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**2009-2010
HAWAI'I COUNTY
CHARTER COMMISSION**

To: Edmund K. Haitsuka, Chair
Members of the Hawai'i County Charter Commission

From: Levi K. Hookano, Attorney

Date: April 16, 2009

Re: Article III, Section 3-2: Term of Office for County Council Members

Chair Haitsuka and Members of the Charter Commission,

At the April 9, 2009 Charter Commission meeting, a question was raised regarding County Council terms and term limits. Specifically, the issue was what are the terms and term limits of other counties? This memo will outline what the City and County of Honolulu, County of Kaua'i, and County of Maui follow with regard to council terms and term limits.

Summary

1. City and County of Honolulu
 - a. Council Term: Four Years.
 - b. Term Limit: Two consecutive four-year terms.
 - c. Staggered Terms: Yes.
2. County of Kaua'i
 - a. Council Term: Two years.
 - b. Term Limit: None.
 - c. Staggered Terms: No.
3. County of Maui
 - a. Council Term: Two years.
 - b. Term Limit: Five consecutive Two-year terms.
 - c. Staggered Terms: No.

COMM. 9

City and County of Honolulu

The City and County of Honolulu (“Honolulu”) is the only county in the state that has four-year council terms with staggered terms.¹ They also have a two consecutive four-year term limit.² Prior to 1998, the Council did not have staggered terms. Therefore, in 1998 the Charter Commission introduced a transition provision found in section 16-122 (attached). This transition provision was meant to provide an unbiased method for determining which council districts would be the first to transition to four-year terms, depending on the results of the preceding mayoral election. According to James Williston, a senior staff attorney with the Honolulu Office of Council Services, the move to staggered terms was due to the fact that council terms were concurrent with the mayoral term. With a two term limit imposed on the Council, it was possible that there could be 9 freshmen council members and an incumbent mayor, which would place the council at a disadvantage. Therefore, the proposal was introduced for staggered terms.

County of Kaua‘i

The County of Kaua‘i is the only county that does not have term limits. According to section 3.03 of the Kaua‘i charter the council terms are two years, with no term limit specified.

County of Maui

The County of Maui limits the term of their council members two five terms. According to the Maui Charter, section 3-2(5), council members serve two-year terms, and may not “serve more than five consecutive full terms of office.” Other than Kaua‘i, Maui council members may serve the longest terms in office.

Conclusion

Since most of the discussion on April 9, 2009 focused on four-year terms and the possibility of staggered terms, I have attached for the Commission’s convenience the portions of the Honolulu Charter that refers to their council terms, term limits, and their transitional provisions. If you have any questions about this matter, please do not hesitate to contact me.



Levi Hookano
Commission Attorney

Attachments

Cc: Karen Eoff, Commission Secretary

¹ Revised Charter of Honolulu 2000 Edition, 2003 Supplement, Section 3-102.

² *Id.*