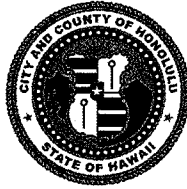


OFFICE OF THE MAYOR
KE KE'ENA O KA MEIA
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 • HONOLULU, HAWAII 96813
PHONE: (808) 768-4141 • FAX: (808) 768-4242 • WEBSITE: honolulu.gov

RICK BLANGIARDI
MAYOR
MEIA



MICHAEL D. FORMBY
MANAGING DIRECTOR
PO'O HO'OKELE

KRISHNA F. JAYARAM
DEPUTY MANAGING DIRECTOR
HOPE PO'O HO'OKELE

April 9, 2024

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

Dear Chair Waters and Councilmembers:

SUBJECT: Creation of a Department of Ocean Safety

As I stated during my March 14, 2024 State of the City Address, this administration is unwaveringly committed to the establishment of an independent Department of Ocean Safety.

It is our position that using the City Charter Executive Reorganization Power to propose the creation of the new department to the Honolulu City Council is the surest path to the establishment of the Department of Ocean Safety. This process empowers the City Council to affirmatively approve the proposal, allow the proposal to take effect after sixty days without any action, or reject the proposal by a two-thirds vote of the council's entire membership. This process also allows the public to voice its opinions on the proposal through a council hearing.

The separate question of a commission could then be put to the electorate through the City Council initiated resolution process as the Executive Reorganization Power does not extend to the creation of boards and commissions.

Not only is this the surest path to the establishment of the Department of Ocean Safety, but it will give the administration finality sooner so that we may take concrete budgetary, human resources, and administrative steps in order to have the department ready to go by the start of the 2026 Fiscal Year.

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
April 9, 2024
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Therefore, 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 Ocean Safety Department.

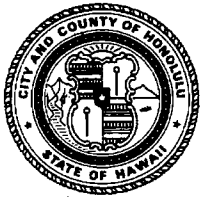
Please contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Rick Blangiardi". The signature is stylized with a large, flowing "R" and "B".

Rick Blangiardi
Mayor

Attachment



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

No. _____

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 DEPARTMENT OF OCEAN SAFETY.

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, during his 2023 State of the City address, Honolulu Mayor Rick Blangiardi announced the creation of an Ocean Safety 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 ("EMS") and ocean safety; and

WHEREAS, during his 2024 State of the City address, Mayor Blangiardi announced the recommendations of the Task Force, which determined that the separation of EMS and ocean safety to be in the best interest of the public and unanimously supported the creation of a standalone ocean safety department; 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

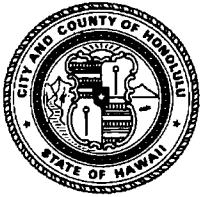
WHEREAS, the Council is in accord with the Mayor's proposal; now, therefore,

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:

1. 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:

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

The director of emergency services shall:



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(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~~

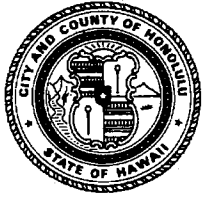
~~(e)]~~ (e) Perform such other duties as may be required by law."

2. 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 headed by a director of ocean safety who shall be appointed and may be removed by the mayor.



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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.

Section 6-_03. Director of Ocean Safety, Qualifications –

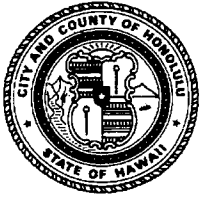
The director of ocean safety shall have a minimum of five years of training and experience in ocean safety, at least three years of which shall have been in a responsible administrative capacity.

Section 6-_04. Powers, Duties and Functions --

The director of ocean safety 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.
- (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 personnel.
- (e) Provide ocean safety training, education, and risk reduction programs relating to ocean safety.
- (f) Perform such other duties as may be required by law."

3. That Article IV of the Revised Charter of the City and County of Honolulu 1973 (amended 2017 Edition) ("Executive Branch – General Provisions"), Chapter 1 ("General Organization"), Section 4-104 is amended as follows:



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Section 4-104. Appointment, Confirmation and Removal of Officers and Employees –

1. All department and executive agency heads and the managing director, as provided in Sections 5-201, 6-101, 6-105, 6-201, 6-301, 6-401, 6-501, 6-601, 6-701, 6-801, 6-901, 6-1101, 6-1201, 6-1301, 6-1401, 6-1501, 6-1701, [and] 6-1801, and 6-____ shall be nominated and, by and with the advice and consent of the council, appointed and may be removed by the mayor, except as otherwise provided by this charter. Department heads shall be duly registered voters of the city and qualifications of department heads shall be as required by this charter.

2. When the position of head of an executive agency becomes vacant and the mayor is the appointing authority, the mayor may temporarily fill the vacancy by granting a commission allowing the nominee to fulfill the responsibilities of the position. The commission shall begin when the mayor submits to the council a request for confirmation. The commission shall expire when the council makes the confirmation decision. If the nominee fails to be confirmed by the council, the nominee shall not be eligible for another interim appointment to the same office.

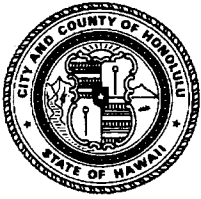
3. Department heads may appoint the necessary staff for which appropriations have been made by the council.

4. No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of the person's office or position

4. That Article XVI of the Revised Charter of the City and County of Honolulu 1973, (Amended 2017 Edition) ("Transition Schedule"), be amended by adding a new section to read as follows:

"Section 16- . Transition Provisions Concerning the Transfer of Duties and Functions of the ocean safety and lifeguard services division -- Effective on _____, 20__, the duties, and functions of the department of emergency services relating to its ocean safety and lifeguard services division shall be transferred to and assumed by the newly created department of ocean safety.

1. All civil service officers and employees holding positions or functions in the ocean safety and lifeguard services division within the department of



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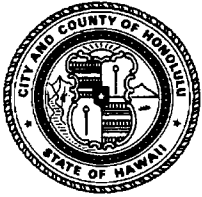
RESOLUTION

emergency management, shall be transferred to the department of ocean safety effective on ____, 20__. The civil service officers and employees shall suffer no loss of vacation allowance, sick leave, service credits, retirement benefits, or other rights and privileges because of the transfer. Nothing in this subsection, however, shall be construed as preventing future changes in status pursuant to the civil service provisions of this charter.

2. All lawful obligations, liabilities, permits, and contracts of the city which relate to the duties and functions of the ocean safety and lifeguard services division, and which are administered by the department of emergency services, shall be transferred to and thereafter be administered by the department of ocean safety, effective on ____, 20__. The obligations, liabilities, and contracts transferred shall continue in effect until discharged or lawfully terminated.
3. All records, property, and equipment utilized by the ocean safety and lifeguard services division in carrying out its duties and functions shall be transferred to and assumed by the department of ocean safety, effective on ____, 20__.

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 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 bracketed and stricken 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.



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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, Hawai'i

Councilmembers