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CITY CLERK
HONOLULU, HAWAII

TO: COUNCILMEMBER TODD APO, CHAIR
BUDGET COMMITTEE
FROM: DOUG CHUN, LEGISLATIVE ANALYST
OFFICE OF COUNCIL SERVICES
RE: CONSISTENCY OF COUNCILMEMBERS'
PROPOSED CAPITAL PROJECTS WITH THE DEVELOPMENT PLANS

I. INTRODUCTION AND SUMMARY OF RESULTS

We have reviewed the new projects listed in CC-55, March 25, 2008, which have been proposed by councilmembers for inclusion in Bill 19, for consistency with the development plans as required by the 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.

Please note, however, that in accordance with Section 4-8.1(e), ROH, 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. Accordingly, the information provided below is advisory.

1 The criteria was amended in 2007 to, among other things, delete a fixed dollar amount of appropriation as a trigger requiring a PIM.

B. RESULTS

In our opinion, the majority of projects reflected in the councilmembers' proposed amendments to the executive capital budget: 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.

In Section II of this memo, we identify two amendments to the executive capital budget proposed by the council that may need to be shown on the PUC and Central Oahu PIMs respectively, currently are not designated on those PIMs, and for which, as of the date of this memorandum, resolutions revising the PIMs have not been introduced.

II. COUNCILMEMBERS' PROPOSED AMENDMENTS TO THE EXECUTIVE CAPITAL BUDGET (BILL 19 (2008))

A. PROPOSALS LACKING DESIGNATION ON PIMS

1. A Council District 5 proposal seeks to add \$189,000 in construction funds to construct a canoe halau at the east end of the Ala Wai Canal.

Although this project was funded in FY 2008 and is currently listed as project number 2008092,² a government building symbol has not been placed on the PUC PIM to permit the expenditure of FY 2008 construction funds. It is our understanding that these funds will not lapse until June 30, 2009. Additional construction funds appropriated for FY 2009 would also be subject to expenditure prohibitions prior to the placement of the PIM symbol. However, these funds would not lapse until June 30, 2010.

The proposed canoe halau is a type of government building that will establish a new facility and thus meets the criteria of Sections 4-8.3 and 4-8.4, ROH, for amending the PUC PIM (by adding a "GB" symbol). As of the date of this memorandum, no resolution amending the PUC PIM for this project has been introduced.

2. A Council District 9 proposal seeks to add \$260,000 in construction funds to construct a rip-rap swale on the grounds of Kaoma'aiku Neighborhood Park. This is a new project with no project number. The proposed swale is a type of drainage way that will establish a new facility and thus meets the criteria of Sections 4-8.3 and 4-8.4, ROH, for amending the Central Oahu PIM (by adding a "D" symbol). As of the date of this memorandum, no resolution amending the Central Oahu PIM for this project has been introduced.

² The Executive Program and Budget, Fiscal Year 2009, Vol. II, p. 498.

B. RECOMMENDATIONS

Section 4-8.1(c), ROH, states, in part, that: “Symbols for publicly funded facilities for a development plan area for which a public infrastructure map has been adopted shall be shown on the applicable public infrastructure map prior to the appropriation of land acquisition or construction funds.”

Section 16 of Bill 19 (2008) includes proviso language that restricts expenditures of land acquisition or construction funds to exempt or minor projects, or to major projects shown on a PIM. In order to ensure that the projects listed above are in compliance with charter and ordinance requirements, we suggest that the council include these two projects in the list in section 16 of Bill 19 (2008), thereby restricting construction funds until the projects are determined to be exempt, minor, or major projects that have been placed on the applicable PIM.

If you have questions, please call me at Extension 4900.