



RESOLUTION

ESTABLISHING A CITY POLICY RELATING TO THE EFFECTIVE DATE OF MEASURES AFFECTING CITY REVENUES AND EXPENDITURES.

WHEREAS, Section 9-102, RCH, provides that "not less than one hundred twenty days prior to the end of each fiscal year, the mayor shall prepare and submit to the council . . . an operating budget . . . and necessary proposed ordinances for the ensuing fiscal year"; and

WHEREAS, Section 3-112, RCH, also provides that "the council, at the meeting at which the annual legislative and executive budget ordinances are enacted, shall also enact such measures as will yield sufficient moneys, together with available surplus and other available moneys, to balance the budget"; and

WHEREAS, "necessary proposed ordinances" and "such measures as will yield sufficient moneys" have been interpreted to include those ordinances and measures that must be enacted to achieve the revenues necessary to balance the expenditures contained in the annual budget bills; and

WHEREAS, however, Section 3-112, RCH, further provides that "the council shall by ordinance fix the fees and charges for all services rendered by the city and for the use of city property and facilities"; and Article VIII, Section 3 of the Hawaii Constitution provides that "the powers and duties relating to the taxation of real property shall be exercised exclusively by the counties"; and

WHEREAS, the above two provisions authorize the Council to approve legislation relating to fees and real property taxation at any time, even if that may result in reduced revenues to the city for a fiscal year for which a balanced budget has been enacted; and

WHEREAS, it is generally accepted that the council has the authority to approve, at any time, legislation that affects the cost of services that the city provides the public, even if the legislation results in increased expenditures for the city for a fiscal year for which a balanced budget has been enacted; and

WHEREAS, the potential to upset an enacted balanced budget is a policy matter that the council hereby seeks to address; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it adopts a city policy that reads as follows: the effective date of any bill for an ordinance or resolution that reduces revenues or increases expenditures to the city but is not an



RESOLUTION

"annual budget measure" shall not be any earlier than July 1st of the fiscal year following any fiscal year for which an annual budget has been approved; and

BE IT FURTHER RESOLVED that as used in this Resolution:

"Annual budget measure" means any of the annual legislative and executive budget ordinances and also any of those ordinances or resolutions that must be enacted or adopted to achieve the revenues necessary to balance the expenditures contained in the annual legislative and executive budget bills; "annual budget measure" also includes any amendment to the annual legislative and executive budget ordinances and required revenue measures therefor; any "annual budget measure" proposed by either the administration or the council shall be identified by an indicia, stamp, label, or other similar identifying mark;

"Effective date" means the date upon which any reduction in revenues or increase in expenditures resulting from the applicable ordinance or resolution commences, and does not necessarily mean the effective date of the applicable ordinance or resolution that provides for such revenue reduction or expenditure increase; and

BE IT FURTHER RESOLVED that to the extent possible, this policy shall apply to all budget measures; however, it need not apply to such measures as the vehicle weight tax, sewer and tipping fees and supplemental budget ordinances; and

BE IT FURTHER RESOLVED that these policies shall take effect upon approval of this Resolution; and



RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the mayor, the managing director and the director of budget and fiscal services.

INTRODUCED BY:

Charles Djou

DATE OF INTRODUCTION:

November 3, 2004
Honolulu, Hawaii

(OCS/113004/ct)

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 04-324, FD1

Introduced: 11/3/04 By: Charles Djou

Committee: B

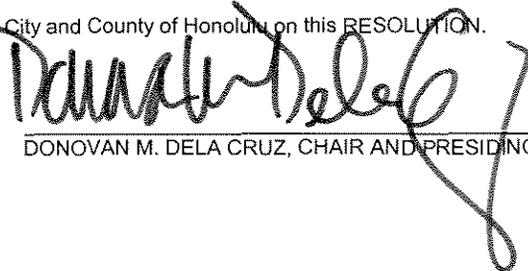
Title: RESOLUTION ESTABLISHING A CITY POLICY RELATING TO THE EFFECTIVE DATE OF MEASURES AFFECTING CITY REVENUES AND EXPENDITURES.

Links: [04-324](#)
[04-324, FD1](#)
[Related Communications](#)

Budget	11/30/04	CR-518 – Resolution reported out of committee for adoption.
Council	12/1/04	CR-518 & Resolution (FD1) adopted.
		Cachola Y Dela Cruz Y Djou..... Y Gabbard..... Y Garcia E Kobayashi.... Y Marshall..... Y Okino..... Y Tam..... Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


DENISE C. DE COSTA, CITY CLERK


DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER