



## RESOLUTION

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

WHEREAS, the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), Article IX, Chapter 2, Section 9-204, establishes the Clean Water and Natural Lands Fund ("CWNL Fund"); and

WHEREAS, Charter Section 9-204.1 provides that for each fiscal year's budget and capital program, the City Council ("Council") shall appropriate one-half of one percent of the estimated real property tax revenues for the CWNL Fund; and

WHEREAS, the CWNL Fund shall be used to purchase or otherwise acquire real estate or any interest therein for land conservation in the City for the purposes enumerated in Charter Section 9-204.2; and

WHEREAS, the Charter was amended in 2016 to establish the Clean Water and Natural Lands Advisory Commission ("Commission") to consider proposals submitted to it by the Department of Budget and Fiscal Services and to submit recommendations to the Council for approval of expenditures from the CWNL Fund; and

WHEREAS, the Commission desires to expand the use of the CWNL Fund to include costs related to the operation, maintenance, and management of lands acquired by way of the CWNL Fund, that are necessary to protect, maintain, or restore resources at risk on these lands, such as infrastructure, environmental remediation, or improvements to provide for public access and use; and

WHEREAS, the Commission further desires to align the CWNL Fund and its use with State and federal practice, as such alignment would strengthen the City's ability to rely on the well-developed body of codified law, administrative guidance and regulations, and case law, particularly at the federal level, to guide conservation transactions; and

WHEREAS, the Council supports the Commission's objectives to expand the use of the CWNL Fund, and to align CWNL Fund transactions with State and federal practice; now, therefore,



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

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

"Shall the Revised Charter be amended to expand the permitted uses of funds in the Clean Water and Natural Lands Fund to include funding for costs related to the operation, maintenance, and management of lands acquired by way of this Fund that are necessary to protect, maintain, or restore resources at risk on these lands, such as infrastructure, environmental remediation, or improvements to provide for public access and use?"

2. That Section 9-204 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Clean Water and Natural Lands Fund and Affordable Housing Fund"), be further amended by amending subsection 2 to read as follows:

"2. Moneys in the Clean Water and Natural Lands Fund shall be used [tø]:

- (a) To purchase or otherwise acquire real estate or any qualified interest therein for land conservation in the city for the following purposes: protection of significant watershed lands to preserve water quality and water supply; preservation of significant forests, beaches, coastal areas, and agricultural lands; public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; conservation of land to significantly reduce erosion, floods, landslides, and runoff; and acquisition of public access to public land and open space[-] to yield a significant public benefit. A qualified interest means a perpetual conservation restriction by a qualified organization which has a commitment to protect the conservation purposes and the resources to enforce the restrictions; or



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- (b) For costs related to the operation, maintenance, and management of lands acquired by way of this fund that are necessary to protect, maintain, or restore resources at risk on these lands, such as infrastructure, environmental remediation, or improvements to provide for public access and use of these lands; provided that the costs related to operation, maintenance, and management of lands acquired by way of this fund do not exceed five percent of the moneys deposited into the fund in the previous year."
3. That in Section 2 of this resolution, Charter material to be repealed is bracketed and stricken and new 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, as amended, the Revisor of the Charter need not include the brackets, the bracketed and stricken material, or the underscoring.
4. That if these Charter provisions are amended by any other Charter amendment approved by the electors at the 2022 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. The Revisor of the Charter may also change the capitalization or the forms of numbers and monetary sums for the sake of uniformity.
5. That upon adoption of this resolution by the Council, the City Clerk is directed:
- a. To prepare the necessary ballots with the question contained in this resolution and with spaces of "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 question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and



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- 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.
6. That upon approval of the Charter amendment question posed in this resolution by a majority of the voters voting thereon, as duly certified, the Charter amendments proposed in this resolution shall take effect on January 1, 2023.

INTRODUCED BY:

Tommy Waters \_\_\_\_\_

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DATE OF INTRODUCTION:

April 7, 2022  
Honolulu, Hawai'i

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Councilmembers

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

RESOLUTION 22-79, CD2

Introduced: 04/07/22 By: TOMMY WATERS

Committee: EXECUTIVE MATTERS AND LEGAL  
AFFAIRS (EMLA)

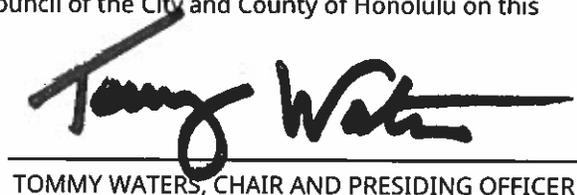
Title: INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973  
(AMENDED 2017 EDITION), AS AMENDED, RELATING TO CITY FUNDS.

Voting Legend: \* = Aye w/Reservations

04/07/22	INTRO	Introduced.
04/13/22	CCL	Passed first reading.  9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
04/19/22	EMLA	Reported out for passage on second reading and scheduling of a public hearing as amended in CD1 form.  CR-93  8 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS  1 EXCUSED: TSUNEYOSHI
04/22/22	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
05/04/22	CCL/PH	Committee report adopted. Resolution passed second reading as amended and public hearing closed.  9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
05/24/22	EMLA	Reported out for passage on third reading as amended in CD2 form.  CR-139  8 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS  1 EXCUSED: TSUNEYOSHI
06/01/22	CCL	Committee report adopted and Resolution passed third reading as amended.  9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

  
GLEN I. TANAHASHI, CITY CLERK

  
TOMMY WATERS, CHAIR AND PRESIDING OFFICER