



Charter Commission

CITY AND COUNTY OF HONOLULU

2015-2016

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Submit Charter Amendment Proposal

You may submit your proposal to the Charter Commission. Please fill in the required fields (marked with *) below and click Submit. You will receive a confirmation message when complete.

Proposal Submittal Information

Providing responses to these items will help the Commission's deliberations, especially when additional information or research is required. Please be aware that these documents will be part of the public record and may be available to the public.

Name *

Donna Ikeda

Email (required to send you confirmation) * ?

[Redacted]

Phone

[Redacted]

Address

Street Address

Address Line 2

City

State/Province/Region

Postal/Zip code

Representing *

Myself Organization (Please fill in field below)

Charter Amendment Proposal Form

1. Please provide a brief description of: The Proposed Charter amendment, the purpose of the proposed Charter amendment, the issue or problem to be addressed by the proposal, and how the proposal would address the issue or problem.

Provide Council oversight of the Board of Water Supply by the City Council and requiring that the department and its board be subject to Article XI of the charter, relating to standards of conduct.

2. If applicable, list the Charter provision(s) affected by the proposal:

3. If the proposal is based on a provision or provisions in the charter or laws of another jurisdiction (e.g., another county, city, or municipality), name the jurisdiction and, if possible, attach a copy of each provision or law.

Relevant Provision

Browse...

4. If the proposal is based on any written materials you have, please attach a copy of each with a citation to its source.

Browse...

5. Attach the text of the proposed Charter amendment in Ramseyer format (see instructions below).

see attached Browse...

Ramseyer format:

- **AMENDING AN EXISTING CHARTER PROVISION:** Indicate by underscoring, any language being proposed to be added to the Charter and indicate by [bracketing], any language being proposed to be deleted from the Charter.
- **REPLACING AN EXISTING CHARTER PROVISION:** [Bracket] the article, chapter, or section of the Charter proposed to be deleted, and underscore the text of any provision proposed to replace the deleted material.
- **ADDING A NEW CHARTER PROVISION:** Provide the text of the new provision and, if possible, indicate where in the Charter the new material should be added.

All proposals must be submitted by October 31, 2015.

If for any reason you are having difficulty using our online submission process, you may submit your proposal by mail or email:

2015-2016 Charter Commission
City and County of Honolulu
530 South King Street, Room 501
Honolulu, Hawaii 96813
cc charter@honolulu.gov (mailto:cc charter@honolulu.gov)

Disclaimer *

By checking this box, you understand that proposals submitted through this website are now a part of public record, including any submittal information you may have furnished.

That Section 7-105 of the Revised Charter of the City and County of Honolulu 1973, as amended, be amended to read as follows:

"Section 7-105. Powers, Duties and Functions of the Board of Water Supply --

The board of water supply shall:

- (a) Appoint and remove the manager and chief engineer of the department. The manager and chief engineer shall be a registered engineer who shall have had a minimum of five years of training and experience in waterworks activities or related fields, at least three years of which shall have been in a responsible administrative capacity.
- (b) Fix the salary of the manager and chief engineer.
- (c) Have the authority to create and abolish positions.
- (d) Determine the policy for construction, additions, extensions and improvements to the water systems of the city which shall include a long range capital improvement program covering a period of at least six years which shall be adopted after consultation with the director of planning and permitting and which may be amended or modified by the board from time to time.
- (e) Have the authority to acquire by eminent domain, purchase, lease or otherwise, in the name of the city, all real property or any interest therein necessary for the construction, maintenance, repair, extension or operation of the water systems of the [city.] city; provided, however that prior to commencing such action, the board shall submit to the council, in writing, a list of the parcels and areas to be acquired. The board shall have the right to proceed with such condemnation action so long as the council does not adopt a resolution objecting to the condemnation within 45 days of such notification. Alternatively, after receipt of the notice from the board, the council may approve, upon a single reading of a resolution, such acquisition by eminent domain. The council shall take no action to acquire real property or any interest therein for the department without the written approval of the board.
- (f) Have the authority to recommend to the council the sale, exchange or transfer of real property or any interest therein which is under the control of the department. The council shall take no action to dispose of such property without the prior approval of the board, and all proceeds from the disposition of such property shall be paid into the special fund of the department.

(g) Have the authority to enter into arrangements and agreements, as it deems proper for the joint use of poles, conduits, towers, stations, aqueducts, and reservoirs, for the operation of any of the properties under its management and control.

(h) Have the authority to issue revenue bonds under the name of "board of water supply."

(i) [Modify, if necessary, and approve and adopt annual operating and capital budgets submitted by the manager and chief engineer.] Prepare proposed annual operating and capital budgets for the department for appropriation by the council in accordance with Section 7120 of this charter.

(j) Prescribe and enforce rules and regulations having the force and effect of law to carry out the provisions of this article of the charter, including: (1) the regulation of water systems and necessary appurtenances for subdivisions and other properties and requirements for adequate water supply and storage facilities for domestic use and fire protection, (2) the prevention of waste and pollution of water, (3) the manner in which new wells or shafts may be bored, drilled or excavated, cased and capped or recased, (4) the manner in which wells or shafts shall be maintained, controlled and operated to prevent waste of water or the impairment of potability, (5) the limitation to beneficial uses of all water, (6) in times of shortage or threatened shortage of water or of danger to potability of the water of any ground water basin or area by overdraft on such basin, the restriction of the drawing of water in all wells supplied from such basin on a basis proportionate to the proper and beneficial uses served by them respectively, and (7) other matters having for their object the proper conservation and beneficial use of the water resources available for the city.

(k) Hear appeals from [the] any order of the manager and chief engineer refusing, suspending or revoking any permit for the sinking, drilling or reopening of any well or shaft for the development of underground water supply."

b. That Section 7-107 be amended to read as follows:

"Section 7-107. Personnel Administration; Centralized Purchasing; Auditing; Pension; Standards of Conduct --

1. The department shall be subject to the civil service provisions of this charter.

2. The department shall be subject to the centralized purchasing and disposal of personal property provisions of this charter.

3. The department shall come within the purview of the performance audit conducted by the managing director and such audits as may be required by the council or conducted by the city auditor.

4. Pensions for officers and employees shall be governed by law.

5. Article XI of this charter relating to standards of conduct shall be applicable to the department and its board."

c. That Section 7-109 be amended to read as follows:

"Section 7-109. [Rates,] Rates and Revenues [and Appropriations] --

The board shall have the power to fix and adjust reasonable rates and charges for the furnishing of water and for water services so that the revenues derived therefrom shall be sufficient to make the department self-supporting. Such revenues shall be sufficient to meet all necessary expenditures, including expenditures for: (a) operating and maintenance expenses; (b) repairs, replacements, additions and extensions; (c) accident reserve, pension charges and compensation insurance; (d) payment of principal and interest on all bonds, including reserves therefor, issued for the acquisition or construction of waterworks and extensions [thereto,] thereto; and (e) reserve funds under Section 7-112 of this charter. All water furnished to the city or any department thereof shall be charged to the respective departments and collected at the regular rates established by the board. There shall be no free water, except as authorized by the state. [The board may make appropriations for the purposes stated in this section of the charter.]"

d. That a new Section 7-120 be added to read as follows:

"Section 7-120. Annual Budget for the Board of Water Supply --

1. The department's proposed operating and capital budgets for the ensuing fiscal year, together with a six-year capital improvement program, shall be prepared by the board, and shall be submitted to the council and available for public review not later than one hundred twenty days prior to the end of the current fiscal year. The proposed operating and capital budgets shall be in the same form prescribed by ordinance for the annual executive operating and capital budget bills, and shall be subject to the same public notice and public hearing requirements prescribed in Section 9-104.1 of this charter relating to the council's consideration of the annual executive operating and capital budget bills. The council may add new items to, or delete or amend items in, the department's proposed operating and capital budget bills.

2. If the council fails to pass on third reading the annual board of water supply budget bills on or before the fifteenth day of June of the fiscal year currently ending, or if after veto by the mayor, the council fails to pass the budget bills on final reading within the time prescribed in Section 3-203.1 of this charter, which may extend beyond July 1 of the ensuing fiscal year, the operating and capital budget bills as submitted by the department shall take effect as of July 1 of the subject fiscal year. Section 3-203.2 of this charter shall not apply to the annual board of water supply budget bills.

3. Immediately following the enactment of the board of water supply budget ordinances, the manager and chief engineer of the department shall submit to the director of budget and fiscal services a schedule showing the expenditures of the department anticipated for each quarter of the fiscal year. The schedule shall not require the approval nor can it be altered by the mayor or the council, and the department may proceed without any other authority to incur obligations and make expenditures after the schedule has been submitted. Appropriations for the department's operating budget shall be considered valid only for the fiscal year for which made, and any part of such appropriation that is not encumbered or expended shall lapse at the end of the fiscal year. Appropriations for the department's capital budget shall be considered valid only for the fiscal year for which made and for twelve months thereafter, and any part of such appropriation that is not encumbered or expended shall lapse twelve months after the end of the fiscal year.

4. Amendments or supplements to the annual board of water supply budget ordinances may be submitted by the department and considered by the council under the same public notice and public hearing requirements prescribed for the enactment of the annual board of water supply budget ordinances, and subject to the same restrictions applicable to the annual executive operating and capital budget ordinances under Sections 9-105.2(a) and (b) of this charter. Such amendments or supplements shall only be made to meet contingencies that could not have been anticipated when the department's budget ordinances were passed.

5. Appropriations to fund the activities of the department shall only be made through the annual board of water supply operating and capital budget ordinances enacted pursuant to this section, and permitted amendments or supplements thereto."