

SUMMARY OF PROPOSED FLOOR DRAFT:

**Bill 31 (2016)
RELATING TO INFRASTRUCTURE.**

PROPOSED FD1 makes the following amendment:

In subsection (e) on page 4 of the bill, changes the phrase "public facility improvements" to "public facility or improvement."



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 31 (2016), FD1
Proposed

A BILL FOR AN ORDINANCE

RELATING TO INFRASTRUCTURE.

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

SECTION 1. Purpose. The purpose of this ordinance is to provide expressly that the city may construct infrastructure improvements in neighborhoods solely with city funds.

SECTION 2. Section 14-23.1, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 14-23.1 Methods.

- (a) Whenever in the opinion of the council it is desirable to:
- (1) Establish, open or construct any public highway, as defined by statute, including in connection therewith the construction of a sidewalk, sanitary sewer system, storm drainage system, water system or street lighting system[, or] ;
 - (2) Extend, widen, alter, grade, pave, curb, macadamize or otherwise improve, to an extent exceeding maintenance or repair thereof, the whole or any part of any existing public highway, including in connection therewith the improvement of a sidewalk, sanitary sewer system, storm drainage system, water system or street lighting system[, or] ;
 - (3) Improve a sanitary sewer system, storm drainage system, street lighting system or sidewalk independently of any other improvement[,] ; or
 - (4) Acquire property for or improve pedestrian malls, off-street parking facilities as provided in HRS Chapter 56, parks, playgrounds or public beaches as provided in Section 14-23.3 hereof, or any other public facility or improvement, including but not limited to facilities or improvements relating to transportation, police or fire related facilities, public restrooms, public benches, public information booths, public meeting rooms, or any other structure, facility or improvement determined by the council to be a valid public purpose[,] ;



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such acquisitions or improvements, when financed by assessments to benefited properties[,] or as otherwise provided hereby, [shall] may be made under the provisions of Articles 23 through 29 of this chapter. For such purposes, the council may create, define and establish improvement districts, all according to the provisions of Articles 23 through 29 of this chapter.

[In the case of a sidewalk which is to be constructed or improved independently of any other improvement, the highway along which the improvement of such sidewalk is proposed shall have existing curbing, and the right-of-way width of such highway shall be at least equal to the width, if indicated, in the general plan or development plans of the city.]

The cost of any improvement includes the cost (if not assumed by the city under the discretionary power contained in Section 14-24.1) of acquiring any land therefor, whether prior to or after the commencement of the proceedings for such improvements. Such cost shall be assessed against the land specially benefited on the frontage basis, or according to the area of the land, or according to the real property tax assessment on the value of the land and improvements thereon within an improvement district, or according to any other method or basis of assessment determined by the council which correlates the benefits to the land within an improvement district to the improvements to be undertaken therein, or any combination of the aforesaid methods or basis of assessment.

Wherever the frontage or area basis of assessment is mentioned in Articles 23 through 29 of this chapter, such valuation method may be used either alone or in combination with one or more of the aforesaid methods of assessment.

The city may issue and sell bonds to provide the funds for such improvements. Bonds for an improvement initiated pursuant to Sections 14-25.1, 14-25.2 or 14-25.3 may, in the sole discretion of the council, be either:

- (1) General obligation bonds of the city (or the funds for such improvements may be provided from the capital projects fund or from both the capital projects fund and the issuance and sale of general obligation bonds)[,] ; or
- (2) Bonds secured only by such assessments as a lien upon the lands assessed.



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- (b) Nothing in Articles 23 through 29 of this chapter [shall] will prevent the city from compelling abutting property owners at their own expense to construct, maintain and repair sidewalks and curbs in front of the abutting property under any other statute or ordinance.
- (c) Nothing in Articles 23 through 29 of this chapter [shall] will prevent the city or the board of water supply from constructing, improving, maintaining and repairing any sanitary sewer system, storm drainage system, street lighting system or water system, as the case may be, as empowered by any other statute or ordinance.
- (d) Nothing in Articles 23 through 29 of this chapter [shall] will prevent the city from making the improvements referred to in subsection (a) of this section, if property owners and the council mutually agree to share the cost of such improvements and the estimated amount of such cost to be borne by the property owners is deposited with the city prior to the award of the construction contract; provided, that the proportionate share of the cost to be borne by the property owners and the city shall be subject to revision upon the determination of the actual cost of the improvement.
- (e) Nothing in Articles 23 through 29 of this chapter will prevent the city from constructing, solely at city expense, roadway, sidewalk, sanitary sewer system, storm drainage system, water system, street lighting system, pedestrian mall, off-street parking facility, park, playground public beach or any other public facility or improvement for which funds have been appropriated by the council for such purpose."

SECTION 3. Ordinance material to be repealed is bracketed. 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 bracketed material or the underscoring.



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SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Ann Kobayashi

Carol Fukunaga

DATE OF INTRODUCTION:

April 14, 2016
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu