



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 08-166, CD1, FD1

CD 08/18/08

RESOLUTION

INITIATING AN AMENDMENT TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED, RELATING TO THE DIRECTOR OF TRANSPORTATION SERVICES.

WHEREAS, Article 6, Charter 17 of the Revised Charter of the City and County of Honolulu 1973, as amended, ("RCH") provides the director of transportation services with the authority to plan, operate, and maintain transportation, including transit and bikeway, systems to meet public transportation needs, in accordance with the general plan and development plans, and advise on the design and construction thereof; and

WHEREAS, Section 6-1703, RCH, further provides the director of transportation services with the authority to locate, select, install, and maintain traffic control facilities and devices; and

WHEREAS, Section 6-1703, RCH currently does not state that the director of transportation services has the power, duty, or function to establish a steel wheel on steel rail system; and

WHEREAS, the council finds that the voters should decide whether the city, through the director of transportation services, should have the power, duty, or function to establish a steel wheel on steel rail transit system, provided that this authority would not preclude the director from utilizing other technologies to complement or extend the steel wheel on steel rail transit system; and

WHEREAS, it has been reported by the news media that the Circuit Court of the First Circuit has ruled in favor of "Stop Rail Now" in Civil No. 08-1-1605-08 (KKS), and has ordered the city clerk to file and process its initiative petition; and

WHEREAS, the initiative petition of "Stop Rail Now" was filed with the city clerk on August 14, 2008 as Petition 53 (2008); and

WHEREAS, the charter amendment proposed herein will be neither needed nor desirable if the ballot question posed in "Stop Rail Now's" Petition 53 (2008) ("Petition 53 ballot question") is placed on the 2008 general election ballot for a vote by the electorate; and

WHEREAS, the council wishes to place the charter amendment proposed herein on the 2008 general election ballot only if the ballot question posed in Petition 53 (2008) is not placed on the 2008 general election ballot; now, therefore,



RESOLUTION

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 2008 general election ballot; provided that if the ballot question posed in Petition 53 (2008), either in its original form or as it may be altered or restated pursuant to RCH Section 3-406, is included in the ballot language submitted by the city clerk to the chief election officer of the State of Hawaii pursuant to HRS Section 11-119(b), the following question shall not be placed on the ballot:

“Shall the powers, duties, and functions of the city, through its director of transportation services, include establishment of a steel wheel on steel rail transit system?”

2. That it propose and it is hereby proposed that Section 6-1703 of the Revised Charter of the City and County of Honolulu 1973, as amended, be amended to read as follows:

“Section 6-1703. Powers, Duties and Functions --

The director of transportation services shall:

(a) Plan, operate and maintain transportation, including transit and bikeway, systems to meet public transportation needs, in accordance with the general plan and development plans, and advise on the design and construction thereof.

(b) Locate, select, install and maintain traffic control facilities and devices.

(c) Provide educational programs to promote traffic safety.

(d) Establish a steel wheel on steel rail transit system, provided that nothing in this subsection shall preclude the director from utilizing technologies other than steel wheel on steel rail technology to complement or extend the rail transit system.

(e) Promulgate rules and regulations pursuant to standards established by law.”



RESOLUTION

3. 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 underscoring. If these charter provisions are amended by any other charter amendment approved by the electors at the 2008 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.
4. Unless, pursuant to Section 1 of this resolution, the charter amendment question posed herein is not to be placed on the 2008 general election ballot, the 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 2008 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 2008 general election.



RESOLUTION

- 5. That upon approval of the charter amendment question posed in this resolution by a majority of electors voting thereon, as duly certified, the charter amendments proposed in this resolution shall take effect on January 2, 2009.

INTRODUCED BY:

Charles Djou

DATE OF INTRODUCTION:

July 17, 2008
Honolulu, Hawaii

Councilmembers

APPROVED this 22nd day of August, 2008.

Mufi Hannemann
MUFU HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 08-166, CD1, FD1

Introduced: 07/17/08 By: CHARLES DJOU

Committee: EXECUTIVE MATTERS

Title: RESOLUTION INITIATING AN AMENDMENT TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED, RELATING TO THE DIRECTOR OF TRANSPORTATION SERVICES.

Links: [RES08-166](#)
[RES08-166, CD1](#)
[RES08-166, CD1, FD1](#)
[CR-230](#)

COUNCIL	7/23/08	RESOLUTION 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
PUBLISH	7/26/08	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
EXECUTIVE MATTERS	7/30/08	CR-230 – RESOLUTION REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF PUBLIC HEARING.
SPECIAL COUNCIL/PUBLIC HEARING	8/6/08	CR-230 ADOPTED. RESOLUTION PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO EXECUTIVE MATTERS COMMITTEE.
		NOTE: PROPOSED <u>FD1</u> , AS POSTED ON THE AGENDA, WAS NOT CONSIDERED DUE TO A LACK OF A SECOND TO THE MOTION TO AMEND.
	APO Y	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL Y OKINO Y TAM Y
PUBLISH	08/13/08	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
EXECUTIVE MATTERS	08/13/08	CR-262 – RESOLUTION REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD1 FORM.
COUNCIL	8/20/08	MOTION TO AMEND TO CD1, FD1 (HANDCARRIED VERSION CD 08/18/08) AYES: APO, CACHOLA, DELA CRUZ, DJOU, GARCIA, KOBAYASHI, OKINO, TAM EXCUSED: MARSHALL
		NOTE: PROPOSED FD1A AND FD1B AS POSTED ON THE AGENDA, WAS NOT CONSIDERED.
		CR-262 ADOPTED. RESOLUTION 08-166, CD1, FD1 PASSED THIRD READING AS AMENDED (RESOLUTION 08-166, CD1, FD1)
	APO Y	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL E 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


BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER