

RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED, RELATING TO THE ESTABLISHMENT OF A DEPARTMENT OF OCEAN SAFETY.

WHEREAS, the City Council ("Council") recognizes that ocean safety is a public safety necessity for an island society like that of the City and County of Honolulu ("City"); and

WHEREAS, the Honolulu Emergency Services Department is currently composed of the Emergency Medical Services Division, the Ocean Safety Division ("Ocean Safety"), and the Health Services Branch; and

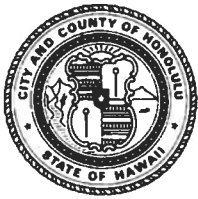
WHEREAS, the Director of Emergency Services has many responsibilities as described under Section 6-603(a) of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), including: being the City's primary provider of emergency medical care; developing and providing training and educational programs related to emergency medical services and injury prevention; being responsible for medical matters relating to public health and welfare; and being responsible for the administration of the City's health services programs and medical evaluations of current and prospective City employees; and

WHEREAS, pursuant to Charter Section 6-603(b), the Director of Emergency Services is also responsible for being the primary responder to emergencies arising on the beach and in the near shore waters; and for carrying out training, educational, and risk reduction programs related to ocean safety; and

WHEREAS, within the Department of Emergency Services' Ocean Safety and Lifeguard Services Division ("Division"), there are currently 271 Water Safety Officers, eight rescue ski teams, and 42 lifeguard towers in operation from 8:00 a.m. to 6:30 p.m.; and

WHEREAS, the Division is responsible for monitoring 227 miles of coastline around the island of O'ahu; and

WHEREAS, the Division reported to the Council in January of 2024 that it annually performs approximately 3,000 rescues and 1.4 million preventative actions, and responds to approximately 40 drownings; and



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WHEREAS, the need for the City to have a dedicated ocean safety department has been a topic of discussion for several years, but with the State of Hawaii's recent complete transfer of all emergency medical services functions on O'ahu to the City, the need for a separate department of ocean safety has become more urgent; and

WHEREAS, during his 2023 State of the City address, Honolulu Mayor Rick Blangiardi announced the creation of a task force to study whether the people of the City and visitors to O'ahu would be better and more efficiently served by having separate departments for emergency medical services and ocean safety; and

WHEREAS, this task force is scheduled to deliver its findings and recommendations to the Mayor in early 2024 on whether or not ocean safety should be a standalone public safety agency in the City, on an equal status with the Honolulu Police and Fire Departments; and

WHEREAS, if a separate City ocean safety department is to be established, the Council believes it would be best administered by a board, creating accountability and oversight similar to that provided by the City's Fire Commission and Police Commission over the City's other public safety departments, the Honolulu Fire Department and Honolulu Police Department; and

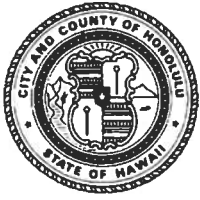
WHEREAS, pursuant to Charter Section 15-101, the Council may initiate, by resolution, amendments to the Charter; and

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" or an "8"; 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 establish a Department of Ocean Safety and remove ocean safety responsibilities from the Department of Emergency Services?"
2. That Section 6-603, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:



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"Section 6-603. Powers, Duties and Functions –

The director of emergency services shall:

(a) ~~[As to medical services:~~

~~(1)] Be the primary provider of emergency medical care[;].~~

~~[(2)] (b) Develop programs and provide training and educational programs related to emergency medical services and injury prevention[;].~~

~~[(3)] (c) Be responsible for medical matters relating to public health and welfare.~~

~~[(4)] (d) Be responsible for the administration of the city's health services programs and medical evaluations of current and prospective city employees.~~

~~[(b) — As to ocean safety:~~

~~(1) — Be the primary responder to emergencies arising on the beach and in the near shore waters;~~

~~(2) — Be responsible for ocean safety training, educational, and risk reduction programs relating to ocean safety.~~

~~(e)] (e) Perform such other duties as may be required by law."~~

3. That Article VI of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Executive Branch – Managing Director and Agencies Directly Under the Managing Director"), be amended by adding a new chapter to be appropriately designated by the Revisor of the Charter and to read as follows:

**"CHAPTER __ -
DEPARTMENT OF OCEAN SAFETY**

Section 6-__01. Organization –

There shall be a department of ocean safety, which shall consist of an ocean safety chief, an ocean safety commission, and the necessary staff. The



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ocean safety chief shall be the administrative head of the ocean safety department.

Section 6-__02. Statement of Policy –

It is hereby declared to be the purpose of this chapter of the charter to establish in the city a system of ocean safety protection and prevention and emergency rescue, which shall be based on qualified and professional leadership and personnel. In order to achieve this purpose, the ocean safety department shall be conducted in accordance with the following:

- (a) Standards for recruitment shall be designed to attract into the department persons with high degrees of education, intelligence, personal stability, and physical agility.
- (b) Promotions and other personnel actions shall be based upon fair and appropriate standards of merit, ability, and work performance.
- (c) Appropriate training shall be provided to the maximum extent possible and practicable.

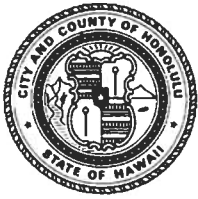
Section 6-__03. Ocean Safety Chief, Qualifications –

The ocean safety chief shall be appointed by the ocean safety commission. The chief may be removed by the ocean safety commission only after being given a written statement of the reasons for removal and an opportunity for a hearing before the commission. The chief shall have had a minimum of five years of training and experience in a supervisory role in an ocean safety agency, at least three years of which shall have been in a managerial and administrative capacity.

Section 6-__04. Powers, Duties and Functions –

The ocean safety chief shall:

- (a) Perform ocean safety and emergency response work to save lives, property, and the environment.
- (b) Be the primary responder to emergencies arising on the beach and in the near shore waters; provided that near shore waters are defined as those within one statute mile from shore.



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- (c) Provide emergency medical care and general safety measures to the public in cooperation with the department of emergency services.
- (d) Train, equip, maintain, and supervise a force of ocean safety and emergency response personnel.
- (e) Provide ocean safety training, education, and risk reduction programs relating to ocean safety.
- (f) Appoint the deputy ocean safety chief and the private secretaries to the ocean safety chief and the deputy ocean safety chief.
- (g) Perform such other duties as may be required by law.

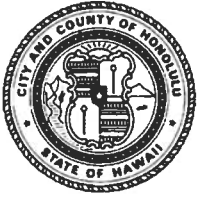
Section 6-__05. Ocean Safety Commission –

There shall be an ocean safety commission, which shall consist of five members. The commission may appoint such staff and engage consultants as necessary for the performance of its duties. The commission shall be governed by the provisions of Section 13-103 of this charter.

Section 6-__06. Powers, Duties and Functions –

The ocean safety commission shall:

- (a) Adopt rules necessary for the conduct of its business and review rules for the administration of the department of ocean safety.
- (b) Review the annual budget prepared by the ocean safety chief and make recommendations thereon to the mayor and the council.
- (c) Review the department's operations, as deemed necessary, for the purpose of recommending improvements to the ocean safety chief.
- (d) Evaluate at least annually the performance of the ocean safety chief and submit a report on the evaluation to the mayor and the council.



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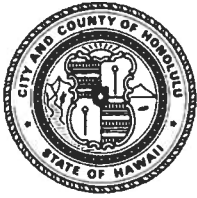
- (e) Review personnel actions within the department for conformance with the policies under Section 6-__02 of this chapter.
- (f) Hear complaints of citizens concerning the department or its personnel and, if deemed necessary, make recommendations to the ocean safety chief on appropriate corrective actions.
- (g) Submit an annual report to the mayor and the council on its activities. Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department.

Section 6-__07. Suspension; Removal; Appeals –

- 1. Suspension or removal of any officer or employee of the department of ocean safety shall be made pursuant to law and the rules of the department.
 - 2. Appeals from personnel actions shall be in accordance with Section 6-1108 of this charter."
4. Article 16, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Transitional Schedule"), is amended by adding a new section to be designated by the Revisor of the Charter and to read as follows:

"Section 16- . Transitional Provisions Relating to the Establishment of the Department of Ocean Safety –

- 1. All civil service officers and employees holding permanent appointments to positions in the ocean safety division of the department of emergency services on December 31, 2024 shall continue with the department of ocean safety from January 1, 2025. The civil service officers and employees subject to this section shall suffer no loss of vacation allowance, sick leave, service credits, retirement benefits, or other rights and privileges because of the charter amendments of this resolution. Nothing in this section, however, shall be construed as preventing future changes in their status pursuant to the civil service provisions of this charter.



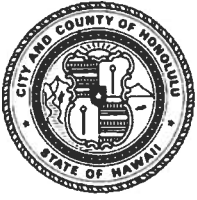
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2. The head of the ocean safety division of the department of emergency services on December 31, 2024, shall serve as the chief of the department of ocean safety from January 1, 2025, subject to removal by the ocean safety commission pursuant to Section 6- 03."

5. That in Sections 2 and 4 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.
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.



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

No. 24-50

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- 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.

INTRODUCED BY:

A. Spola

DATE OF INTRODUCTION:

FEB 21 2024

Honolulu, Hawai'i

Councilmembers

APPROVED this ___ day of _____, 20__

RICK BLANGIARDI, Mayor
City and County of Honolulu