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C & C OF HONOLULU
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TO: COUNCILMEMBER ANN KOBAYASHI, CHAIR
BUDGET COMMITTEE
FROM: GAVIN KENNEDY, LEGISLATIVE ANALYST
OFFICE OF COUNCIL SERVICES
RE: CONSISTENCY OF THE MAYOR'S
PROPOSED CAPITAL PROJECTS WITH THE DEVELOPMENT PLANS

We have reviewed Bill 12 (2013), the Mayor's proposed Executive Capital Budget ordinance for FY 2014, to assist the Council in determining whether the projects proposed by the mayor are consistent with the development plans as required by Section 6-1511(3), Revised Charter of the City and County of Honolulu 1973, as amended ("Charter").

A. CRITERIA

All development plans, with the exception of the plan for the Northwestern Hawaiian Islands, have been updated by the Administration and adopted by the Council to comply with Section 6-1509 of the Charter. Tests to determine whether proposed projects are consistent with the development plans are based on public infrastructure maps (PIMs). Chapter 4, Article 8, Revised Ordinances of Honolulu, 1990, as amended ("ROH") relates to the adoption of PIMs. These provisions specify which public facilities must be shown on a PIM prior to the appropriation of land acquisition or construction funds.

A project qualifies as a major public infrastructure if it meets the following criteria.

1 In 2007, the criteria were amended to delete a minimum appropriation of \$3 million in capital costs as a trigger requiring a PIM. (Ordinance 07-37)

2 Sec. 4-8.4, ROH.

1. It has a significant impact on surrounding land uses or the natural environment;
2. It establishes a new facility;
3. It substantially changes the function of an existing facility; or
4. It involves modification (replacement or renovation) of an existing facility which would permit significant new development or redevelopment.

Nevertheless, Sec. 4-8.1(e), ROH, provides that the Council has the authority to resolve all questions of interpretation regarding whether a project requires placement of a symbol on the public infrastructure map.

Where appropriate, we have referenced the Department of Planning and Permitting's report, "Review of the Executive Capital Budget and Program for the Fiscal Year 2013-2014" (Dept. Comm. 186 (2013), hereinafter "DPP Report").

B. RESULTS

In our opinion, most of the Mayor's proposed projects contained in Bill 12 (2013): 1) are properly designated on a PIM; 2) are exempt or minor projects that do not need to be shown on PIMs; or 3) need not be placed on PIMs since they do not involve appropriations for land acquisition or construction.

We have identified one project in Bill 12 (2013) that the Council may judge to require a PIM amendment.

PROJECT THAT MAY REQUIRE PIM AMENDMENT

Waipahu Wastewater Pump Station Force Main (New)
(Sanitation Function; Project No. 2012053)

The project, as described in the Executive Program and Budget (FY 2013), is to "acquire land, plan and design" a new sewage pump station force main and proposes an appropriation of \$1,000,000 in land acquisition funds.³ There is also \$5,400,000 for planning and design.

A sewage pump station is a type of project for which a PIM symbol⁴ is required prior to the appropriation of land acquisition funds if the project meets at least one of the criteria for a "major public infrastructure." As described by the Administration, the project modifies an existing facility which would permit significant new development or redevelopment, thus meeting the criteria set in Sec. 4-8.4(4).

³ The Executive Program and Budget, FY 2014, Vol. 2—Capital Program and Budget; p. 352.

⁴ Sec. 4-8.3(16), ROH.

The DPP Report states erroneously that the project includes planning and design funds only. Additionally, the DPP analysis states that "[f]or the pump station portion of the project, designation on the map may be required in the future when construction funds are budgeted."⁵

It is possible that the land acquisition funding included in Bill 12 (2013) will be used for other aspects of the project that do not require an amendment to the Central Oahu PIM. However, as described by the Administration, the proposed project appears to require an "SPS" or "SPS/M" symbol before land acquisition funds may be appropriated by the Council.

The Council may wish to request further information from the Department of Environmental Services and the Department of Planning and Permitting regarding the possible necessity of a PIM amendment for this project. Alternatively, the Council could remove funding for land acquisition from Bill 12 (2013) until a PIM amendment resolution is approved.

⁵ Dept. Com. 186, p. 30.