining whether the petition contains a sufficient number of signatures. He shall also disregard any signature dated more than sixty days before the petition was tendered for filing. The clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit. 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 clerk shall complete his examination of the petition within fifteen days after the submission of the petition to him and shall thereupon file the petition if valid or reject it if invalid.

*Changed to Article XII from Article XI by Reso. No. 78-279.

As soon as the clerk has accepted a recall petition for filing, he shall notify the elected officer that the petition has been filed. Upon receipt of such notice, the elected officer may resign from his office and thereupon the recall proceedings shall terminate.

If the elected officer does not resign from his office within ten days after notice of the filing of such petition shall have been given to him, the clerk shall arrange a recall election. If a general or special city or State election is to be held not less than thirty days nor more than ninety days after the ten days have expired, the recall question shall be placed before the electors at such an election. Otherwise a special recall election shall be fixed for a date not earlier than thirty days nor later than ninety days after the ten days have expired. The elected officer may resign at any time prior to the recall election and thereupon the election shall not be held.

The following question shall be presented to each elector in a recall election: "Shall (name of elected officer) be recalled and removed from the office of (title of office)?"

If a majority of the registered electors who vote on the question at a recall election shall vote "Yes," the elected officer shall be deemed recalled and removed from office, otherwise he shall remain in office.

No person, who has been removed from his elected office or who has resigned from such an office after a recall petition directed to him has been filed, shall be eligible for election or appointment to any office of the city within two years after his removal or resignation.

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

CHAPTER 2 IMPEACHMENT OF ELECTED OFFICERS

Section 12-201. Impeachment of the Mayor—The mayor may be impeached for malfeasance, misfeasance or non-feasance in office. The supreme court of the State shall constitute a board of impeachment in any proceeding for the removal of the mayor 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 qualified electors 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. The board of impeachment may appoint a master and invest him with power to investigate the charge and report thereon to the board. If the board sustains the charge, the mayor shall be deemed removed from office.

Section 12-202. Impeachment of a Councilman — Any councilman may be removed 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 supreme court of the State shall constitute a board of impeachment in any proceeding for the removal of a councilman 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 qualified electors of a district for the removal of a councilman, 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. The board of impeachment may appoint a master and invest him with the power to investigate the charge and report thereon to the board. If the board sustains the charge, the councilman shall be deemed removed from office.

ARTICLE XIII*

GENERAL PROVISIONS

Section 13-101. Definitions —

1. The term "agency" shall mean any office, department, board, commission or other governmental unit of the city excluding the council and its offices and any commission excluded by the provisions of this charter.

2. The term "executive agency" shall mean any agency of the executive branch of the city government, excluding the board of water supply.

3. The term "employee" shall mean any person, except an officer, employed by the city or any agency thereof, but the term shall not include an independent contractor.

4. Except as otherwise provided in this charter, the term "officer" shall include the following:

(a) Members of the council, the mayor and the managing director.

(b) Any person appointed as administrative head of any agency of the city or as a member of any board or commission.

(c) Any person appointed by a board or commission as the administrative head of such agency.

(d) The first deputy or a division chief appointed by the administrative head of any agency of the city.

(e) Deputies of the corporation counsel and the prosecuting attorney.

*Changed to Article XIII from Article XII by Reso. No. 78-279.

Section 13-102. Titles, Subtitles, Personal Pronouns; Construction — Titles and subtitles shall not be used for purposes of construing this charter. When any personal pronoun appears in this charter, it shall be construed to mean either sex.

Section 13-103. Boards and Commissions — Except as otherwise provided by this charter or by law, all boards and commission established by this charter or by ordinance shall be governed by the following provisions:

(a) All members shall be appointed by the mayor and confirmed by the council.

(b) All appointed members shall serve for staggered terms of five years, and they shall serve until their successors have been appointed and qualified. The initial appointments shall be as follows:

(1) Five members: One member each to serve for five, four, three, two, and one year, respectively.

(2) Seven members: two members to serve for five years, one member for four years, two members for three years, one member for two years, and one member for one year.

(3) Nine members: two members each to serve for five, four, three, and two years, respectively, and one member for one year.

Each succeeding appointment shall be for a term ending five years from the date of the expiration of the term for which the predecessor had been appointed.

(c) Any vacancy occurring other than by expiration of a term of office shall be filled for the remainder of such unexpired term in the same manner as for an original appointment.

(d) Temporary vacancies shall be filled by the mayor as provided by ordinance.

(e) A chairman shall be elected annually by members from the membership.

(f) A majority of the members shall constitute a quorum.

(g) All meetings shall be held in city hall or other public places.

(h) The affirmative vote of a majority of the entire membership shall be necessary to take any action, and such action shall be made at a meeting open to the public.

(i) All members shall be entitled to be reimbursed for travelling and other necessary expenses incurred by them in the performance of their official duties.

(j) All appointed members may be compensated for their service

as provided by ordinance.

Section 13-104. Annual Reports —

1. Not later than ninety days after the close of the fiscal year, each agency of the city shall make an annual written report of its activities to the mayor in such form and under such rules and regulations as the mayor may prescribe.

2. Not later than one hundred eighty days after the close of the fiscal year, the mayor shall publish an annual written report concerning the activities of all agencies of the city. A copy of such report shall be filed in the office of the city clerk.

3. For the purpose of informing the public on the activities of the city during a fiscal year, the mayor may use radio and television media, in addition to the publication of the annual written report.

Section 13-105. Records Open to the Public — All books and records of the city shall be open to the inspection of any citizen at any time during business hours. Certified copies or extracts from such books and records shall be given by the officer having custody of the same to any person demanding the same and paying or tendering a reasonable fee to be fixed by the council for such copies or extracts, but the records of the police department or of the prosecuting attorney shall not be subject to such inspection unless permission is given by the chief of police or the prosecuting attorney, except in the case of traffic accidents where such records, including all statements taken, shall be available for inspection by the parties directly concerned in such accident, or their duly licensed attorneys acting under written authority signed by either party. Any person who may sue because of death resulting from any such accident shall be deemed a party directly concerned.

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 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.

Section 13-107. Title to Property — Except as otherwise provided by law, title to all property acquired by any agency of the city shall be vested in the city.

Section 13-108. Facsimile Signatures — Whenever any person is required to sign negotiable instruments or multiple bonds, the signature may be a facsimile.

Section 13-109. Payment of Moneys out of the City Treasury — All disbursements of city controlled funds shall be made pursuant to procedures prescribed by the director of finance.

Section 13-110. Expenses — Except as otherwise provided in this charter and subject to procedures prescribed by the director of finance and approved by the mayor, all officers and employees of the city shall be entitled to their travelling or other necessary expenses incurred in the performance of their official duties.

Section 13-111. Claims — No action shall be maintained for the recovery of damages for any injury to persons or property by reason of negligence of any official or employee of the city unless a written statement, stating fully when, where and how the injuries occurred, the extent thereof and the amount claimed therefor, has been filed with the city clerk within six months after the date the injury was sustained.

Section 13-112. Declaration of Emergencies. — The mayor may declare an emergency due to a public calamity, but his failure or refusal to make such a declaration shall not preclude the council from finding that an emergency exists under the provisions of section 3-202 of this charter.

Section 13-113. Acceptance of Gifts or Donations — The council, on behalf of the city, may accept gifts or donations of money, securities or other personal property or of real estate or any interest in real estate.

Section 13-114. Oaths, Attendance of Witnesses and Production of Documents — Every officer or agency of the city authorized to hold hearings or to conduct investigations shall have power to administer oaths and to issue subpoenas to compel the attendance of witnesses and the production of documents. If any person, subpoenaed as a witness or to produce any books or papers called for by the process of the investigating body, shall fail or refuse to respond thereto or refuse to answer questions propounded by any member of the investigating body or its counsel, material to the matter pending before such body, the proper court, upon request of the investigating body, shall have power to compel obedience to any process of such body and require such witness to answer questions put to him as aforesaid and to punish, as a contempt of the court, any refusal to comply therewith without good cause shown therefor.

Section 13-115. Penalties — The council shall by ordinance provide for the punishment of violations of any provisions of this charter and may provide for punishment of violations of ordinances and rules and regulations, but no penalty shall exceed the amount of \$1,000.00 or one year's imprisonment, or both. Prosecutions in such cases shall be as

provided by law for the prosecution of misdemeanors.

Section 13-116. City Elections — City elections shall be conducted in accordance with the election laws of the State insofar as applicable, but the city primary and general elections shall be held in every fourth year following the 1976 general election.

Section 13-117. Term of Office of Department Heads — Except as otherwise provided in this charter, the term of office of department heads shall be coterminous with that of the appointing authority. Pending the appointment of the department head, all deputies shall continue in office until a new department head is appointed, with the highest ranking deputy acting as department head.

Section 13-118. Oaths of Office — Before entering upon the duties of his office, each officer elected or appointed shall subscribe to the following oath or affirmation before some person duly qualified to administer oaths:

“I solemnly swear (or affirm) in the presence of Almighty God, that I will faithfully support the Constitution and laws of the United States of America, the Constitution and laws of the State of Hawaii and the Charter and laws of the City and County of Honolulu, and conscientiously and impartially discharge my duties as _____ of the City and County of Honolulu.”

Section 13-119. Dual Offices or Positions — No person shall hold more than one public office or position under the city or hold such office or position while holding any other office or position in or under the government of the United States or of the State, but nothing herein shall preclude the holding of an ex officio office or part-time employment with a State or federal agency or the appointment of a city officer or employee to membership on a State commission or board of the selection of any city, State, or federal officer or employee to membership on a neighborhood board under provisions of section 14-104 of this charter, unless such service shall be as a member of the civil service commission or would be inconsistent or incompatible with or would tend to interfere with the duties and responsibilities of the other office, employment or position held by the officer or employee. The term “public office,” as used in this section of the charter, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. (*Reso. 77-412*)

Section 13-120. Coordination of Work — The several agencies of the city shall devise a practical and working basis for cooperation in and coordination of work, eliminating duplication and overlapping of functions and shall, so far as practicable, cooperate with each other in the use of employees, land, buildings, quarters, facilities and equipment. The head of any agency may empower or require an employee of another agency, subject to the consent of the head of such other agency,

to perform any duty which he might require of the employees of his agency. Whenever, in this charter, power is vested in an agency to inspect, examine or secure data or information or to procure assistance from any other agency, a duty is hereby imposed upon the agency upon which demand is made to render such power effective.

Section 13-121. Cooperation with Other Agencies — In the performance of its functions, each agency of the city shall cooperate with private agencies and with agencies of the governments of the United States, the State and any state and with any of their political subdivisions having similar functions.

Section 13-122. Receipt and Use of Federal Allotments of Money — If any provision of this charter jeopardizes the receipt by the city of any federal grant-in-aid or other federal allotment of money, such provision may, insofar as such fund is jeopardized, be waived by the council, after public hearing, upon recommendation of the mayor.

Real property may be purchased in the name of the city through the use of any federal grant-in-aid or other federal allotment of money received for such purpose, upon recommendation of the mayor and approval of the council. Except as provided for in subsection 5-412.3 of this charter, any provision of the charter which jeopardizes such purchase may, insofar as such purchase is jeopardized, be waived by the council, after public hearing, upon recommendation of the mayor.

Section 13-123. Severability Clause — If any part of this charter is for any reason declared unconstitutional or invalid, the other separable parts thereof shall not be affected thereby.

ARTICLE XIV*

NEIGHBORHOODS AND NEIGHBORHOOD BOARDS

Section 14-101. Neighborhoods and Neighborhood Boards — Neighborhoods and neighborhood boards to increase and assure effective citizen participation in the decisions of the city shall be established in accordance with a neighborhood plan.

Section 14-102. Neighborhood Commission — There shall be a neighborhood commission which shall consist of nine members chosen from the city at large. The mayor shall appoint four members; the presiding officer of the council, with the approval of the council, shall appoint four members; and the ninth member shall be appointed by the mayor and confirmed by the council.

The commission shall elect a chairman from among its members. Any

*Changed to Article XIV from Article XIII by Reso. No. 78-279.

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. 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 subsection 13-103(b) of this charter.

Section 14-103. Powers, Duties and Functions — The neighborhood commission shall:

(a) Develop, after public hearings, a neighborhood plan which shall be effective upon filing with the city clerk.

(b) Review and evaluate the effectiveness of the neighborhood plan and neighborhood boards and report thereon.

(c) Assist areas of the city in the formation and operation of their neighborhoods and neighborhood boards, upon their request.

Section 14-104. The Neighborhood Plan — The neighborhood plan shall designate the boundaries of neighborhoods and provide procedures by which registered voters within neighborhoods may initiate and form neighborhoods and the manner of selection of the members of neighborhood boards, their terms of office and their powers, duties and functions.

The plan may be amended by the commission, after public hearings to be held in various areas of the city, and amendments shall become effective upon filing with the city clerk.

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.

(b) By petition presented to the council, signed by qualified electors equal in number to at least ten percent of the number of the entire vote cast for mayor in the last preceding mayoralty 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

*Changed to Article XV from Article XIV by Reso. No. 78-279.

or language or any restatement of the text of the proposed amendments or revisions which may be made by the corporation counsel.

Each elector signing such petition shall add to his signature, his residence and the date of signing. Signatures may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are registered electors of the city, that they signed with full knowledge of the contents of the petition and that their residences are correctly given.

Upon filing of such petition with the council, the city clerk shall examine it to see whether it contains a sufficient number of apparently genuine signatures of registered voters. The clerk may question the genuineness of any signature or signatures appearing on the petition, and if he finds that any such signature or signatures are not genuine, he shall disregard them in determining whether the petition contains a sufficient number of signatures. The clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit. 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 clerk shall complete his examination of the petition within fifteen days.

Section 15-102. Elections to be Called —

1. Any resolution of the council initiating an amendment or revision to the charter shall provide that the amendment or revision shall be submitted to the electors of the city at the next general election.

2. Any amendment or revision to the charter proposed by petition shall be submitted to the electors of the city at the next general election.

3. Any amendment or revision to the charter proposed by the council or by petition shall be published at length in a daily newspaper of general circulation in the city at least forty-five days prior to its submission to the electors of the city at the next general election.

Section 15-103. Approval of Amendment or Revision — No amendment or revision of this charter shall be effective unless approved by a majority of the voters voting thereon.

Section 15-104. Effective Date of Amendment or Revision — Any amendment or revision approved by the electors of the city shall become effective at the time and under the conditions specified in the amendment or revision.

Section 15-105. Mandatory Review — On or before April 1, 1981, and at intervals of ten years thereafter, the mayor and the presiding officer of the council shall appoint a charter commission consisting of thirteen members to study and review the operation of the government of the

city under this charter. The mayor shall appoint six members; the presiding officer of the council, with the approval of the council, shall appoint six members; and the thirteenth member shall be appointed by the mayor and confirmed by the council.

The commission shall elect a chairman 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 commission shall be recognized as a constituent body, and its members shall not, in any manner, be deemed officers of the city. The commission and its members shall be subject only to provisions of this article of the charter.

The commission may propose amendments to the existing charter or a draft of a revised charter which shall be submitted to the city clerk. Upon receipt of the amendments or revised charter, the clerk shall provide for the submission of such amendments or revised charter to the electors of the city at the next general election.

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

ARTICLE XVI* TRANSITION SCHEDULE

Section 16-101. Effective Date of Revisions — All provisions of this revision of the charter of the City and County of Honolulu, approved on November 7, 1972, shall become effective as of the second day of January 1973, except that:

(a) The provisions relating to the department of land utilization shall become effective as of the first day of July, 1973.

(b) The election of members of the council in 1974 shall be in accordance with the provisions of this revised charter, and the members so elected shall serve four year terms ending on January 1, 1979. Thereafter, members of the council shall be elected in accordance with the provisions of this revised charter and shall serve four year terms. (*Reso. No. 177*)

Section 16-102. Abolition of the Planning Department — Upon the effective date of the provisions relating to the department of land utilization, the planning department, as it existed prior to this revision, shall stand abolished.

*Changed to Article XVI from Article XV by Reso. No. 78-279.

Section 16-103. Abolition of the Honolulu Redevelopment Agency and Transfer of Functions — On or before the first day of July, 1973, the powers, duties and functions of the Honolulu redevelopment agency shall be transferred to the department of housing and community development. Thereafter, the Honolulu redevelopment agency shall stand abolished.

Section 16-104. Abolition of the Office of Social Resources and Transfer of Functions — On or before the first day of July, 1973, and notwithstanding the provisions of section 4-201 of this revised charter, the powers, duties and functions of the office of social resources shall be assigned by the mayor to departments provided for in this revised charter. Thereafter, the office of social resources shall stand abolished.

Section 16-105 — REPEALED by Resolution No. 70 dated April 23, 1974. Resolution No. 253, dated November 12, 1974, created a Division of Sewers (now known as Division of Wastewater Management) within the Department of Public Works.

Section 16-106. General Plan and Development Plans — The existing general plan of the city shall continue as the general plan of the city, subject to change under the provisions of this revision. Development plans shall be adopted in accordance with the provisions of this revised charter at the earliest practicable date consistent with sound planning principles, and until the adoption of a development plan for any area, existing development plans and detailed land use maps for such area shall be continued in full force and effect.

Section 16-107. Boards and Commissions; Terms of Office of New Members — All members of boards and commissions of the city shall continue to hold office for the terms for which they were appointed. Initial terms of office of members appointed to boards and commissions, the membership of which has been increased by this revision, shall be for three years.

Section 16-108. Neighborhood Commission — The neighborhood commission shall be appointed on or before June 30, 1973 and shall, after holding public hearings in various areas of the city, develop the neighborhood plan before December 31, 1974. The terms of members initially appointed shall be for five years.

Section 16-109. Transfer of Records and Property — All records, property and equipment whatsoever of any office, division, department, board, commission or agency, the functions of which, or some of the functions of which, are assigned to any other agency by this revision shall be transferred and delivered to the agency to which such functions are assigned.

Section 16-110. Status of Present Employees — No loss of vacation allowance, sick leave and other service credits, retirement benefits or

other rights and privileges on the part of any officer or employee of the city shall be caused by the adoption of this revision, but nothing contained herein shall be construed to prevent future changes in status pursuant to the civil service provisions of this revised charter.

Section 16-111. Department Heads Continued in Office — Notwithstanding any provision to the contrary, all department heads who have been appointed by the mayor and who are holding office on the effective date of this revision shall continue in office without reappointment until their terms of office expire or until they are removed from office pursuant to the provisions of this revised charter.

Section 16-112. Ordinances Continue in Effect — All ordinances, resolutions, rules and regulations in force at the time this revision takes effect and not in conflict or inconsistent with this revised charter are hereby continued in force until repealed, amended or superseded by proper authority.

Section 16-113. Pending Proceedings — All petitions, hearings and other proceedings pending before any office, department, board or commission abolished by this revision and all legal proceedings and investigations begun by such office, department, board or commission and not completed at the effective date of this revision shall continue and remain in full force and effect and shall be completed before or by the office, department, board or commission which succeeds to the powers and functions of such office, department, board or commission.

Section 16-114. Lawful Obligations of the City — All lawful obligations of the city existing on the effective date of this revision and all fines, taxes, penalties, forfeitures, obligations and rights, due, owing or accruing to the city, and all writs, prosecutions, actions and proceedings by or against the city shall remain unaffected by the adoption of this revision.

Section 16-115. Inconsistent Provisions of Rules, Ordinances and Laws — The provisions of all rules, regulations, resolutions, ordinances and laws which are inconsistent with this revision shall be superseded by the provisions of this revision at its effective date, except that ordinances which are inconsistent with those provisions of this revised charter that require action by the council to make them effective, shall remain in full force until such action has been taken.

TABLE I
DISPOSITION OF RESOLUTIONS FROM
JANUARY 1, 1974 TO DECEMBER 31, 1978

Resolution No.	Dated	Revised Charter of the C&C of Honolulu 1973
70	4-23-74	Repeals RCH §15-105 (Transfers Division of Sewers back to Department of Public Works from BWS).
177	9-17-74	Article XV, §15-101 (changed to §16-101 by Reso. 78-279).
192	9-17-74	Whenever Department of Recreation appears, change to Department of Parks and Recreation.
253	11-12-74	Creates a Division of Sewers within the Department of Public Works.
77-412	11-2-77	Article XII, §12-119 (changed to §13-119 by Reso. 78-279).
78-237	9-13-78	Article V, §5-204.1.
78-271	9-13-78	Article VIII, §8-104.2 (changed to §9-104 by Reso. 78-279).
78-272	9-13-78	Article VIII, §8-305 (changed to §9-305 by Reso. 78-279).
78-273	9-13-78	Article VIII, §8-106.1 (changed to §9-106 by Reso. 78-279).
78-277	9-13-78	Article III, §3-108. Article V, §5-203.
78-278	9-13-78	Article III, §3-115.
78-279	9-21-78	Deleting Article VI, Chapter 7; renumbering Article VI, Chapters 8 thru 16 as Chapters 7 thru 15, respectively, and renumbering sections of said chapters accordingly; renumbering Articles VIII thru XV as Articles IX thru XVI, respectively, and renumbering sections of said articles accordingly. Adding new Article VIII.

TABLE II

Disposition of Chapters, Sections and Articles of the Revised City Charter 1973

1973	1978 Amendments
Chapter 7	Deleted by Reso. 78-279 (Added as new Article VIII, Prosecuting Attorney)
6-701 to 6-704	8-101 to 8-108
Chapter 8	Chapter 7
6-801 to 6-809	6-701 to 6-709
Chapter 9	Chapter 8
6-901 to 6-903	6-801 to 6-803
Chapter 10	Chapter 9
6-1001 to 6-1010	6-901 to 6-910
Chapter 11	Chapter 10
6-1101 to 6-1104	6-1001 to 6-1004
Chapter 12	Chapter 11
6-1201 and 6-1202	6-1101 and 6-1102
Chapter 13	Chapter 12
6-1301 to 6-1304	6-1201 to 6-1204
Chapter 14	Chapter 13
6-1401 and 6-1402	6-1301 and 6-1302
Chapter 15	Chapter 14
6-1501 to 6-1503	6-1401 to 6-1403
Chapter 16	Chapter 15
6-1601 and 6-1602	6-1501 and 6-1502
Article VIII	Article IX
8-101 to 8-107	9-101 to 9-107
8-201 to 8-203	9-201 to 9-203
8-301 to 8-305	9-301 to 9-305
Article IX	Article X
9-101	10-101
Article X	Article XI
10-101 to 10-108	11-101 to 11-108
Article XI	Article XII
11-101 to 11-103	12-101 to 12-103
11-201 and 11-202	12-201 and 12-202
Article XII	Article XIII
12-101 to 12-123	13-101 to 13-123
Article XIII	Article XIV
13-101 to 13-104	14-101 to 14-104

1973

**Article XIV
14-101 to 14-105**

**Article XV
15-101 to 15-104
15-105**

15-106 to 15-115

1978 Amendments

**Article XV
15-101 to 15-105**

**Article XVI
16-101 to 16-104**

**Repealed (Reso. 70, April 23, 1974) (Reso. 253,
November 12, 1974, created a Division of Sewers
(now known as Division of Wastewater Manage-
ment) within the Department of Public Works.)**

16-106 to 16-115

**OFFICE OF COUNCIL SERVICES
City and County of Honolulu
Honolulu, Hawaii 96813**