



## RESOLUTION

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URGING THE HAWAII STATE LEGISLATURE TO APPROVE LEGISLATION RELATING TO COUNTY PROCEDURES FOR THE IMPOSITION OF CIVIL FINES.

WHEREAS, Sec. 3-6.3(e), Revised Ordinances of Honolulu ("ROH"), allows the city Ethics Commission to impose civil fines as set forth in Sec. 3-8.5, ROH; and

WHEREAS, section 46-1.5(24)(A), Hawaii Revised Statutes ("HRS"), permits counties to impose civil fines for violations of city ordinances or rules but only after making reasonable requests to the violator to correct or cease the violation; and

WHEREAS, in certain cases, serious and obvious violation of the city's standards of conduct occurs that warrants imposition of a civil fine regardless of a subsequent correction of a violation; and

WHEREAS, in addition, section 46-1.5(24)(F), HRS, requires a county to create an appeals board for any civil fine action taken if no appeals board exists; and

WHEREAS, the requirement for an opportunity to correct a violation and for the creation of an appeals board is not imposed on the state Ethics Commission whose fines are appealed by court action filed in accordance with Chapter 91, HRS; and

WHEREAS, the 2008 Hawaii state legislature considered amendments to sections 46-1.5(24)(A) and 46-1.5(24)(F), HRS, in the form of Senate Bill No. 2937 (2008) and House Bill No. 3012 (2008), but did not adopt the amendments during the 2008 legislative session; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Hawaii state legislature is urged to approve legislation to permit the counties to impose civil fines for violations of the counties' standards of conduct without the necessity of an opportunity to correct or cease violation, and to allow fines to be appealed by court action, all as proposed in Senate Bill No. 531 (2009) and House Bill No. 626 (2009); and



RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to all members of the Hawaii State House of Representatives and the Hawaii State Senate, the Governor of the State of Hawaii, and Executive Director of the city Ethics Commission.

INTRODUCED BY:

Charles Djou

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DATE OF INTRODUCTION:

January 8, 2009  
Honolulu, Hawaii

Councilmembers

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**RESOLUTION 09-5, FD1**

Introduced: 1/8/09 By: CHARLES DJOU

Committee: EXECUTIVE MATTERS  
AND LEGAL AFFAIRS

Title: RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO APPROVE LEGISLATION RELATING TO COUNTY PROCEDURES FOR THE IMPOSITION OF CIVIL FINES.

Links: [RES09-5](#)  
[RES09-5, FD1](#)

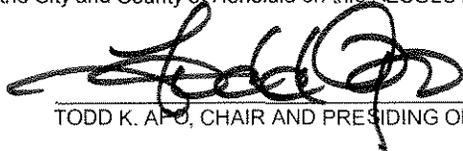
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EXECUTIVE MATTERS AND LEGAL AFFAIRS	1/14/09	CR-11 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.				
COUNCIL	1/28/09	CR-11 ADOPTED. RESOLUTION AMENDED TO FD1 ON THE COUNCIL FLOOR AND SUBSEQUENTLY ADOPTED AS RESOLUTION 09-5, FD1.				
	APO Y	BAINUM Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	
	GARCIA Y	MARSHALL A	OKINO Y	TAM Y		

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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.

  
BERNICE K. N. MAU, ACTING CITY CLERK

  
TODD K. APO, CHAIR AND PRESIDING OFFICER