



CITY COUNCIL

**Councilmembers: Todd K. Apo, Chair • Nestor R. Garcia, Vice Chair
Ikaika Anderson, Floor Leader • Romy M. Cachola, Member • Charles K. Djou, Member
Donovan M. Dela Cruz, Member • Gary H. Okino, Member • Rod Tam, Member**

POWERS, DUTIES AND FUNCTIONS

The 1973 Revised Charter of the City and County of Honolulu expressly establishes the “legislative branch” as coordinate with the executive branch of city government and vests the legislative power in the city council. As the legislative body of the city, the council performs the following major duties and functions:

- Sets city-wide policies by enacting ordinances and adopting resolutions relating to municipal government programs and services, such as police and fire protection, parks and recreation, affordable and special needs housing, sanitation and waste disposal, public transportation, and other city government operations;
- Initiates new municipal programs that the city may pursue or improvements to existing programs and services;
- Adopts the annual operating and capital programs and budgets to fund the operations of the city and the delivery of city services;
- Initiates amendments to the city charter;
- Adopts measures that will yield sufficient moneys to balance the budget, including the setting of the annual real property tax rates and authorizing the issuance of general obligation bonds;
- Adopts a general plan for the city and land use laws affecting the city’s development plans and zoning regulations and processes;
- Establishes policies for development in or near the shoreline by reviewing and granting applications for special management area use permits and shoreline setback variances upon recommendation of the department of planning and permitting;
- Makes requests to the city auditor to conduct performance audits of city agencies and programs to determine whether laws, policies, and programs are being carried out in the most effective, efficient, and economical manner;
- Determines the necessity for taking property for public purposes and authorizes proceedings in eminent domain;
- Confirms city department heads and board and commission members nominated by the mayor, appoints members of certain commissions;
- Fixes fees and charges for city services and the use of city property or delegates that authority to the city executive branch;
- Settles claims filed against the city and its officers and employees;
- Approves the compromise of real property tax claims in excess of \$500 upon recommendation of the director of budget and fiscal services;
- Approves the abandonment or closing of city streets and roads upon recommendation of the city administration;
- Establishes fines and penalties for violations of city ordinances;
- Accepts, on behalf of the city, gifts of money, securities, other personal property, or real estate or interests in real estate;
- Authorizes agreements between the city and other governmental and quasigovernmental agencies which place obligations on the city; and
- Approves the appointment of special counsel for the city upon the recommendation of the corporation counsel; and
- Serves as trustees providing oversight over the land of Kapiolani Park.

ORGANIZATION

The council exercises its legislative policy making and oversight powers through the work of its standing committees. The standing committees served as open forums of discussion, debate, and consensus. They actively sought citizen participation in the legislative process by conducting meetings during which individuals as well as representatives of neighborhood boards, small businesses, interested organizations, and affected industries were encouraged to share their opinions and ideas on city government programs and activities. The number and diversity of public testimony received by the standing committees often formed the bases for recommendations for council action. In addition to the regularly scheduled committee meetings, the standing committees also held informational briefings to focus on complex issues and study new initiatives for city programs and services.

On August 7, 2009, Ann Kobayashi was elected at a special election for District V held to replace Duke Bainum, who passed away on June 9, 2009. Charles K. Djou was elected to the U.S. Congress for the 1st District of Hawaii and resigned his seat representing Council District IV effective May 25, 2010. On June 9, 2010, the council adopted Resolution 10-132, CD1, FD1 and thereby elected Lee Donohue to serve the remainder of the term ending January 2, 2011.

At the end of fiscal year 2009-10, the members of the council and voting members of the committees at that time were the following:

Councilmembers

Todd K. Apo, Chair
Nestor R. Garcia, Vice Chair
Ikaika Anderson, Floor Leader
Romy M. Cachola, Member
Donovan M. Dela Cruz, Member
Lee Donohue, Member
Ann Kobayashi, Member
Gary H. Okino, Member
Rod Tam, Member

Committee on Boards and Commissions

Chair: Romy M. Cachola
Vice Chair: Rod Tam
Member: Donovan M. Dela Cruz

Committee on Budget

Chair: Nestor R. Garcia
Vice Chair: Gary H. Okino
Members: Ikaika Anderson, Ann Kobayashi, Rod Tam

Committee on Executive Matters and Legal Affairs

Chair: Donovan M. Dela Cruz
Vice Chair: Ikaika Anderson
Members: Todd K. Apo, Romy M. Cachola, Lee Donohue, Nestor R. Garcia, Ann Kobayashi, Gary H. Okino, Rod Tam

Committee on Planning

Chair: Rod Tam
Vice Chair: Romy M. Cachola
Member: Ikaika Anderson

Committee on Public Infrastructure

Chair: Ann Kobayashi
Vice Chair: Donovan M. Dela Cruz
Members: Ikaika Anderson, Lee Donohue, Nestor R. Garcia

Committee on Public Safety & Services

Chair: Lee Donohue
Vice Chair: Ann Kobayashi
Member: Gary H. Okino

Committee on Transportation

Chair: Gary H. Okino
Vice Chair: Nestor R. Garcia
Members: Romy M. Cachola, Donovan M. Dela Cruz, Lee Donohue

Committee on Zoning

Chair: Ikaika Anderson
Vice Chair: Lee Donohue
Members: Nestor R. Garcia, Gary H. Okino, Rod Tam

ACCOMPLISHMENTS

In fiscal year 2009-10, the council's primary task was to help the City and County of Honolulu find its way through the worldwide recession: how to maintain core city services and provide help for those most in need at a time when revenues and resources are especially scarce. After studying and evaluating the many issues and problems brought before the council and considering the input of the city administration, public, and relevant interests, the council approved measures that may be categorized into the following general areas: (1) maintaining city services; (2) providing affordable housing and social services; (3) ensuring public safety; (4) investing in transportation; (5) protecting the environment; (6) preserving parks and open space; and (7) promoting economic development.

MAINTAINING CITY SERVICES

In spite of the continuing poor performance of the broader economy, the council adopted a balanced budget that maintained core city services and avoided unreasonable burdens on taxpayers and other residents. A key factor in achieving this balance was approval of a twice per month furlough of most city employees (Ord. 10-11). The savings attributed to this measure were estimated to exceed \$26 million.

A new homeowner class of real property taxpayers was also created to enable special tax rates to be applied (Ord. 9-32). The tax rate for homeowners approved for the FY 2011 fiscal year budget was \$3.42 per \$1,000 of property valuation. The council reduced the mayor's proposed rates for nonhomeowner taxpayers from \$3.72 per \$1,000 to \$3.58 per \$1,000 of property valuation, bringing that rate much closer to the rate applied to homeowners (Res. 10-60, CD1). Further easing the tax differential for taxpayers in the nonhomeowner class was a one-time tax credit for FY 2011 applicable to those who had one home on their property (Ord. 10-8). The minimum real property tax, which had long remained at \$100, was raised to \$300 (Ord. 10-9). To encourage more participation by veterinarians in the city's spay/neuter subsidy program, the fees allowed to be charged for many of these surgeries were increased (Ord. 10-1).

The city's practice of providing a significant amount of funding for city employee positions that are vacant at a particular point in time drew special scrutiny by the council. Although the funds are often used as intended to pay for new employees hired into these positions, these budgeted funds may also be used for contract hires or other expenses, or may not be used at all. Even when budgeted amounts for vacant positions are not used, taxes and fees must be levied to cover the appropriations to balance the budget. As a first step in providing greater accountability to the public, the council created a new budget line item for each city agency that would separately account for these vacant position funds (Ord. 10-11).

The council approved an agreement for the city to take over Kapolei Property Development LLC's obligation to complete a portion of Kapolei Parkway. In exchange, the city would acquire from the developer 51 acres of prime Kapolei land (Res. 10-49). To help carry out this agreement, \$19 million was appropriated for the construction of Kapolei Parkway (Ord. 10-12).

PROVIDING AFFORDABLE HOUSING AND SOCIAL SERVICES

To focus city efforts to make housing more affordable to Honolulu residents, the council appropriated \$124,000 to establish a new Office of Housing in the managing director's office (Ord. 10-11). Supplementing the prior year's funding, \$7.6 million was appropriated to the River Street Residences project in Chinatown, conditioned on whether prior funding was being used and requiring the involvement of the Chinatown community in the project (Ord. 10-12). To further such involvement, the department of planning and permitting was asked to prepare a Chinatown plan in partnership with that community, using \$300,000 in funding (Ord. 10-11), that would consider the development of various forms of city-assisted housing, as well as the area's issues involving public safety, sanitation, and public facilities (Res. 9-364, CD1).

Utilizing the city's authority to exempt certain affordable housing projects from development regulations to make them economically viable, the council approved exemptions for Kaukamana Hale in Lualualei (Res. 9-228, CD1), Franciscan Vistas in Ewa Beach (Res. 9-274, CD1), Maili Self Help III (Res. 9-312, CD1), and Hale Mohalu II in Pearl City (Res. 9-317, CD1). The worsening local economy prompted two affordable housing projects underway to seek relaxation of income limits on their buyers or renters. The council granted requests by Plantation Town Apartments in Waipahu (Res. 9-342, CD1, FD1), and Franciscan Vistas in Ewa Beach (Res. 9-358, FD1). The need to broaden income eligibility for affordable housing that was required as part of privately developed housing projects approved for rezoning was addressed as a general city policy in Resolution 9-241, CD1.

The council approved an array of financial assistance for housing and social services in consideration of the community's exceptional current needs. Items supported included applications to obtain up to 200 housing vouchers from the federal government (Res. 10-125), \$3.9 million in homeless assistance federal grants to be distributed to local organizations (Res. 9-293, CD1, FD1), \$2 million in state grants for emergency shelter providers (Res. 10-104), \$2.2 million in city funds for a new grant program for human service and leeward coast programs (Ord. 10-11), up to \$4 million in federal funds for occupational training in "green" industries (Res. 9-264, CD1), and \$1 million in federal funds for education and occupational training for young parents and expectant mothers (Res. 9-233, CD1). The council also supported an exemption from real property taxes for child care programs (Ord. 9-24).

ENSURING PUBLIC SAFETY

Culminating years of preparation by federal, state and city officials to boost global awareness of Hawaii as a business destination, in November 2009, the President of the United States announced that the next meeting of the Asia-Pacific Economic Cooperation Conference would be held in Honolulu. The prestigious gathering of the heads of 21 nations may draw up to 10,000 attendees at the Hawaii Convention Center in November 2011. While a great honor, Honolulu's selection as host city poses real costs to ensure public safety for the signature event. \$14 million was appropriated for the city's public safety agencies to adequately prepare (Ord. 10-11). It was anticipated that the city would be reimbursed for its costs by the federal government.

Other public safety measures drawing council support included \$3.9 million in state funds for a new ambulance facility in Waipio (Res. 9-329), an audit to determine if the city has an adequate fleet of ambulance and emergency notification vehicles (Res. 9-86), a call to responsible agencies to ensure the adequacy of civil defense sirens after problems were discovered during the February

2010 tsunami warning (Res. 10-59), and a call to the department of facility maintenance to be more vigilant in keeping streams and drainages clear to avoid devastating floods (Res. 8-269, CD1).

The council also acted on various other measures to promote public safety. It doubled the fine for unpermitted construction (Ord. 10-6), and called for stricter laws from the legislature regarding the use of replica firearms in the commission of a crime (Res. 10-120, 10-121, CD1), the impounding of vehicles involved in prostitution (Res. 10-13), and human trafficking for sexual and labor exploitation (Res. 9-284, CD1). It reiterated its opposition to any legislation legalizing gambling, which the legislature had considered as a means of enhancing the finances of state government (Res. 9-313). It called on the state department of commerce and consumer affairs to rigorously enforce contractor licensing requirements following complaints involving photovoltaic and solar water heating equipment installations (Res. 10-122, CD1).

INVESTING IN TRANSPORTATION

The council further advanced development of the city's transportation network by approving substantial resources for such projects. The rail project known as the Honolulu High Capacity Transit Project garnered special attention, including an unprecedented \$1.3 billion appropriation and a federal engineering grant of \$35 million (Ord. 10-12, Res. 10-124). To provide independent governance for the rail system, a proposal to establish a public transit authority was approved to be on this year's ballot for consideration by the voters (Res. 9-252, CD1). An agreement to identify historic properties along the proposed rail route and propose appropriate mitigation measures was approved (Res. 9-306, CD1), as well as an agreement to exchange certain city land in Ewa for state land in Pearl City desired for development as a maintenance yard for the rail system (Res. 9-343, CD1). The council requested more detailed information on the rail system's projected revenues and expenditures (Res. 10-86). Finally, it asked the legislature to initiate an amendment to the state constitution that would enable the city to issue tax increment bonds (Res. 10-102, CD1). Such bonds were hoped to help the city finance future projects such as rail transit stations.

Funding was also approved for other major transportation initiatives. \$17 million was appropriated to begin development of an Alapai Transit Management Center that would house both city and state traffic management staff as well as city emergency management personnel (Ord. 10-12). \$81 million was provided for rehabilitation and reconstruction of Oahu roads (Ord. 10-12). Approval was given to apply for federal funds for bus maintenance (\$21-\$38 million) and transportation coordination for elderly, disabled, and low-income persons (Res. 9-211, CD1). Approval was also issued for an agreement with the University of Hawaii at Manoa to initiate a two-year student bus pass program (Res. 9-292). Various bicycle projects were provided \$2.3 million in funding (Ord. 10-12), and \$2 million was appropriated to develop walkways in Haleiwa (Ord. 10-12). Pedestrian safety also gained support as approval was provided to implement a \$48,000 state pedestrian safety program (Res. 9-263) and the city administration was urged to test in-pavement crosswalk lights to improve pedestrian safety (Res. 9-360).

PROTECTING THE ENVIRONMENT

The council appropriated \$344 million for a variety of wastewater system projects, including: \$140 million to construct or rehabilitate Ala Moana Wastewater Force Mains, \$91 million to construct the Kaneohe/Kailua Force Main, and \$24 million for Kailua wastewater treatment plant improvements (Ord. 10-12). On the revenue side, nearly \$360 million in sewer revenue bonds were approved for issuance to support the city's extensive roster of ongoing wastewater projects (Res. 9-235, CD1; 9-236, CD1). The council continued to implement funding from the American Recovery and Reinvestment Act of 2009, known as federal stimulus funds, that was provided to local governments through in specified program areas relating to infrastructure, public transportation and road projects, housing and homeless assistance, energy conservation projects, services for low-income people, and law enforcement. \$7.5 million in federal stimulus funds to be provided as a zero-interest loan to the city was approved for the rehabilitation and reconstruction of the Waimalu sewer (Res. 9-231, CD1). A new funding source for wastewater projects, revenue bonds financed by the U.S. Department of Agriculture's Rural Utilities loan program, was supported, with the first issuance amount of \$4 million (Res. 9-327, 9-328). That program would also finance a separate \$1 million grant for the Laie Point and Laniola Beach Wastewater Systems project (Res. 9-349).

The council also lent its support to refuse disposal projects. It appropriated \$143 million to replace or expand Hpower, the city's waste to energy plant (Ord. 10-12). The council adopted a city policy that allowed solid waste to be privately shipped out of state to the continental U.S. until the earliest of: 100,000 tons of such waste having been shipped, three years having elapsed, a third boiler having been installed at Hpower, or the city's determining that the waste must be burned at Hpower due to existing contracts (Res. 9-227, CD1). It also expanded the application of city disposal fees to apply to any new refuse transshipment facility established on Oahu (Ord. 10-2). The council called for greater efforts by the city to divert refuse from the landfill, including stepping up the recycling of electronic waste (Res. 9-239, CD1), recycling more of the asphalt and concrete debris it produces (Res. 9-367, CD1), and initiating a pilot project to reclaim old asphalt from its road work (Res. 10-11).

Other environmental issues addressed include approval of \$123,000 in federal stimulus funds to conduct watershed pollution studies (Res. 9-331) and setting a goal that 10 percent more recycled water be produced and used over the next 10 years (Res. 9-50, CD1, FD1).

PRESERVING PARKS AND OPEN SPACE

The council moved to preserve the recreational use of the city's public parks by imposing new regulations on the use of tents and shopping carts in the parks (Ord. 10-4, 10-5). It also approved substantial resources to improve and expand the city park system, including; \$3 million for a wastewater system at Kualoa Regional Park (Ord. 10-12), \$3 million from the Clean Water and Natural Lands Fund for projects such as the purchase of a conservation easement to protect the Fong Plantation in Windward Oahu and the acquisition of land for a park in Nanakuli (Ord. 10-12), \$2.6 million to reconstruct ball field lighting at Ala Wai Community Park (Ord. 10-12), and \$2.3 million to reconstruct the Waikiki Shell parking lot (Ord. 10-12). A National Park Service grant of \$660,000 was also accepted to improve Geiger Community Park in Ewa (Res. 10-127). To preserve existing after-school programs in parks in the face of severe budget pressures, fees for such programs were authorized to be charged (Ord. 9-27). Finally , the council endorsed the work of the Clean Water and Natural Lands Commission, which the council created in 2008 (Res. 8-246. CD1).

PROMOTING ECONOMIC DEVELOPMENT

Actions were taken to support and strengthen the city's ailing economy. An agreement with the Hawaii Tourism Authority was approved to accept \$1.3 million of its funds for fiscal years 2010-2012 to expand and enhance the city's visitor destinations and services (Res. 9-257). To promote the viability of certain agricultural operations, the council approved a change in the city's land use law to permit limited retail plant sales on agricultural land (Ord. 9-26). Also of benefit to agriculture, \$500,000 was appropriated to identify important agricultural land on Oahu (Ord. 10-11). This implements a state requirement (HRS Sec. 205-47) that counties recommend such land to the state land use commission which makes the final determination of which lands will receive protection as provided in the constitution (HC Art. XI, Sec. 3).

The council approved new entries into Honolulu's sister city program: Majuro, of the Marshall Islands (Res. 9-282), and Haikou (Res. 9-303) and Qinhuangdao (Res, 10-90, FD1). of the People's Republic of China.