



## A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 3, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO TEMPORARY VACANCIES ON BOARDS, COMMISSIONS OR COMMITTEES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to provide a procedure for the temporary appointment of one or more individuals to serve on a board, commission or committee for a contested case hearing, in the limited instances when the board, commission or committee is unable to act due to a lack of quorum caused by the recusal or disqualification of one or more of its regularly appointed members. This ordinance creates a procedure for the mayor to make appointments pursuant to the mayor's authority in Section 13-103(e) of the Revised Charter of Honolulu 1973 to fill temporary vacancies on boards and commissions.

SECTION 2. Chapter 3, Article 1, Revised Ordinances of Honolulu 1990, ("Temporary Vacancies on Boards, Commissions and Committees") is amended by adding a new Section 3-1.5 to read as follows:

**"Sec. 3-1.5 Temporary appointments to attain quorum for contested case hearings.**

- (a) When a board lacks a quorum to adjudicate a specific contested case due to the recusal or disqualification of one or more regularly appointed members, the mayor may make temporary appointments to the board. For the purposes of this section, "board" means any board, commission or committee that has the power to conduct a contested case as defined in HRS Chapter 91.
- (b) The number of temporary appointments the mayor may make to the board shall not exceed the minimum number of members necessary to constitute a quorum to adjudicate the specific contested case.
- (c) Any temporary appointee appointed pursuant to this section shall substitute for and have the qualifications, experience and training as required of the member who has been disqualified or recused from the contested case proceeding.
- (d) The appointment of a temporary appointee under this section shall be limited to the duration of the specific contested case proceeding and shall terminate upon the adoption of the final decision and order in the contested case by the board.



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- (e) Temporary appointments made pursuant to this section shall not be subject to confirmation by the council.
- (f) The mayor shall give written notice to the council when temporary appointments are made pursuant to this section. Such notice shall identify the contested case, the effective date of appointment, and reasons for appointment.

SECTION 3. Section 3-1.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 3-1.2 Filling of temporary vacancies.**

- (a) The mayor is authorized to fill subject to council approval temporary vacancies on boards, commissions or committees for which the mayor has been initially authorized by charter, law or ordinance to make an original appointment on boards, commissions or committees when a regularly appointed member of a board, commission or committee is ill, incapacitated, out of state or when such office becomes temporarily vacant for any other reason.
- (b) Whenever the mayor fills a temporary vacancy on boards, commissions or committees for less than 120 calendar days, no confirmation by council is necessary.
- (c) The mayor's written request for approval to fill a temporary vacancy of less than 120 calendar days shall include effective date of appointment, effective date of termination and reasons for appointment.
- (d) No Reappointment Permitted. The mayor shall not reappoint the same temporary appointee who has been appointed to fill a temporary vacancy on boards, commissions or committees for less than 120 calendar days on the same board, commission or committee upon the expiration of the initial 120 calendar days.
- (e) This section shall not apply to temporary appointments made pursuant to Section 3-1.5.



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SECTION 4. Section 3-1.4, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**“Sec. 3-1.4 Termination of appointment.**

All [appointments made hereunder shall forthwith] appointments, with the exception of the temporary appointments made under Section 3-1.5, shall terminate on the date noted on the mayor’s letter of appointment.”

SECTION 5. Section 3-1.5, Revised Ordinances of Honolulu 1990 (“Inapplicability”) is renumbered to Section 3-1.6.

SECTION 6. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



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SECTION 7. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Barbara Marshall (BR)

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DATE OF INTRODUCTION:

December 06, 2007  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

*Dawn M. ...*  
Deputy Corporation Counsel

APPROVED this 6th day of March, 2008.

*Mufi Hanemann*  
MUFU HANNEMANN, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE 08-6

BILL 100 (2007), CD1

Introduced: 12/06/07 By: BARBARA MARSHALL (BR)

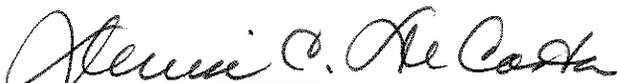
Committee: EXECUTIVE MATTERS

Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO TEMPORARY VACANCIES ON BOARDS, COMMISSIONS OR COMMITTEES.

Links: [BILL 100 \(2007\)](#)  
[BILL 100 \(2007\), CD1](#)  
[D-860](#)  
[CR-12\(2008\)](#)

COUNCIL	12/12/07	BILL PASSED FIRST READING AND WAS REFERRED TO THE COMMITTEE ON EXECUTIVE MATTERS.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
EXECUTIVE MATTERS	01/09/08	CR-12 (2008) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.				
PUBLISH	01/12/08	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
COUNCIL/PUBLIC HEARING	01/23/08	CR-12 (2008) ADOPTED, BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO EXECUTIVE MATTERS COMMITTEE.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
PUBLISH	01/30/08	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
EXECUTIVE MATTERS	02/06/08	CR-42 (2008) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD1 FORM.				
COUNCIL	02/20/08	CR-42 (2008) ADOPTED AND BILL AS AMENDED (BILL100 (2007), CD1) PASSED THIRD READING.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU 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 BILL.

  
DENISE C. DE COSTA, CITY CLERK

  
BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER