RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED, TO INCREASE THE NUMBER OF COUNCIL DISTRICTS.

WHEREAS, the council finds that the present number of council districts requires alteration to promote better public representation and a broader diversity of views on the council; and

WHEREAS, increasing the number of council districts is intended to decrease the number of constituents served by each councilmember, encourage more councilmember debate on city issues, enable a greater number of qualified, public service-oriented persons to serve on the council, and reduce the costs to candidates of running for a council seat; and

WHEREAS, while the council realizes that increasing the number of council districts will add to the city’s operating costs, the council finds that the benefits of increasing the number of council districts outweigh the costs thereof; now, therefore,

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

1. That it propose and it is hereby proposed that the following question be placed on the 2010 general election ballot:

   "Shall the Revised City Charter be amended to:

   (1) Increase, beginning in 2012, the number of council districts from nine to eleven;

   (2) Provide for the staggering of the terms of the councilmembers representing the two new council districts; and

   (3) Make other clarifying and conforming amendments?"

2. That it propose and it is hereby proposed that Section 3-102 of the Revised Charter of the City and County of Honolulu 1973, as amended, be further amended to read as follows:
"Section 3-102. Council Districts and Number, Election and Terms of Office of Councilmembers –

The City and County of Honolulu shall be apportioned into eleven council districts in accordance with Section 3-103.

The council shall consist of eleven members. One member shall be elected from each district.

Except as provided in Sections 16-122[,] and 16-129, the regular terms of office of councilmembers shall be four years beginning at twelve o'clock meridian on the second day of January following their election[. The] , which terms shall be staggered in accordance with [Section 16-122.] those sections. No person shall be elected to the office of councilmember for more than two consecutive four-year terms."

3. That it propose and it is hereby proposed that Section 3-103 of the Revised Charter of the City and County of Honolulu 1973, as amended, be further amended to read as follows:

"Section 3-103. Reapportionment and Reapportionment Years –

1. The year 1991 and every tenth year thereafter shall be reapportionment years.

2. A council reapportionment commission shall be constituted on or before the first day of July of each reapportionment year and whenever reapportionment is required by court order. The commission shall consist of nine members. The presiding officer of the council shall, with the approval of the council, select the members of the commission, no more than a majority of who shall be from the same political party.

The commission shall elect a chair 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 members of this commission shall not, in any manner, be deemed officers of the city. The commission and its members shall be subject only to the provisions of this section, Section 3-114, and Section 3-502 of the charter. Commission members shall be compensated and reimbursed for their necessary expenses as provided by ordinance. No member of the commission shall be eligible to become a candidate for election to the
council in the initial election held under any reapportionment plan adopted by the commission.

The city clerk, under the direction of the commission, shall furnish all necessary technical and secretarial services. The council shall appropriate funds to enable the commission to carry out its duties.

3. In effecting reapportionment, the commission shall be guided by the following criteria:

   (a) No district shall be so drawn as to unduly favor a person or political faction.

   (b) Districts, insofar as practicable, shall be contiguous and compact.

   (c) District lines shall, where possible, follow permanent and easily recognized features, and, when practicable, shall coincide with census tract boundaries.

4. On or before January 2 of the year following appointment, the commission shall file with the city clerk a reapportionment plan, which shall be applicable to the next succeeding election at which councilmembers are elected to regular terms.

5. Any duly registered voter may petition the proper court to compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or the court may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days after the filing of a reapportionment plan.

6. In order to commence the staggering of councilmembers' terms in accordance with Section 16-122, the reapportionment plan for 2002 shall retain the council district numbering of I, II, III, IV, V, VI, VII, VIII, and IX.

7. In order to implement the increase in the number of council districts from nine to eleven and provide for the staggering of the terms of the councilmembers for the two new districts in accordance with Sections 3-102, 16-122, and 16-129, the reapportionment plan for 2012 shall retain the council district numbering of I, II, III, IV, V, VI, VII, VIII, IX, X, and XI.
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district numbering of I, II, III, IV, V, VI, VII, VIII, and IX, and shall add new council
districts X and XI."

4. That it propose and it is hereby proposed that Section 3-202 of the Revised
Charter of the City and County of Honolulu 1973 ("Introduction, Consideration
and Passage of Ordinances and Resolutions --"), as amended, be further
amended by amending subsection 3 to read as follows:

"3. No bill shall be so amended as to change its original purpose. On
the demand of at least five members, any bill shall, after amendment, be
laid over for one week before its final reading. Every bill, as amended, shall be in
writing before final passage."

5. That it propose and it is hereby proposed that Section 12-202 of the Revised
Charter of the City and County of Honolulu 1973, as amended, be further
amended to read as follows:

"Section 12-202. Impeachment of a Councilmember –

Any councilmember may be impeached 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
courts of the State of Hawaii shall have jurisdiction as provided by applicable law
over any proceeding for the removal of a councilmember 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 two percent of the total voters registered in such
councilmember’s district in the last regular council election, held in conjunction
with either the primary or general election, at which a district councilmember was
elected for the district for the removal of a councilmember, and said signatures
shall be necessary only for the purpose of filing the petition. [The] Once the
petition [having once] has been filed, hearings shall be held on all such charges."

6. That it propose and it is hereby proposed that Article XVI of the Revised Charter
of the City and County of Honolulu 1973, as amended, be further amended by
adding a new section to be designated and to read as follows:

1. Notwithstanding Sections 3-102 and 16-122, the regular term of the councilmember elected at the 2012 special election held in conjunction with the 2012 primary or general election to represent council district X shall be two years, which shall begin at twelve o’clock meridian on the second day of January following the election. After the expiration of the two-year regular term, the subsequent regular terms of the councilmember for council district X shall be subject to Section 3-102.

2. No person elected as a councilmember to consecutive four-year regular terms in 2004 and 2008, or in 2006 and 2010, for any district shall be eligible in 2012 for election as councilmember for council district X. A person elected as councilmember for council district X in 2012 to the two-year regular term commencing on January 2, 2013 shall be eligible for election to two more consecutive four-year terms, except as follows. If that person also was elected as councilmember to a four-year regular term in 2008 or 2010 for any district, then that person shall be eligible for election in 2014 to only one more consecutive four-year term.

3. No person elected as councilmember to two consecutive four-year regular terms in 2004 and 2008, or in 2006 and 2010, for any district shall be eligible in 2012 for election as councilmember for council district XI.

4. Notwithstanding the provisions of Section 3-102 of this charter, until twelve o’clock meridian on January 2, 2013, the council shall consist of nine councilmembers, with one elected from each of nine council districts.

5. A councilmember shall not be deemed to have vacated his or her office if the councilmember continues to reside within the boundaries of the same numbered district drawn in the 2012 reapportionment as the numbered district to which the councilmember was elected or appointed."

7. That Charter material to be repealed is bracketed and new Charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973, as amended, the Revisor of the Charter need not include the brackets, the bracketed material, or the underscoring.
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If the Charter provisions of this Resolution are amended by any other Charter amendment approved by the electors at the 2010 general election, the Revisor of the Charter, in revising, compiling, or printing the Charter: (1) may designate or redesignate articles, chapters, sections, or parts of sections and rearrange references thereto and (2) shall, except as otherwise expressly provided in this Resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved. The Revisor of the Charter may also change capitalization or the form of numbers and monetary sums for the sake of uniformity.

8. That the City Clerk be and is hereby directed:

A. To prepare the necessary ballots with the question contained in this Resolution and with spaces for “yes” and “no” votes on the question for presentation to the electors at the 2010 general election. The City Clerk may make technical and non-substantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and

B. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to its submission to the electors at the 2010 general election.
9. That upon approval of the Charter amendment question posed in Section 1 of this Resolution by a majority of electors voting thereon, as duly certified, the Charter amendments proposed in the following sections of this Resolution shall take effect as follows:

A. Sections 2, 3, and 6 shall take effect upon approval; and

B. Sections 4 and 5 shall take effect on January 2, 2013.

DATE OF INTRODUCTION:

APR 28 2009
Honolulu, Hawaii

Councilmembers