

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR

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MANAGING DIRECTOR

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DEPUTY MANAGING DIRECTOR

November 22, 2022

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 S. King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Waters and Councilmembers:

SUBJECT: O'ahu Historic Preservation Commission

Given our strong support for preservation of historic places and our commitment to standing up a commission that is part of the solution versus creating further regulatory hurdles, I am using my executive reorganization power under Honolulu City Charter Section 4-202, to hereby submit for the Council's consideration a draft resolution to create an O'ahu Historic Preservation Commission.

The attached draft resolution establishes the commission and upon passage gives effect to Bill 44 (2022). Should you have any questions, please contact me at 808-768-4207.

Sincerely,

A handwritten signature in black ink that reads "Rick Blangiardi".

Rick Blangiardi
Mayor

Attachment



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 OAHU HISTORIC PRESERVATION COMMISSION.

WHEREAS, pursuant to the executive reorganization powers set forth in Section 4-202 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended (“Charter”), the Mayor of the City and County of Honolulu may propose to the City Council that the duties and functions of existing departments or agencies of the executive branch be changed and that executive departments or agencies be rearranged; and

WHEREAS, Hawaii Revised Statutes Section 6E-1 provides that the historic and cultural heritage of the State is among its most important asset and that there is public interest in a comprehensive program of historic preservation at all levels of government; and

WHEREAS, the creation of an Oahu Historic Preservation Commission would promote and ensure the administration of such historic and cultural property in a spirit of stewardship and trusteeship for future generations; and

WHEREAS, the Mayor retains broad and flexible powers to effectuate an executive reorganization under Section 4-202 of the Charter, which reorganization shall become effective upon approval by the Council or unless rejected by a two-thirds vote of the Council’s entire membership in accordance with the terms of said provision; and

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

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:

That Article VI, Chapter 15 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, (“Department of Planning and Permitting”), be amended by adding new sections to be appropriately designated by the Revisor of the Charter and to read as follows:

"Section 6- . Oahu Historic Preservation Commission –

1. There shall be an Oahu historic preservation commission to preserve, promote, and develop the historical resources of the city. The commission



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shall consist of nine members appointed by the mayor and confirmed by the council.

2. Except as otherwise provided by this section, the commission shall be subject to Section 13-103 of this charter.
3. The department of planning and permitting shall provide the commission with full-time staff, including a staff archaeologist.
4. The commission:
 - (a) Shall advise and assist federal, state, and city government agencies in carrying out their historic preservation responsibilities;
 - (b) Shall provide public information, public advocacy, education, training, and technical assistance relating to the national and state historic preservation programs;
 - (c) May initiate, review, and recommend to the State Historic Preservation Division nominations of historic properties on Oahu for inclusion in the Hawaii or national register of historic places, or both, consistent with the identification, evaluation, and preservation criteria and priorities of the State Historic Preservation Division;
 - (d) Shall administer the certified local government program of federal assistance for historic preservation within the city;
 - (e) Shall develop and implement a comprehensive citywide historic preservation, identification, and planning process that is consistent with and coordinated with the statewide comprehensive historic preservation planning process;
 - (f) Shall submit information pertaining to the city inventory of historic properties to the State Historic Preservation Division;
 - (g) May review and comment on:
 - (1) Archaeological reports and cultural impact assessments submitted to the department of planning and permitting as part of development project proposal applications;



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- (2) Upon request from the department of planning and permitting:
 - (i) Proposed projects, including projects located on historic properties identified in the Oahu historic property system; and
 - (ii) Any other matter relating to the preservation, promotion, and development of the historical resources of the city.

If the commission recommends measures to mitigate adverse impacts to historic resources resulting from the project, the commission shall submit its recommendations to the State Historic Preservation Division for its consideration; and

- (h) May adopt administrative rules for the implementation of its program and for the administration and enforcement of the city's historic preservation program.

5. The council may, by ordinance:

- (a) Establish qualifications, in addition to that set forth in Section 13-103 of this charter, for appointees to the commission; and
- (b) Assign additional powers, duties, and functions to the commission relating to the preservation and perpetuation of Oahu's historic resources and may include in the ordinances reasonable restrictions or conditions on the commission's exercise of such powers, duties, and functions.

The ordinance may not authorize the commission to limit or interfere with the powers, duties, and functions of the department of planning and permitting, the planning commission, or the zoning board of appeals.

6. For purposes of this section, State Historic Preservation Division means the State Historic Preservation Division of the Hawaii State Department of Land and Natural Resources, or its successor agency of the State of Hawaii charged with powers, duties, and functions relating to historic preservation on a statewide basis."



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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.



RESOLUTION

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

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers