



RESOLUTION

INITIATING CHARTER AMENDMENTS PURSUANT TO THE MAYOR'S EXECUTIVE REORGANIZATION AUTHORITY TO TRANSFER ALL DUTIES AND FUNCTIONS OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES RELATING TO STORM WATER TO THE DEPARTMENT OF FACILITY MAINTENANCE.

WHEREAS, the storm water quality branch within department of environmental services ("ENV") is currently responsible for monitoring and overseeing the city's storm water system, program and management plan, including administering compliance with the city's storm water National Pollution Discharge Elimination permit and enforcing city storm water ordinances and rules; and

WHEREAS, these ENV duties and functions were established by the 1998 mayoral reorganization of city government by the council's adoption of Resolution 98117, CD1, approving then-Mayor Jeremy Harris' April 27, 1998 Revised City Consolidation and Reorganization Plan ("the Reorganization Plan"), which assigned the former public works function described as "PW – Engineering Storm Water Quality" to ENV; and

WHEREAS, under existing Section 6-902, Revised Charter of Honolulu 1973, as amended ("RCH"), the department of facility maintenance ("DFM") is responsible for maintaining public streets, roads, bridges, walkways, and drainage and flood control systems, to which responsibilities the Reorganization Plan added: "PW – Roads Storm Drain Maintenance", as an activity of "Roads Maintenance."

WHEREAS, pursuant to RCH Section 4-202, entitled "Executive Reorganization Power," the mayor may propose to the council that "the duties and functions of existing departments and agencies of the executive branch, excepting departments or agencies reporting directly to the mayor and not including semi-autonomous agencies, be changed or departments or agencies be created, combined, rearranged or eliminated"; and

WHEREAS, RCH Section 4-202 further provides that a mayoral proposal to reorganize the departments or agencies of the executive branch "shall be in a form stylistically equivalent to that of a proposal for [a] charter amendment"; and

WHEREAS, under RCH Section 4-202, such a proposed reorganization "shall take effect upon council approval or sixty days after transmittal to the council unless rejected by a two-thirds vote of the council's entire membership"; and

WHEREAS, in the exercise of this broad executive reorganization authority, the mayor proposes to consolidate city storm water duties and functions by transferring to DFM all of ENV's duties and functions relating to storm water, along with all of the



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employees, records, property, equipment, obligations, liabilities and contracts of the storm water quality branch that support or relate to the exercise of these duties and functions; and

WHEREAS, to implement and achieve the reorganization, the mayor proposes the specific language for the charter amendments as hereinafter set forth; and

WHEREAS, the mayor has set forth his rationale for the transfer of storm water oversight and monitoring from ENV to DFM in his Mayor's Message transmitting his reorganization proposal; and

WHEREAS, the council is in accord with the mayor's proposal; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the council approves the mayor's proposal to amend the charter as follows:

1. That Article VI, Chapter 9, Section 6-903 of the Revised Charter of the City and County of Honolulu 1973, as amended, relating to the "Powers, Duties and Functions" of the department of facility maintenance, be amended to read as follows:

"Section 6-903. Powers, Duties and Functions – The chief engineer shall:

- (a) Maintain public buildings and their adjoining parking facilities, except as otherwise provided by law.
- (b) Maintain public streets, roads, bridges and walkways[, and drainage and flood control systems].
- (c) Install and maintain street lighting systems.
- (d) Maintain, oversee and monitor drainage and flood control systems, administer city storm water permits, programs and management plans, and enforce city ordinances and rules relating to storm water quality.

[(e)] Perform such other duties as may be required by law."



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2. That an amendment be made to Article XVI of the Revised Charter of the City and County of Honolulu 1973, ("Transition Schedule"), as amended, by adding a new section to read as follows:

"Section 16- . Transition Provisions Concerning the Transfer of Duties and Functions of the storm water quality branch --

1. Effective on July 1, 2015, the duties, and functions of the department of environmental services relating to its storm water quality branch shall be transferred to and assumed by the department of facility maintenance.
 2. All civil service officers and employees holding positions or functions in the storm water quality branch within the department of environmental services, shall be transferred to the department of facility maintenance effective on July 1, 2015. The civil service officers and employees shall suffer no loss of vacation allowance, sick leave, service credits, retirement benefits, or other rights and privileges because of the transfer. Nothing in this subsection, however, shall be construed as preventing future changes in status pursuant to the civil service provisions of this charter.
 3. All lawful obligations, liabilities, permits, and contracts of the city which relate to the duties and functions of the storm water quality branch, and which are administered by the department of environmental services, shall be transferred to and thereafter be administered by the department of facility maintenance, effective on July 1, 2015. The obligations, liabilities, and contracts transferred shall continue in effect until discharged or lawfully terminated.
 4. All records, property, and equipment utilized by the storm water quality branch in carrying out its duties and functions shall be transferred to and assumed by the department of facility maintenance, effective on July 1, 2015.
5. Notwithstanding the foregoing, the city shall obtain any required approvals from the State or Federal government for the transfer of duties with respect to the city's storm water National Pollution Discharge Elimination permit, and the transfer effective dates set



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forth above may be delayed until all such necessary approvals have been obtained."

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

1. That the revisor of the charter is directed to prepare a supplement of the charter containing this reorganization language;
2. That charter material to be repealed 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. If these charter provisions are amended by any other charter amendment, 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.

BE IT FINALLY RESOLVED that the city clerk transmit a copy of this Resolution to the mayor, the managing director, **the director of the department of environmental**



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services, the director of the department of facility maintenance, and the corporation counsel.

INTRODUCED BY:

[Handwritten signature]

(br)

DATE OF INTRODUCTION:

JAN 13 2015

Honolulu, Hawaii

Councilmembers