HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **23-162, CD1**

RESOLUTION

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

WHEREAS, the City and County of Honolulu ("City") is principally located on the island of O'ahu, in a Pacific Ocean archipelago that is vulnerable to the effects of climate change, including rising sea levels, increasing storm intensities, and shifting weather patterns; and

WHEREAS, the impacts of climate change threaten the health, safety, and welfare of City residents, and include damage to property, disruption of local economies, and destruction or degradation of critical infrastructure; and

WHEREAS, the climate crisis is fundamentally altering the water cycles experienced by O'ahu, increasing the frequency of storms and floods, and straining the City's waterways and systems; and

WHEREAS, the effects of climate change may disproportionately affect marginalized and low-income communities on O'ahu, exacerbating existing social and economic inequities; and

WHEREAS, scientific evidence indicates that these climate-related risks will increase in the coming decades unless significant adaptive actions are taken; and

WHEREAS, a proactive approach to climate change, including the creation of a Climate Resiliency Fund to finance preventive, ameliorative, and educational measures is more cost-effective than a reactive approach that only addresses problems after they occur; and

WHEREAS, a Climate Resiliency Fund could support:

1. Projects that enhance the City's resiliency to climate change impacts, including investments in green infrastructure, indigenous knowledge-informed solutions, invasive species prevention and control, renewable energy, and coastal protection measures;

2. Mitigation of the effects of climate change on the City's waterways, wetlands, streams, drainageways, channels, and water systems; and

3. Efforts to educate residents about the impacts of climate change and the importance of resilience, to foster a community-wide understanding and response to this global challenge; and

WHEREAS, the City Council ("Council") finds that real property tax revenues may be appropriated to support the creation of a Climate Resiliency Fund without having to simultaneously increase real property tax rates to fund the appropriation, which would demonstrate the City's commitment to safeguarding its residents, economy, and natural environment against climate change impacts for future generations; and

WHEREAS, Section 9-204, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), establishes the Clean Water and Natural Lands Fund and the Affordable Housing Fund, each funded by one-half of one percent of the City's estimated real property tax revenues appropriated in each fiscal year's budget and capital program; and

WHEREAS, the Council believes that the establishment of a Climate Resiliency Fund, funded by one-half of one percent of the City's estimated annual real property tax revenues (similar to the appropriations for the Clean Water and Natural Lands Fund and the Affordable Housing Fund), will support initiatives and projects aimed at mitigating the impacts of climate change, enhancing the resilience of the City's infrastructure and communities, and promoting sustainable practices; and

WHEREAS, since the funding for the Climate Resiliency Fund would be appropriated in each fiscal year's budget and capital program, most of the moneys deposited into the Climate Resiliency Fund would be used toward capital improvement projects; and

WHEREAS, pursuant to Charter Section 15-101, the Council may initiate, by resolution, amendments to the Charter; and

WHEREAS, pursuant to Charter Article 15, 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,

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No. **23-162, CD1**

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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 2024 general election ballot:

"Shall the Revised City Charter be amended to require that the City Council appropriate, without having to simultaneously increase real property tax rates to fund the appropriation, one-half of one percent of the City's estimated real property tax revenues in each fiscal year's budget and capital program, to be deposited into a Climate Resiliency Fund, the purpose of which is to support initiatives and projects aimed at mitigating the impacts of climate change, enhancing the resilience of the City's infrastructure and communities, and promoting sustainable practices?"

2. That Section 9-204, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, is amended to read as follows:

"Section 9-204. Clean Water and Natural Lands Fund [~~and~~], Affordable Housing Fund, and Climate Resiliency Fund –

1. There shall be established a Clean Water and Natural Lands Fund [~~and~~], an Affordable Housing Fund[~~.~~], and a Climate Resiliency Fund. In adopting each fiscal year's budget and capital program, the council shall appropriate one and a half percent of the estimated real property tax revenues, [~~one-half~~] one-third of which shall be deposited into the Clean Water and Natural Lands Fund [~~and the remaining one-half~~], one-third of which shall be deposited into the Affordable Housing Fund[~~.~~], and the remaining one-third of which shall be deposited into the Climate Resiliency Fund.

2. Moneys in the Clean Water and Natural Lands Fund shall be used:

(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~~] that has a commitment to protect the conservation purposes and the resources to enforce the restrictions; or

(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. Moneys in the Affordable Housing Fund shall be used to provide affordable rental housing for persons earning sixty percent or less of the median household income in the city for the following purposes: provision and expansion of affordable rental housing and suitable living environments in projects, which may include mixed-use, mixed-income projects, having residential units that are principally for persons of low and moderate income through land acquisition for, development of, construction of, and/or capital improvements or rehabilitation to such housing, provided that the funded housing remains affordable for at least sixty years.

4. Moneys in the Climate Resiliency Fund shall be used:

(a) To finance preventive, ameliorative, and educational measures relating to experienced and anticipated effects of climate change;

(b) To enhance the resiliency of the city to climate change impacts, including investments in green infrastructure, indigenous knowledge-informed solutions, invasive species prevention and control, renewable energy, and coastal protection measures;

(c) To mitigate experienced and potential flood impacts of climate change by financing the construction, repair, and maintenance of city-owned or city-controlled waterways,

wetlands, streams, drainageways, channels, and water systems;

(d) To educate city residents about experienced and anticipated impacts of climate change and the importance of resilience, to foster a community-wide understanding of and response to this global challenge; provided that education-related costs acquired by way of this fund do not exceed five percent of the moneys deposited into the fund in the previous year; or

(e) To safeguard the city's residents, economy, and natural environment against climate change impacts for future generations.

[~~4.~~] 5. The moneys in each fund may also be used for the payment of principal, interest, and premium, if any, due with respect to bonds issued subsequent to the enactment of this section and pursuant to Sections 3-116 or 3-117, in whole or in part, for the purposes enumerated in subsections 2 [~~and~~], 3, and 4 of this section and for the payment of costs associated with the purchase, redemption, or refunding of such bonds.

[~~5.~~] 6. At any given time, no more than five percent of the moneys in each fund shall be used for administrative expenses.

[~~6.~~] 7. Any balance remaining in each fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The moneys in each fund shall not be used for any purposes except those listed in this section.

[~~7.~~] 8. The department of land management shall receive proposals for the use of funds in the Clean Water and Natural Lands Fund and shall submit qualified proposals to [~~an~~] the advisory commission[~~,~~] established pursuant to subsection 9, which shall make recommendations to the council for approval[~~. All~~]; all proposals for uses of the Clean Water and Natural Lands Fund shall be processed consistent with this procedure.

[~~8.~~] 9. There shall be established a Clean Water and Natural Lands advisory commission to consider proposals submitted to it by the department of land management and to submit recommendations to the council for approval of expenditures under [~~this section.~~] subsection 2. The commission shall consist of

seven members, with three appointed by the mayor, three appointed by the council, and one appointed by a majority vote of the six appointed members. The members shall serve for staggered terms of five years and until their successors have been appointed and qualified. The initial appointments shall commence no later than January 15, 2017, and shall be as follows:

(a) For an initial two-year term, two members, one each appointed by the mayor and the council.

[~~(c)~~] (b) For an initial three-year term, two members, one each appointed by the mayor and the council.

[~~(d)~~] (c) For an initial four-year term, two members, one each appointed by the mayor and the council.

[~~(e)~~] (d) For a five-year term, the member appointed by the majority vote of the other six appointed members.

[~~9.~~] 10. The director of the department of budget and fiscal services shall administer the [~~fund.~~] funds established under this section.

[~~10.~~] 11. The council shall, by ordinance, establish other procedures for the administration and expenditure of moneys in each fund consistent with this section. The appropriations to each fund shall not substitute for, but shall be in addition to, those appropriations historically made for the purposes stated in this section."

3. That in Section 2 of this resolution, Charter material to be repealed is bracketed and stricken and new Charter material is underscored. When revising, compiling, or printing this Charter provision 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.

4. 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 provision amended pursuant to this resolution is 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.

5. That upon adoption of this resolution by the Council of the City and County of Honolulu 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

6. 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.

INTRODUCED BY:

Tommy Waters

DATE OF INTRODUCTION:

July 6, 2023
Honolulu, Hawai'i

Councilmembers

APPROVED this 8th day of February, 20 24.

Rick Blangiardi

RICK BLANGIARDI, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 23-162, CD1

Introduced: 07/06/23 By: TOMMY WATERS Committee: HOUSING, SUSTAINABILITY AND HEALTH (HSH)

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

Voting Legend: * = Aye w/Reservations

07/06/23	INTRO	Introduced.
07/12/23	CCL	Passed first reading. 8 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA*, OKIMOTO, SAY, TULBA*, WATERS, WEYER 1 ABSENT: TUPOLA
07/26/23	HSH	Reported out for passage on second reading and scheduling of a public hearing. CR-224 4 AYES: DOS SANTOS-TAM, OKIMOTO, TULBA*, WEYER 1 ABSENT: KIA'ĀINA
07/28/23	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
08/09/23	CCL/PH	Committee report adopted. Resolution passed second reading and public hearing closed. 9 AYES: CORDERO*, DOS SANTOS-TAM, KIA'ĀINA*, OKIMOTO, SAY, TULBA*, TUPOLA*, WATERS, WEYER
08/16/23	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
08/23/23	HSH	Reported out for passage on third reading as amended in CD1 form. CR-253 5 AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, TULBA*, WEYER
09/06/23	CCL	Recommitted. 9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
10/18/23	HSH	Postponed to a date and time to be determined by the Committee Chair. 5 AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, TULBA, WEYER
01/10/24	HSH	Reported out for passage on third reading as amended in CD1 form. CR-23(24) 5 AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO*, TULBA, WEYER

01/24/24	CCL	Committee report adopted and Resolution passed third reading as amended. 9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER

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. TAKAHASHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER