CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

FILED
AUG 17 2022
PURSUANT TO ROH Sec. 1-2.5

No. 21-182, CD1

RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED, PURSUANT TO THE MAYOR'S EXECUTIVE REORGANIZATION AUTHORITY, RELATING TO THE OFFICE OF HOUSING.

WHEREAS, the City and County of Honolulu ("City") recognizes homelessness affects the quality of life for the City's residents and visitors; and

WHEREAS, Hawaii has the nation's highest living cost, affecting residents economically, making it difficult to access affordable housing opportunities; and

WHEREAS, the City believes in helping individuals achieve personal success through supportive community programs aimed at building resilience in one's own livelihood through affording everyone a chance to have a home and remain healthy productive residents; and

WHEREAS, the Mayor retains broad and flexible powers to effectuate an executive reorganization under Section 4-202 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), which reorganization shall become effective upon Council approval or unless rejected by a two-third's vote of the Council's entire membership; and

WHEREAS, in the exercise of his broad executive reorganization authority the Mayor proposes to adjust the duties and functions of the Office of Housing, to bring focus to addressing homelessness as a community issue, through collaboration and coordination of resources at all levels of government, together with non-profit agencies and community-based organizations; and

WHEREAS, to implement and achieve these broad goals in the exercise of the Mayor's executive reorganization authority, the Mayor proposes the specific amendments to Charter language set forth herein; and

WHEREAS, the Council is in accord with the Mayor's proposal; now, therefore,

RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that the Council approves the Mayor's proposal to amend the charter as follows:

1. Section 6-106 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"**Section 6-106. Office of Housing and Homelessness --**

There shall be an office of housing and homelessness headed by an executive for housing and homelessness who shall be appointed and may be removed by the mayor. The executive for housing and homelessness shall have had a minimum of three years of experience in organizational leadership, strategic planning or policy administration or in the administration of affordable housing programs or projects or programs for low-income, homeless or special needs populations. The executive for housing and homelessness, with the necessary staff, shall:

(a) [~~Oversee, coordinate and direct the development, preparation and implementation of plans and programs~~] Develop, prepare, and establish strategies and policies relating to affordable housing, senior housing, special needs housing, and housing for persons experiencing homelessness, for the benefit of the people of the city.

(b) [~~Oversee, coordinate and direct the~~] Coordinate and advise on the development and implementation of activities, projects, programs, and functions of the city relating to affordable housing, senior housing, special needs housing, and housing for persons experiencing homelessness[~~, and special needs housing~~].

(c) Keep a current listing of properties being used for affordable housing, senior housing, special needs housing, and housing for persons experiencing homelessness, along with all information necessary to effectively monitor both the demand for, and supply of, housing for these target populations. The listing shall include, but not be limited to, city-owned and managed properties, and may include properties that are financially subsidized or otherwise assisted by or through the city.

(d) Coordinate city activities, projects, [~~and~~] programs, and functions relating to affordable housing, senior housing, special needs housing, and housing for persons experiencing homelessness[~~, and~~

~~special needs housing~~] with those of the state and federal governments and those of public or private housing organizations within the state.

(e) Identify, apply for, administer, and manage funds that are dedicated to carrying out the duties of the office, including funds from federal, state, and private entities."

2. That Section 6-1103 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"**Section 6-1103. Civil Service and Executive Branch Exemptions --**

The provisions of this chapter [~~of the charter~~] shall apply to all positions in the service of the executive branch. This section shall apply to semi-autonomous 51 agencies as though they are departments of the executive branch. The following positions shall be exempt from the provisions of this chapter [~~of the charter~~]:

(a) Positions of officers elected by public vote; positions of heads of departments; the position of the band director of the Royal Hawaiian Band; the position of the executive for housing[~~,~~] and homelessness; the position of the manager and chief engineer of the board of water supply; the executive for climate change, sustainability and resiliency; the executive for economic revitalization; and the manager of any semi-autonomous agency created by ordinance.

(b) Positions in the office of the mayor, but such positions shall be included in the position classification plan. Employees of the civil defense agency and Royal Hawaiian Band, other than the band director, shall not be exempted from civil service.

(c) Positions of deputies of the corporation counsel, deputies and administrative or executive assistants of the prosecuting attorney and law clerks.

(d) Positions of members of any board, commission or equivalent body.

(e) Positions of a temporary nature filled by students.

(f) Personal services obtained by contract where the director has certified that the service is special or unique, is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform such service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year.

(g) Personal services of a temporary nature needed in the public interest where the need for the same does not exceed one year, but before any person may be employed to render such temporary service, the director of human resources shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable.

(h) Personal services performed on a fee, contract or piecework basis by persons who may lawfully perform their duties concurrently with their private business or profession or other private employment, if any, and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the portion of time devoted to the service of the city and when such fact is certified to by the director of human resources.

(i) Positions of one first deputy; and for the police department one additional deputy; private secretaries to heads of departments and their deputies and to the executive for housing[~~,~~] and homelessness; and the position of managing director, one first deputy and private secretaries to each; but private secretarial positions shall be included in the position classification plan. The first deputy in the department of human resources, however, shall not be exempt from civil service.

(j) Positions or personal services in demonstration programs and joint participation and special projects which serve the community; provided that such exemptions are required by federal law or rules and regulations and then in accordance with procedures established by ordinance.

(k) The following positions of the public transit authority:

(1) The executive director, deputy director(s), private secretaries to the executive director and deputy director(s); and

(2) Positions certified by the director of human resources that require specialized knowledge and experience in fixed guideway system

planning, development, operations, maintenance, and management, or transit-oriented development; provided that, except for private secretarial positions, such positions shall not be included in the position classification plan and salaries for such positions shall be set by the public transit authority.

(l) Positions in the liquor commission of the liquor administrator and the deputy liquor administrator, but such positions shall be included in the position classification plan.

(m) Positions in the ethics commission.

The director of human resources shall determine the applicability of this section of the charter to specific employment or services in the executive branch."

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

1. That the Revisor of the Charter is directed to prepare a supplement of the Charter containing this reorganization language;

2. That Charter material to be repealed is bracketed 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 bracketed material, or the underscoring. If these Charter provisions are amended by any other Charter amendment, the Revisor of the Charter, in revising, compiling, or printing the Charter: (1) may designate or redesignate articles, chapters, sections, or parts of sections and rearrange references thereto and (2) 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. The Revisor of the Charter may also change capitalization or the form of numbers and monetary sums for the sake of uniformity.

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RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, and the Corporation Counsel.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

August 17, 2021
Honolulu, Hawaii

Councilmembers

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