

SUMMARY OF PROPOSED COMMITTEE DRAFT:

Resolution 23-239

**INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND
COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED,
RELATING TO THE QUALIFICATIONS OF THE DIRECTOR OF EMERGENCY
MANAGEMENT**

The PROPOSED CD1 makes the following amendments:

- A. In Section 3 of the BE IT RESOLVED clause, clarifies that only Section 6-1103 of the Charter is amended, not the entire article.
- B. Makes miscellaneous technical and non-substantive amendments.



RESOLUTION

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

WHEREAS, the Honolulu City Council finds that the Department of Emergency Management ("DEM") plays a pivotal role in ensuring the safety and well-being of the Residents of the City and County of Honolulu ("City"); and

WHEREAS, the DEM is tasked with developing, preparing, and assisting in the implementation of the civil defense plans and programs of the City and preparing for emergency disasters; and

WHEREAS, the City's Civil Defense Agency was redesignated as the DEM in 2007, and in 2014 Section 127A-5 of the Hawai'i Revised Statutes ("HRS") was enacted, which states that the director of each county emergency management agency shall be subject to HRS Chapter 76; and

WHEREAS, HRS Chapter 76 is the State of Hawai'i's civil service law, which is applicable to employees of both the State and its counties; and

WHEREAS, HRS Section 76-1 states that civil service positions are to be filled based on the merit principle, which is the selection of people based on their fitness and ability for public employment and the retention of employees based on their demonstrated appropriate conduct and productive performance; and

WHEREAS, HRS Section 76-1 further states that this merit principal will be the policy for the human resource program of each county; and

WHEREAS, selection based on the merit principle includes an impartial selection of individuals for public service by means of competitive tests which are fair, objective, and practical; and

WHEREAS, the HRS does not list any other requirements and qualifications for the City's Director of Emergency Management positions; and



RESOLUTION

WHEREAS, the Revised Charter of the City and County of Honolulu, 1973 (Amended 2017 Edition), as amended, does not provide a list of qualifications for the City's Director of Emergency Management position; and

WHEREAS, given the unpredictable and sometimes devastating consequences of natural disasters, having a qualified Director of Emergency Management is both prudent and necessary; and

WHEREAS, the lack of specific qualifications must be addressed in order to procure the most appropriate and qualified candidate for the City's Director of Emergency Management position; 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"; now, therefore,

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

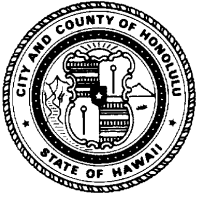
1. That the following question be placed on the 2024 general election ballot:

"Shall the Revised City Charter be amended to specify education, experience, and training qualifications required for the civil service position of City Director of Emergency Management and to assign the Department of Emergency Management a separate chapter in the City Charter similar to the chapters assigned to all other City departments?"

2. That Section 6-103, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Department of Emergency Management"), is repealed.

~~["Section 6-103. Department of Emergency Management—~~

~~There shall be a department of emergency management headed by a director of emergency management who shall be appointed and may be removed by the mayor in accordance with law. The director of emergency management shall:~~



RESOLUTION

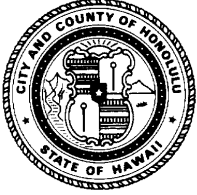
- ~~(a) — Develop, prepare and, under disaster or emergency situations, assist in the implementation of civil defense plans and programs to protect and promote the public health, safety and welfare of the people of the city.~~
- ~~(b) — Coordinate the civil defense and emergency preparedness activities and functions of the city with those of the state and federal governments and other public or private organizations for civil defense within the state."~~

3. 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 –

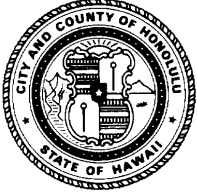
The provisions of this chapter of the charter shall apply to all positions in the service of the executive branch. This section shall apply to semi-autonomous agencies as though they are departments of the executive branch. The following positions shall be exempt from the provisions of this chapter of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

- (a) Positions of officers elected by public vote; positions of heads of departments except for the director of emergency management; the position of the band director of the Royal Hawaiian Band; the position of the executive for housing; 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.



RESOLUTION

- (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 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



RESOLUTION

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."

- 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 19 to read as follows:

**"CHAPTER 19 -
DEPARTMENT OF EMERGENCY MANAGEMENT.**

Section 6-1901. Organization --

There shall be a department of emergency management headed by a director of emergency management, who shall be appointed and may be removed by the mayor in accordance with the law.



RESOLUTION

Section 6-1902. Director of Emergency Management, Qualifications --

The Director of Emergency Management shall possess the following qualifications:

- (a) A bachelor's degree in emergency management, public health, public administration, or a relevant field. Advanced degrees or certifications in related fields are preferred.
- (b) At least five years of training or experience in emergency management or public health.
- (c) At least three years of experience in leading emergency management efforts at the local, state, or federal level.
- (d) At least three years of the experience specified in item (b) must have been in a responsible administrative capacity, demonstrating leadership and the ability to coordinate complex operations involving numerous agencies and personnel.
- (e) Demonstrated capability to collaborate with local, state, and federal agencies during emergency situations.

Section 6-1903. Powers, Duties, Functions --

The director of emergency management shall:

- (a) Develop, prepare and, under disaster or emergency situations, assist in the implementation of civil defense plans and programs to protect and promote the public health, safety, and welfare of the people of the city.
- (b) Coordinate the civil defense and emergency preparedness activities and functions of the city with those of the state and federal governments and other public or private organizations for civil defense within the state."

5. That in Sections 2 and 3 of this resolution, Charter material to be repealed is bracketed and stricken, and new Charter material is underscored. When



RESOLUTION

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.

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.



RESOLUTION

- 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; provided that the incumbent Director of Emergency Management of the City and County of Honolulu on January 1, 2025, if any, selected pursuant to the civil service provisions of the Revised Charter of Honolulu 1973 (Amended 2017 Edition), as amended, shall retain the position until such time as the incumbent vacates the office.

INTRODUCED BY:

Matt Weyer

Tommy Waters

DATE OF INTRODUCTION:

September 27, 2023
Honolulu, Hawai'i

Councilmembers

APPROVED this _____ day of _____, 20_____ .

RICK BLANGIARDI, Mayor
City and County of Honolulu