



RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED, RELATING TO ETHICS.

WHEREAS, the Revised Charter of the City and County of Honolulu 1973, as amended ("Charter"), currently provides that Councilmembers shall have the right to vote on any matter, but may abstain from voting on a matter in which they have a direct personal financial interest; and

WHEREAS, notwithstanding the Charter provision allowing them to vote on "any matter," Councilmembers have come under considerable public criticism for voting on matters in which they have an interest that, to the reasonable observer, may tend to affect their ability to independently and objectively carry out their City duties; and

WHEREAS, while the Council wishes to amend the Charter generally to require Councilmembers to abstain from voting on such matters, it recognizes that there may need to be exceptions to the general rule of abstention in instances in which, for example, all Councilmembers have an interest due to their membership in a broad class of City residents (such as property taxpayers, drivers, homeowners or renters, etc.), or no decision may be made on an urgent matter if the Councilmember cannot vote on the matter; 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 2012 general election ballot:

"Shall the Revised City Charter be amended to require Councilmembers to abstain from voting on any matter in which they have an interest that might reasonably tend to create a conflict with the public interest unless otherwise provided by Council rule?"

2. That Section 11-103, Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

"Section 11-103. Disclosure of Interest, Abstention --

1. 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 such person's appointing authority or to the council, in the case of a member of the council, and to the



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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.

2. [Any] In addition to making the disclosure required under subsection 1, a member of the council who knows he or she has [a personal or private interest, direct or indirect,] such interest 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.] shall abstain from voting on that proposal; provided that the council may, by rule, establish classes of interests or of proposals for which abstention shall not be required."

3. That Charter material to be deleted 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.
4. That if these Charter provisions are amended by any other Charter amendment(s) approved by the electors in the 2012 general election, the Revisor of the Charter, in revising, compiling or printing the Revised Charter: (a) May designate or redesignate articles, chapters, sections or parts of sections, and rearrange references thereto; and (b) 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.
5. 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 2012 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



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least 45 days prior to their submission to the electors at the 2012 general election.

- 6. That upon approval of the Charter amendment question posed in this resolution by a majority of the electors voting thereon, as duly certified, the amendment to the Revised Charter proposed in Section 2 of this "be it resolved" clause shall take effect on January 1, 2013.

INTRODUCED BY:

Tom Isern

DATE OF INTRODUCTION:

OCT 27 2011
Honolulu, Hawaii

Councilmembers