



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

**FILED**  
**SEP 30 2023**

No. **21-234**

**PURSUANT TO ROH Sec. 1-2.5**

**RESOLUTION**

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

WHEREAS, currently, the Department of Emergency Services ("DES") of the City and County of Honolulu ("City") is composed of the Emergency Medical Services Division ("EMS"), the Ocean Safety and Lifeguard Services Division ("Ocean Safety"), and the Health Services Branch; and

WHEREAS, the DES has many responsibilities prescribed under Section 6-603 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), including: being the primary provider of emergency medical care in the City; developing and providing training and educational programs related to emergency medical services and injury prevention; handling medical matters relating to public health and welfare; 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), Ocean Safety of the DES is responsible for being the primary responder to emergencies arising on beaches and in the near shore waters of the City and carrying out training, educational, and risk reduction programs relating to ocean safety; and

WHEREAS, Ordinance 19-26, approved on November 21, 2019, provides that no later than July 1, 2021, the City shall implement a program for extended City lifeguard services encompassing all daytime hours, from dawn to dusk, which will substantially increase the scope of Ocean Safety services; and

WHEREAS, Act 208, Session Laws of Hawai'i 2021, approved on July 6, 2021, provides that beginning July 1, 2021, duties, functions, and powers relating to emergency medical services for the island of O'ahu shall be transferred from the State of Hawai'i ("State") to the City and that State funding for emergency medical services provided by the City shall be phased out during a transition period ending on June 30, 2024; and

WHEREAS, the Council believes that is in the best interests of the City to create a separate department for the City's Ocean Safety and Lifeguard Services in order to fulfill the expanded responsibilities for Ocean Safety and EMS, to provide Ocean Safety and EMS with greater autonomy regarding their respective budgets and operations, and to ensure that the needs of the people of the City are better served; now, therefore,



## RESOLUTION

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

1. That the following question be placed on the ballot for the 2022 general election:

"Shall the Revised City Charter be amended to create a separate department for Ocean Safety and Lifeguard Services?"

2. That Section 4-104 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

**"Section 4-104. Appointment, Confirmation and Removal of Officers and Employees –**

1. All department 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.

2. When the position of head of an executive agency becomes vacant and the mayor is the appointing authority, the mayor may temporarily fill the vacancy by granting a commission allowing the nominee to fulfill the responsibilities of the position. The commission shall begin when the mayor submits to the council a request for confirmation. The commission shall expire when the council makes the confirmation decision. If the nominee fails to be confirmed by the council, the nominee shall not be eligible for another interim appointment to the same office.

3. Department heads may appoint the necessary staff for which appropriations have been made by the council.

4. No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of the person's office or position."



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3. That Section 6-603 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

**"Section 6-603. Powers, Duties and Functions –**

The director of emergency services shall:

(a) ~~[As to medical services:]~~

~~(1)~~ Be the primary provider of emergency medical care[;].

~~[(2)]~~(b) Develop programs and provide training and educational programs related to emergency medical services and injury prevention[;].

~~[(3)]~~(c) Be responsible for medical matters relating to public health and welfare.

~~[(4)]~~(d) Be responsible for the administration of the city's health services programs and medical evaluations of current and prospective city employees.

~~[(b)]~~ ~~As to ocean safety:]~~

~~(1)~~ ~~Be the primary responder to emergencies arising on the beach and in the near shore waters;~~

~~(2)~~ ~~Be responsible for ocean safety training, educational, and risk reduction programs relating to ocean safety.~~

~~(e)]~~(e) Perform such other duties as may be required by law."



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4. That Article VI of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended by adding a new chapter to be appropriately designated by the Revisor of the Charter and to read as follows:

**"CHAPTER \_\_\_\_  
DEPARTMENT OF OCEAN SAFETY**

**Section 6-\_\_. Organization –**

There shall be a department of ocean safety headed by a director of ocean safety who shall be appointed and may be removed by the mayor.

**Section 6-\_\_. Powers, Duties and Functions –**

The director of ocean safety shall:

- (a) Be the primary responder to emergencies arising on the beach and in the near shore waters of the city.
- (b) Be responsible for training, educational, and risk reduction programs relating to ocean safety.
- (c) Perform such other duties as may be required by law."

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

**"Section 16- . Transition Provisions Concerning the Ocean Safety Activity**

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**1. All positions in the department of emergency services in the ocean safety activity on June 30, 2023, whether vacant or filled, and all persons holding such positions on that date, whether in the civil service, by exempt appointment, by contract, or by any other means, shall be transferred to the department of ocean safety on July 1, 2023. Any affected civil service officers and employees shall suffer no loss of vacation allowance, sick leave, service credits, retirement benefits, or other rights and privileges because of the transfer. Nothing in this subsection, however, shall be construed as preventing future changes in status pursuant to the civil service provisions of this charter.**



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2. All records, property, and equipment of the department of emergency services that are necessary for the ocean safety activity shall be transferred and delivered to the department of ocean safety on July 1, 2023

3. Unless expiring under their terms as of June 30, 2023, any administrative rules, contracts, or memoranda of understanding of the department of emergency services that pertain to the ocean safety activity and that are in effect on June 30, 2023 shall be deemed to be the administrative rules, contracts, or memoranda of understanding of the department of ocean safety on July 1, 2023."

6. That in Sections 2, 3, and 5 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 bracketed material, or the underscoring. The Revisor of the Charter shall fill in the blank in Section 2 of this resolution with the Section number given to the first new Charter section enacted in Section 4 of this resolution
7. That if these Charter provisions are amended by any other Charter amendment(s) approved by the voters at the 2022 general election, the Revisor of the Charter, in revising, compiling, or printing the Revised Charter:
  - a. May designate or redesignate articles, chapters, sections or parts of sections, and rearrange references thereto;
  - 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; and
  - c. May change capitalization or the form of numbers and monetary sums for the sake of uniformity.
8. That upon adoption of this resolution by the Council, the City Clerk be and is hereby directed:
  - a. To 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 2022 general election. The City Clerk may make technical and nonsubstantive changes to the form of the



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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. To 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 2022 general election.



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9. That upon approval of the Charter amendment question posed in this resolution by a majority of the electors voting thereon, as duly certified, the Charter amendments proposed in this resolution take effect on July 1, 2023.

INTRODUCED BY:

*Hidi Tsunayoshi*

DATE OF INTRODUCTION:

SEP 30 2021

Honolulu, Hawai'i

Councilmembers

**FILED**

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