



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 23-239, CD1

RESOLUTION

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

WHEREAS, the City Council ("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, in 2007, the City's Civil Defense Agency was redesignated as the DEM, and in 2014, Section 127A-5, Hawaii 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 ("State") civil service law, which is applicable to employees of 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 that are fair, objective, and practical; and

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

WHEREAS, Section 2-25.1, Revised Ordinances of Honolulu 2021 ("ROH"), provides that the Director of Emergency Management shall be subject to the civil service laws, and is not subordinate to or answerable to any person or department with



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respect to State or City civil defense matters other than the Mayor or the Managing Director; and

WHEREAS, the City's civil service program is administered by the Department of Human Resources ("DHR"); and

WHEREAS, the DHR website lists the following duties and responsibilities for the Director of Emergency Management class specification:

1. Directs, coordinates, and administers the plans, programs, activities, and emergency management operations of the Department of Emergency Management;
2. Coordinates emergency management activities and functions with those of the State and Federal governments, and with other public and private organizations;
3. Administers and coordinates U.S. Department of Homeland Security mandates and programs;
4. Serves as the Mayor's advisor for emergency management and homeland security issues; and
5. Performs other related duties as required; and

WHEREAS, the DHR website also lists the following qualifications for the Director of Emergency Management class specification:

1. A combination of education and experience substantially equivalent to graduation from an accredited college or university with major work in business or public administration or a related field, and five years of responsible administrative experience in government or a large organization that involved developing and coordinating large scale emergency plans and operations to be implemented in times of emergencies or major disasters, two of which included supervising emergency management or homeland security activities;
2. The ability to obtain Federal security clearance of secret or higher prior to completion of probation;



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3. Knowledge of Federal, State and local civil defense, emergency management, and homeland security laws, ordinances, operations, and objectives; principles and practices of program planning, organization, and administration; organization of the Federal, State, and local governments, particularly as they relate to or affect emergency management and homeland security activities; report writing; and public relations; and
4. The ability to analyze situations, make sound decisions, and act decisively in emergencies; direct the development and maintenance of detailed plans and procedures for the protection of residents from threats or disasters; interpret applicable laws, ordinances, and regulations; coordinate department activities with those of numerous groups and organizations, including large numbers of volunteers; establish and maintain cooperative relationships with others; speak effectively with members of the media and before groups; and prepare program plans, reports, and correspondence; and

WHEREAS, the Revised Charter of the City and County of Honolulu, 1973 (Amended 2017 Edition), as amended ("Charter"), lists the DEM as an agency directly under the City's Managing Director, and does not refer to the Director of Emergency Management as a civil service position that is subject to the DHR class specification qualifications for that position; and

WHEREAS, an update to the Charter would reflect the current status of the DEM as an independent agency of the City Executive Branch, and provide that all DEM staff, including its Director and Deputy Director, are subject to the civil service laws; 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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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 establish the Department of Emergency Management as an independent agency of the City Executive Branch by assigning the Department of Emergency Management a separate chapter in the City Charter similar to the chapters assigned to all other City departments; to provide that all Department of Emergency Management staff, including its Director and Deputy Director, are subject to the civil service laws; and to specify a minimum level of qualifications for the civil service position of the Director of Emergency Management, with additional minimum qualifications to be determined in accordance with civil service laws?"

2. That Section 3-122.1, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, is amended to read as follows:

"1. There shall be an independent salary commission to establish the salaries of all elected officials, including the mayor, councilmembers, and prosecuting attorney, and the following appointed officials: managing director, deputy managing director, department head, deputy department head, and band director[-]; provided that the salary commission does not determine the salaries of the director of emergency management and the deputy director of emergency management, which are civil service positions. The commission shall also establish schedules for salaries of deputies of the corporation counsel and prosecuting attorney. The commission shall consist of seven members, who 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, 1993, and shall be as follows:

- | | | |
|-----|--------------------------------------------------------------------------|-------------|
| (1) | Two members, one appointed by the mayor and one appointed by the council | Two years |
| (2) | Two members, one appointed by the mayor and one appointed by the council | Three years |
| (3) | Two members, one appointed by the mayor and one appointed by the council | Four years |



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- (4) One member appointed by the mayor Five years
and confirmed by the council

Each succeeding appointment shall be for a term ending five years from the date of the expiration of the term for which the predecessor had been appointed. The commission shall elect a chair from among its members and the commission shall act by a majority vote of its membership. Any vacancy shall be filled in the same manner as for an original appointment."

3. That Section 6-103, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, 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:~~

- ~~(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."~~

4. That Section 6-104, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, is repealed.

~~["Section 6-104. Citizens Advisory Commission on Civil Defense—~~

~~There shall be a citizens advisory commission on civil defense which shall consist of five members. The commission shall advise the mayor, the council, and the civil defense administrator on matters pertaining to civil defense, and to the promotion of community understanding and interest in such matters. The~~



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~~commission shall be governed by the provisions of Section 13-103 of this charter."~~

5. That Section 6-1103, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, is 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.
- (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



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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[;] and the first deputy in the department of emergency management, 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 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



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- (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."

6. That Article VI, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, is 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 is subject to the civil service laws, and is appointed and may be removed by the mayor in accordance with the law.

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

The director of emergency management shall:



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- (a) Possess a minimum of five years of professional level experience in emergency management, disaster planning, or public safety services management, at least three years of which must have been in a responsible administrative capacity; and
- (b) Possess additional minimum qualifications determined by the department of human resources for the director of emergency management class specification, pursuant to Section 6-1109.

Section 6-1903. Director of Emergency Management, Powers, Duties, Functions –

The director of emergency management shall:

- (a) Develop, maintain, and implement emergency management plans for the city to prepare for, mitigate against, respond to, and recover from emergencies and disasters.
- (b) Coordinate the emergency management activities and functions within the city with those of the state and federal governments, and with other public or private organizations for emergency management purposes.
- (c) Assign lead and support responsibilities to city agencies and personnel for emergency management functions.
- (d) Implement training and exercise programs to improve the ability of city agencies and personnel to carry out emergency management functions.
- (e) Provide public information and educational programs related to emergency and disaster preparedness.
- (f) Perform such other duties as may be required by law.



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Section 6-1904. Citizens Advisory Commission on Emergency Management –

There shall be a citizens advisory commission on emergency management that consists of five members. The commission shall advise the mayor, the council, and the director of emergency management on matters pertaining to emergency management, and to the promotion of community understanding and interest in such matters. The commission shall be governed by the provisions of Section 13-103."

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

"Section 16-____. The Director of Emergency Management Transition Provisions –

The 2024 charter amendments made to Article VI, Chapter 19, shall not affect the term of any the incumbent director of emergency management who is serving on January 1, 2025. Unless vacating the office sooner, the incumbent shall retain the position until such time as the incumbent vacates the office."

8. That in Sections 2, 3, 4, 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 material that has been bracketed and stricken, or the underscoring.
9. 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



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- 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.
- 10. 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.



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11. That upon approval of the Charter amendment question posed in Section 1 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:

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