



RESOLUTION

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

WHEREAS, Section 7-101, Revised Charter of the City and County of Honolulu 1973, as amended ("Charter"), establishes a semi-autonomous City agency known as the Board of Water Supply; and

WHEREAS, the Board of Water Supply is overseen by a seven-member policy-making board, including two *ex officio* members, the Chief Engineer of the Department of Facility Maintenance, and the Director of the State Department of Transportation; and

WHEREAS, members of the Board are not elected by the people of the City and County of Honolulu ("City"), but are appointed by the Mayor, subject to confirmation by the Council; and

WHEREAS, the agency known as the Board of Water Supply has broad powers, duties and functions including: (1) controlling all water systems of the City, such as water rights and water sources, together with all materials, supplies and equipment and all real and personal property used or useful in connection with such water systems; (2) full and complete authority to manage, control and operate the water systems and properties used or useful in connection with such water systems; and (3) devising ways and means for the economic distribution and conservation of water; and

WHEREAS, the policy-making board of the Board of Water Supply ("BWS Board") has significant powers, duties and functions including: (1) appointing and removing the administrative head of the Board of Water Supply, known as the Manager and Chief Engineer; (2) creating and abolishing positions within the Board of Water Supply; (3) determining the rates and charges for the furnishing of water and water services in the City; (4) issuing revenue bonds under the name of the Board of Water Supply; (5) acquiring real property by eminent domain, purchase, lease or other means, in the name of the City, for water systems purposes; (6) modifying and approving the annual operating and capital budgets of the Board of Water Supply; and (7) prescribing and enforcing rules and regulations having the force and effect of law to carry out the provisions of Article 7 of the City Charter; and



RESOLUTION

WHEREAS, Section 7-105(j) of the Charter specifically authorizes the BWS Board to prescribe and enforce rules and regulations on the following subjects: (1) the regulation of water systems and necessary appurtenances for subdivisions and other properties and requirements for adequate water supply and storage facilities for domestic use and fire protection, (2) the prevention of waste and pollution of water, (3) the manner in which new wells or shafts may be bored, drilled or excavated, cased and capped or recased, (4) the manner in which wells or shafts may be maintained, controlled and operated to prevent waste of water or the impairment of potability, (5) the limitation to beneficial uses of all water, (6) in times of shortage or threatened shortage of water or of danger to potability of the water of any ground water basin or area by overdraft on such basin, the restriction of the drawing of water in all wells supplied from such basin on a basis proportionate to the proper and beneficial uses served by them respectively, and (7) other matters having for their object the proper conservation and beneficial use of the water resources available to the City; and

WHEREAS, in recent months the BWS Board and its policies and rules have received considerable public criticism whereupon the perception of the general public is that the BWS Board has not demonstrated a willingness to consider the needs of and the effects of its policies on the public or to be receptive to public input; and

WHEREAS, the Council finds that the composition of the BWS Board will be greatly benefited if the number of members were increased from seven to eleven and the appointed members were required to have specific knowledge and expertise relating to water; and

WHEREAS, the Mayor's approval is required for any Charter amendment proposed by the Council at a general election held in a year ending in a "4"; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the ballot at the 2014 general election:

"Shall the Revised City Charter be amended to increase the number of members on the board of water supply to eleven and to require that the appointed members have specific technical knowledge relating to water and water systems to serve on this board?"



RESOLUTION

2. That Section 7-104 of the Revised Charter of the City and County of Honolulu 1973 ("Board of Department of Water --") be amended to read as follows:

"Section 7-104. Board of Department of Water --

1. The board shall consist of [seven] eleven members[.], of which seven are appointed voting members and four are ex officio non-voting members. The chief engineer of the department of facility maintenance of the city, two chairs of the council committees relating to transportation and to city infrastructure, and the director of transportation of the State shall be [members] ex officio non-voting members of the board. [Five other members shall be appointed as provided by Section 13-103 of this charter.] The board shall be governed by the provisions of Sections 13-103 of this charter[.], except that subsections (b) and (c) thereof shall not apply to the extent it is otherwise provided herein.

2. The seven voting members shall be appointed as follows:

(a) Three members shall be appointed by the mayor without necessity of council confirmation;

(b) Three members shall be appointed by the council; and

(c) One member shall be nominated by the mayor and appointed by the council.

3. The terms of the initial appointments of the seven voting members shall be as follows: Of the three members appointed by the mayor or the council, one member each shall serve a five-, four-, and three-year term respectively. The member nominated by the mayor and appointed by the council shall serve a two-year term. The terms of the ex officio non-voting members of the board shall not be subject to any time limit.

4. The appointed members of the board shall have:

(a) Specific knowledge of water-related matters, with published submissions on water issues in Hawaii at the state or local level;

(b) Knowledge in water management policies and practices;



RESOLUTION

(c) Expertise in hydrology, geology, ground water modeling, global climate change, water distribution systems and infrastructures, and other related issues; or

(d) Knowledge of island ecosystems, watershed protection, ground/surface water relationships, the impact of ground water taking on near shore marine ecosystems, with special reference to species and habitat and streams."

3. That in Section 2 of this resolution, 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 2014 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 upon adoption of this resolution by the Council and approval by the Mayor, 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 2014 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 their submission to the electors at the 2014 general election.



RESOLUTION

- 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 amendments proposed for the Revised Charter, as proposed in Section 2 of this resolution shall take effect on January 2, 2015.

INTRODUCED BY:

[Handwritten signature]

DATE OF INTRODUCTION:

MAR 20 2014

Honolulu, Hawaii

Councilmembers

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu

C & C OF HONOLULU
CITY CLERK
RECEIVED
MAR 20 2014

FILED
MAR 20 2016
PURSUANT TO ROH Sec. 1-2.5