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April 9, 2009

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CITY CLERK
HONOLULU, HAWAII

TO: COUNCILMEMBER NESTOR GARCIA, CHAIR
BUDGET COMMITTEE

FROM: DOUG CHUN, LEGISLATIVE ANALYST 
OFFICE OF COUNCIL SERVICES

SUBJECT: CONSISTENCY OF THE MAYOR'S PROPOSED CAPITAL PROJECTS
WITH THE DEVELOPMENT PLANS

I. INTRODUCTION AND SUMMARY OF RESULTS

We have reviewed Bill 16 (2009), the mayor's proposed executive capital budget ordinance for FY 2010, 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"), which relates to the adoption of PIMs, contains provisions specifying which public facilities must be shown on a PIM prior to the appropriation of land acquisition or construction funds.¹

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.

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

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 2009-2010" (Dept. Com. 233 (2009), hereinafter "DPP Report").

B. RESULTS

In our opinion, the majority of the mayor's proposed projects contained in Bill 16 (2009): 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 memorandum, we identify a project in Bill 16 (2009) that may require PIM amendments and note additional projects that warrant further review because project descriptions are too broad or vague to determine consistency with development plans.

II. MAYOR'S PROJECTS IN BILL 16 (2009)

A. PROJECT THAT MAY REQUIRE PIM AMENDMENTS

1. Hanauma Bay Erosion/Rockfall Mitigative Improvements (Culture/Recreation Function; Project No. 2010073)

The project, as described in the Executive Program and Budget (FY 2010), is to plan, design and construct mitigative park improvements to address potential erosion and rockfall conditions.²

The DPP Report states that this is an exempt project since "rockfall mitigative improvements are not a type of project required to be shown on the PIM."³ However, a similar project, "mitigative improvements at parks" (Project No. 2008046), is listed by the administration under Section 14 of Bill 16, which lists projects that may subsequently be determined to require a PIM symbol. Furthermore, during the March 19, 2009 CIP budget briefing, the parks and recreation director stated that "this CIP (Project No. 2008046) is similar to the one for Hanauma Bay, dealing with rockfalls and such, but for other parks." If the Hanauma Bay project is similar to other park projects, then it should be listed in Section 14 as a project that may require a PIM symbol.

A PIM symbol may be required for this project prior to the appropriation of construction funds if the project meets the criteria as a "major public

² The Executive Program and Budget, FY 2010, Vol. 2—Capital Program and Budget; p. 459.

³ Dept. Com. 233, p.31.

infrastructure.” A project qualifies as a major public infrastructure if it meets the following criteria:⁴

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.

If the council determines that the project may have a significant impact on surrounding land uses or the natural environment, the council may wish to either: 1) require the placement of an “P/M” symbol on the East Honolulu PIM prior to the appropriation of construction funds, in order to properly identify the potential erosion and rockfall mitigative improvements as a major public infrastructure project; or 2) add this project to those projects listed in Section 14 of Bill 16 (2009) (see Part B of this memo).

B. PROJECTS BROADLY OR VAGUELY DESCRIBED

Certain projects in Bill 16 (2009) are grouped together under a single appropriation and described in general terms by the administration. In addition, one project, the Honolulu High Capacity Transit Project⁵ is described without specificity as to what project or purpose the monies are to be used. Section 14 of Bill 16 (2009) lists five projects where the expenditure or encumbrance of land acquisition or construction funds is restricted to exempt or minor projects, or to major projects shown on a PIM.

In order to ensure that projects that are:

- 1) Grouped together under a single appropriation for multiple projects; or
- 2) Described with no specificity regarding the projects or purposes for which monies will be used

are in compliance with charter and ordinance requirements, we suggest that the council include the following such project in the list in section 14 of Bill 16 (2009):

⁴ Sec. 4-8.4, ROH.

⁵ “Plan, design, construct, inspect, relocate, acquire land and equipment for the Locally Preferred Alternative.”; Bill 16 (2009); p. 35.

Project	Project No.	Land Acquisition and Construction Funds Requested	Total Funds Requested
Storm Drainage Improvements ⁶	2000117	\$1,095,000	\$1,500,000

Alternatively, the council could require the administration to provide greater detail in the project descriptions in Bill 16 to clarify the purposes for which monies will be used. This would clarify whether the projects are either exempt or minor, and therefore, not in need of a PIM symbol.

If you have any questions, please call me at Extension 3869.

⁶ Bill 16 (2009), p. 14.