

HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

ORDINANCE **25 - 9**

BILL **33 (2024), CD1**

A BILL FOR AN ORDINANCE

RELATING TO CHAPTER 1, REVISED ORDINANCES OF HONOLULU 2021, AS AMENDED.

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

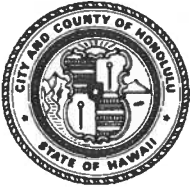
SECTION 1. Purpose and findings. The purpose of this ordinance is to amend Chapter 1, Revised Ordinances of Honolulu 2021 ("ROH"), to repeal or amend certain obsolete or unnecessary provisions.

The City Council ("Council") finds that with regard to ROH Section 1-7.4 ("Succession to office of mayor"), the City and County of Honolulu ("City") no longer elects "councilmembers-at-large," and so references to such offices in subsection (b)(3) should be removed to correct the order of succession to the office of the mayor.

The Council finds that ROH Section 1-9.2 ("Format of rules") is outdated since the Department of the Corporation Counsel has prescribed a uniform format for the preparation and publication of the administrative rules of City departments and agencies. The fallback provision, applicable if the Department of the Corporation Counsel fails to prescribe a uniform format for City administrative rules, should be revised to account for changed circumstances.

The Council finds that ROH Section 1-23.2 ("Unauthorized use of seal—Penalty") is outdated since the naval vessel known as the "USS Honolulu" (SSN-718) was stricken from the U.S. Navy's vessel registry in 2007 and subsequently dismantled such that there is no longer any possibility of display of the City seal on that vessel. The section may be amended in the future if another naval vessel with the name "USS Honolulu" is commissioned.

The Council finds that ROH Section 1-24.1 ("Defined") is outdated as it references a definition of "public records" that has not been used for more than 35 years. ROH Chapter 1, Article 24, was originally designated as Chapter 6, Article 12, Revised Ordinances of Honolulu 1990, and referred to "public records" as defined in Section 92-50, Hawaii Revised Statutes ("HRS") (1985). HRS Section 92-50 (1985) was subsequently replaced through the enactment of Act 262, Session Laws of Hawaii 1988, by the Hawai'i State Legislature and codified as HRS Chapter 92F (the "Uniform Information Practices Act (Modified)"). The term "public records" was broadened by HRS Chapter 92F into "government records," and the original exclusion of records that invade the right of privacy of an individual became the provisions of Chapter 92F relating to "personal records." The Council believes that ROH Section 1-24.1 should be revised to reflect these changes to the law.



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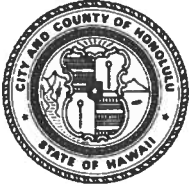
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SECTION 2. Section 1-7.4, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 1-7.4 Succession to office of mayor.

- (a) If the office of the mayor becomes vacant during a civil defense emergency period, the vacancy ~~[shall]~~ will be filled as provided by Charter § 5-106.
- (b) If the vacancy referred to in subsection (a) cannot be filled in conformity with Charter § 5-106, the following ~~[shall]~~ will serve as standby officers for the office of mayor in the following order of succession ~~[set forth hereinbelow]~~:
- (1) The chair of the city council;
 - (2) The vice-chair of the city council;
 - (3) ~~[Councilmembers at large in the order of the longest continuous tenure;]~~
Other councilmembers, in order of longest to shortest continuous tenure on the council; provided that if there [are two or more councilmembers with equal length of tenure, then the councilmember polling the larger number of votes in the preceding general election shall be prior in the order of succession;] are more than one councilmember with the same length of tenure, then their relative order will be in accordance with the number of votes received by each councilmember in the preceding election at which they were elected or reelected, from the greatest to the least number of votes; and
 - ~~[(4) District councilmembers in the order of the longest continuous tenure; provided that if there are two or more district councilmembers with equal length of tenure, then the councilmember polling the larger number of votes in the preceding general election shall be prior in the order of succession; and~~
 - ~~(5)]~~ (4) The managing director.
- (c) Pending the assumption of the office of mayor by any councilmember as ~~[hereinafter]~~ provided[;] in this section, ~~[or where a]~~ during the mayor's temporary absence from the State, or during the mayor's temporary disability or unavailability ~~[of the mayor]~~, the managing director ~~[shall]~~ will act as mayor. If the managing director should resign or be unable to act, the director of budget and fiscal services ~~[shall]~~ will then act as mayor."



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SECTION 3. Section 1-9.2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

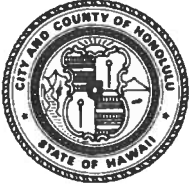
"§ 1-9.2 Format of rules.

- (a) The department of the corporation counsel shall prescribe a uniform format for the preparation and publication of the rules of the executive departments and agencies of the city. The uniform format ~~[shall]~~ must provide that each rule published ~~[shall]~~ will be accompanied by a reference to the authority pursuant to which the rule has been adopted, the law implemented by the rule, if any, and the effective date of the rule. The uniform format ~~[shall]~~ will further provide that, whenever possible, applicable law should be incorporated by reference and not be reprinted in the rule.
- (b) ~~[Until such time as a uniform format is established pursuant to subsection (a),]~~ If a uniform format is no longer prescribed pursuant to subsection (a), the rules of the executive departments and agencies of the city shall be prepared and published in the form prescribed in the most recent edition of the Hawaii Administrative Rules Drafting Manual~~;~~ prepared by the State Legislative Reference Bureau; provided that references therein to the Hawaii Revised Statutes ~~[shall]~~ will be deemed references to the Revised Ordinances of Honolulu, when appropriate, and other such adjustments ~~[shall]~~ will be made as necessary to give ~~[such]~~ the drafting manual a reasonable interpretation when applied to the ~~[City and County of Honolulu.]~~ city."

SECTION 4. Section 1-23.2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 1-23.2 Unauthorized use of seal—Penalty.

- (a) (1) Whoever knowingly displays any facsimile of the seal of the city in, or in connection with, any advertisement, poster, or circular, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the city or by any city department, agency, or instrumentality thereof, shall be guilty of a misdemeanor.
- (2) Subdivision (1) shall not be construed to apply to the use of a facsimile of the seal in any newspaper, periodical, book, pamphlet, or stationery where the facsimile of the seal is printed for informational purposes only to



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indicate that any article or printed matter therein originated from authorized sources of the city.

- (b) (1) Whoever, except when authorized in writing by the council for official use of the city, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any facsimile of the seal of the city, or any substantial part thereof, shall be guilty of a misdemeanor.
- (2) As used in this subsection, the term "sell" shall be broadly construed to include transactions involving cash donations to the seller or the seller's agent or representative, or both.
- (c) As used in this section, the term "facsimile" means the use of the seal as described or impressed or the gold color replica or any combination thereof found in § 1-23.1 [of this article].
- ~~[(d) This section shall not apply to the noncommercial manufacture or reproduction for display, or the noncommercial display, of a facsimile of the seal of the city described in § 1-23.1, on that certain vessel of the United States Navy known as the USS Honolulu (SSN 718).]~~

SECTION 5. Section 1-24.1, Revised Ordinances of Honolulu 2021 ("Defined"), is amended to read as follows:

"§ 1-24.1 Defined.

The term [~~"public records"~~] "public record" has the same meaning as "government record" as defined in HRS § 92F-3."

SECTION 6. Ordinance material to be repealed is bracketed and stricken. 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 material that has been bracketed and stricken, or the underscoring.



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SECTION 7. This ordinance takes effect upon its approval.

INTRODUCED BY:

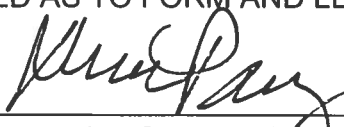
Tyler Dos Santos-Tam

DATE OF INTRODUCTION:

May 13, 2024
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel **DUANE W.H. PANG**

APPROVED this 11th day of March, 20 25.


RICK BLANGIARDI, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

BILL 33 (2024), CD1

Introduced: 05/13/24 By: TYLER DOS SANTOS-TAM Committee: INTERNATIONAL & LEGAL AFFAIRS (ILA)

Title: RELATING TO CHAPTER 1, REVISED ORDINANCES OF HONOLULU 2021, AS AMENDED.

Voting Legend: * = Aye w/Reservations

05/13/24	INTRO	Introduced.
06/05/24	CCL	Passed first reading. 7 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, TULBA, TUPOLA, WATERS, WEYER 2 ABSENT: OKIMOTO, SAY
06/25/24	EMLA	Reported out for passage on second reading and scheduling of a public hearing as amended in CD1 form. CR-192 8 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, WATERS, WEYER 1 ABSENT: TUPOLA
06/28/24	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
07/10/24	CCL/PH	Committee report adopted. Bill passed second reading as amended, public hearing closed and referred to committee. 6 AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, WATERS, WEYER 3 ABSENT: CORDERO, TULBA, TUPOLA
07/17/24	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
01/02/25		Councilmember Nishimoto took office on January 2, 2025.
01/03/25		CC-4(25) - BILL RE-REFERRED FROM EXECUTIVE MATTERS AND LEGAL AFFAIRS, EXECUTIVE MANAGEMENT TO INTERNATIONAL & LEGAL AFFAIRS COMMITTEE.
02/12/25	ILA	Reported out for passage on third reading. CR-38(25) 9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, NISHIMOTO, OKIMOTO, TULBA, TUPOLA, WATERS, WEYER
02/26/25	CCL	Committee report adopted and Bill passed third reading. 9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, NISHIMOTO, OKIMOTO, TULBA, TUPOLA, WATERS, WEYER

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.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER