

HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-50, FD1

RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED, RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF OCEAN SAFETY.

WHEREAS, the City Council ("Council") recognizes that ocean safety is a public safety necessity for an island society like that of the City and County of Honolulu ("City"); and

WHEREAS, the Department of Emergency Services is currently composed of the Administration Division, the Emergency Medical Services Division, the Ocean Safety Division, and the Health Services Branch; and

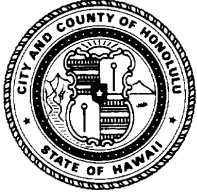
WHEREAS, the Director of Emergency Services has many responsibilities as described under Section 6-603(a) of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), including: being the City's primary provider of emergency medical care; developing and providing training and educational programs related to emergency medical services and injury prevention; being responsible for medical matters relating to public health and welfare; and being responsible for the administration of the City's health services programs and medical evaluations of current and prospective City employees; and

WHEREAS, pursuant to Charter Section 6-603(b), the Director of Emergency Services is also responsible for being the primary responder to emergencies arising on the beach and in the near shore waters; and for carrying out training, educational, and risk reduction programs related to ocean safety; and

WHEREAS, within the Department of Emergency Services' Ocean Safety Division ("Division"), there are currently 271 Water Safety Officers, eight rescue ski teams, and 42 lifeguard towers in operation from 8:00 a.m. to 6:30 p.m.; and

WHEREAS, the Division is responsible for monitoring 227 miles of coastline around the island of O'ahu; and

WHEREAS, the Division reported to the Council in January of 2024 that it annually performs approximately 3,000 rescues and 1.4 million preventative actions, and responds to approximately 40 drownings; and



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WHEREAS, the need for the City to have a dedicated ocean safety department has been a topic of discussion for several years, but with the State of Hawai'i's recent complete transfer of all emergency medical services functions on O'ahu to the City, the need for a separate department of ocean safety has become more urgent; and

WHEREAS, during his 2023 State of the City address, Honolulu Mayor Rick Blangiardi announced the creation of a task force to study whether the people of the City and visitors to O'ahu would be better and more efficiently served by having separate departments for emergency medical services and ocean safety; and

WHEREAS, this task force has recommended that ocean safety should be a standalone public safety agency in the City, on an equal status with the Honolulu Police and Fire Departments; and

WHEREAS, the Mayor has proposed to amend the Charter pursuant to his reorganization power under Charter Section 4-202 via Resolution 24-103, which would establish a Department of Ocean Safety; and

WHEREAS, if a separate City ocean safety department is established, the Council believes it would be best administered by a board, creating accountability and oversight similar to that provided by the City's Fire Commission and Police Commission over the City's other public safety departments, the Honolulu Fire Department and the Honolulu Police Department; and

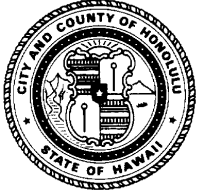
WHEREAS, pursuant to Charter Section 15-101, the Council may initiate, by resolution, amendments to the Charter; and

WHEREAS, pursuant to Charter Section 15-102.1, the Mayor's approval is required for any Charter amendment proposed by the Council at a general election held in a year ending in a "4" or an "8"; now, therefore,

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

1. That the following question be placed on the 2024 general election ballot:

"Shall the Revised City Charter be amended to establish an Ocean Safety Commission to review and make recommendations on certain activities of the Department of Ocean Safety and to appoint the Chief of Ocean Safety?"



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2. That Article VI, Chapter ___ of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, as enacted by Section 2 of Resolution 24-103, be amended to read as follows:

**"CHAPTER ___ -
DEPARTMENT OF OCEAN SAFETY**

Section 6-__01. Organization –

There shall be a department of ocean safety headed by a [~~director~~] chief of ocean safety who shall be appointed [~~and may be removed~~] by the [~~mayor~~] ocean safety commission. The chief may be removed by the ocean safety commission only after being given a written statement of the reasons for removal and an opportunity for a hearing before the commission.

Section 6-__02. Statement of Policy –

It is hereby declared to be the purpose of this chapter of the charter to establish in the city a system of ocean safety protection and prevention and emergency rescue, which shall be based on qualified and professional leadership and personnel.

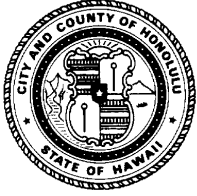
Section 6-__03. [~~Director~~] Chief of Ocean Safety, Qualifications –

The [~~director~~] chief of ocean safety shall have a minimum of five years of training and experience in ocean safety, at least three years of which shall have been in a responsible administrative capacity.

Section 6-__04. Powers, Duties, and Functions –

The [~~director~~] chief of ocean safety shall:

- (a) Perform ocean safety and emergency response work to save lives, property, and the environment.
- (b) Be the primary responder to emergencies arising on the beach and in the near shore waters.
- (c) Provide emergency medical care and general safety measures to the public in cooperation with the department of emergency services.



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- (d) Train, equip, maintain, and supervise a force of ocean safety personnel.
- (e) Provide ocean safety training, education, and risk reduction programs relating to ocean safety.
- (f) Perform such other duties as may be required by law.

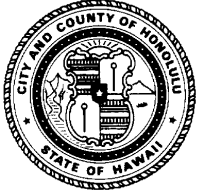
Section 6- 05. Ocean Safety Commission –

There shall be an ocean safety commission, which shall consist of five members. The commission may appoint such staff and engage consultants as necessary for the performance of its duties. The commission shall be governed by the provisions of Section 13-103 of this charter.

Section 6- 06. Powers, Duties, and Functions –

The ocean safety commission shall:

- (a) Adopt rules necessary for the conduct of its business and review rules for the administration of the department of ocean safety.
- (b) Review the annual budget prepared by the ocean safety chief and make recommendations thereon to the mayor and the council.
- (c) Review the department's operations, as deemed necessary, for the purpose of recommending improvements to the ocean safety chief.
- (d) Evaluate at least annually the performance of the ocean safety chief and submit a report on the evaluation to the mayor and the council.
- (e) Hear complaints of citizens concerning the department or its personnel and, if deemed necessary, make recommendations to the ocean safety chief on appropriate corrective actions.
- (f) Submit an annual report to the mayor and the council on its activities. Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall



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interfere in any way with the administrative affairs of the department."

3. That Section 4-104 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Appointment, Confirmation and Removal of Officers and Employees"), as amended by Section 3 of Resolution 24-103, be amended by amending subsection 1 to read as follows:

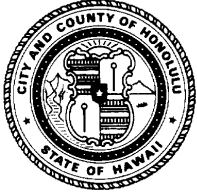
"1. All departments and executive agency heads and the managing director, as provided in Sections 5-201, 6-101, 6-105, 6-201, 6-301, 6-401, 6-501, 6-601, 6-701, 6-801, 6-901, 6-1101, 6-1201, 6-1301, 6-1401, 6-1501, 6-1701, and 6-1801~~[, and 6-]~~ shall be nominated and, by and with the advice and consent of the council, appointed and may be removed by the mayor, except as otherwise provided by this charter. Department heads shall be duly registered voters of the city and qualifications of department heads shall be as required by this charter."

4. That Article XVI of the Revised Charter of the City and County of Honolulu 1973, (Amended 2017 Edition) ("Transition Schedule"), be amended by adding a new section to read as follows:

"Section 16- . Transition Provisions Concerning the Term of the Director of Ocean Safety –

The director of ocean safety holding the office on December 31, 2024, shall continue to serve as chief of ocean safety until a new chief of ocean safety is appointed by the ocean safety commission pursuant to Section 6- 01 of this charter."

5. That in Sections 2 through 4 of this resolution, Charter material to be repealed is bracketed and stricken, 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 (Amended 2017 Edition), as amended, the Revisor of the Charter need not include the brackets, the material that has been bracketed and stricken, or the underscoring.
6. That the Revisor of the Charter, in revising, compiling, or printing the Charter, may change capitalization or the form of numbers and monetary sums for the sake of uniformity.



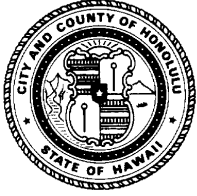
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If the Charter provisions amended pursuant to this resolution are amended by any other Charter amendment(s) approved by the electors at the 2024 general election, the Revisor of the Charter, in revising, compiling, or printing the Charter:

- a. May designate or redesignate articles, chapters, sections, or parts of sections, and rearrange references thereto; and
 - b. 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.
7. That upon adoption of this resolution by the Council and its approval by the Mayor, the City Clerk is directed to:
- a. Prepare the necessary ballots with the question contained in this resolution and with spaces for "yes" and "no" votes on the question for presentation to the electors at the 2024 general election. The City Clerk may make technical and nonsubstantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and
 - b. Publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the electors at the 2024 general election.



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- 8. That upon approval of the Charter amendment question posed in Section 1 of this resolution by a majority of the electors voting thereon, as duly certified, the Charter amendments proposed in this resolution shall take effect on January 1, 2025.

INTRODUCED BY:

Andria Tupola

DATE OF INTRODUCTION:

February 21, 2024
Honolulu, Hawai'i

_____ Councilmembers

APPROVED this ____ day of _____, 20__

RICK BLANGIARDI, Mayor
City and County of Honolulu