

BERNICE K. N. MAU
CITY CLERK

DEPT. COMM. NO. 107
OFFICE OF THE CITY CLERK
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077 / TELEPHONE 768-3810

May 8, 2013

The Honorable Donna Mercado Kim, President
State Senate
Hawaii State Capitol, Room 409
415 South Beretania Street
Honolulu, HI 96813

Dear President Kim:

This is to inform you that Resolution 13-81, CD1, FD1, urging the State of Hawaii to withhold action that contemplates the sale, development, or redevelopment of all land owned by the City and used by the State Department of Education and urging the State to return to the City and City-owned land used by the State Department of Education upon the cessation of public education use of such land, was adopted by the Council of the City and County of Honolulu at its meeting on Wednesday, May 8, 2013.

As directed by the Resolution, a copy is attached for your information.

Sincerely,

A handwritten signature in cursive script that reads "Bernice K.N. Mau".

BERNICE K.N. MAU
City Clerk

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Attachments



RESOLUTION

URGING THE STATE OF HAWAII TO WITHHOLD ACTION THAT CONTEMPLATES THE SALE, DEVELOPMENT, OR REDEVELOPMENT OF ALL LAND OWNED BY THE CITY AND USED BY THE STATE DEPARTMENT OF EDUCATION AND URGING THE STATE TO RETURN TO THE CITY ANY CITY-OWNED LAND USED BY THE STATE DEPARTMENT OF EDUCATION UPON THE CESSATION OF PUBLIC EDUCATION USE OF SUCH LAND.

WHEREAS, certain public schools on Oahu are located on lands owned by the City and County of Honolulu; and

WHEREAS, these lands are not only used for public schools but are also used for public parks and playgrounds which are adjacent to these schools; and

WHEREAS, the Hawaii State Legislature has approved legislation that would raise revenue for the state Department of Education by enabling public-private partnerships to develop public school lands that are "underutilized"; and

WHEREAS, any plans to sell or redevelop land owned by the City and County of Honolulu and used by the state Department of Education should respect compensation claims asserted by the City; and

WHEREAS, Act 38, Session Laws of Hawaii 2013, which repeals Act 55, Session Laws of Hawaii 2011, the act that created the Public Land Development Corporation ("PLDC"), was signed into law by the Governor on April 22, 2013; and

WHEREAS, Act 38 states that repealing the law creating the PLDC is motivated, in part, by concerns over the exemptions to county laws regarding land use, zoning and construction standards contained in Act 55; and

WHEREAS, Act 38 additionally states that the legislature desires to achieve the goal of optimizing the use of public lands in an equitable and transparent manner while fully respecting existing laws and procedures; and

WHEREAS, Act 203, Session Laws of Hawaii (SLH) 1967, transferred the jurisdiction of public education from the counties to the state of Hawaii; and

WHEREAS, Section 5 of Act 203, SLH 1967 states, in part, that, "No real property or improvements thereon belonging to the several counties and used in the performance of the functions and services covered in this Part shall be required to be conveyed to the State"; and



RESOLUTION

WHEREAS, the City has identified nearly 100 public schools located on land owned in part or entirely by the City and County of Honolulu; and

WHEREAS, the assessed value of city-owned land housing public schools is more than \$1 billion; and

WHEREAS, on June 8, 2009, the state Department of Education closed Wailupe Valley Elementary School after 50 years of existence on city-owned land in East Honolulu and the land was returned to the City; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it strongly urges the state of Hawaii to withhold action that contemplates the sale, development or redevelopment of all land owned by the City and used by the state Department of Education; and

BE IT FURTHER RESOLVED that the Council strongly urges the State to return to the City any city-owned land used by the state Department of Education upon the cessation of public education use of such land; and



RESOLUTION

BE IT FINALLY RESOLVED that a copy of this Resolution be transmitted to the Governor, the President of the State Senate, the Speaker of the State House of Representatives, the Mayor, the Managing Director, and the Director of Budget and Fiscal Services.

INTRODUCED BY:

Ikaika Anderson

DATE OF INTRODUCTION:

April 19, 2013
Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 13-81, CD1, FD1

Introduced: 04/19/13 By: IKAIKA ANDERSON

Committee: INTERGOVERNMENTAL
AFFAIRS AND HUMAN
SERVICES

Title: RESOLUTION URGING THE STATE OF HAWAII TO WITHHOLD ACTION THAT CONTEMPLATES THE SALE, DEVELOPMENT, OR REDEVELOPMENT OF ALL LAND OWNED BY THE CITY AND USED BY THE STATE DEPARTMENT OF EDUCATION AND URGING THE STATE TO RETURN TO THE CITY ANY CITY-OWNED LAND USED BY THE STATE DEPARTMENT OF EDUCATION UPON THE CESSATION OF PUBLIC EDUCATION USE OF SUCH LAND.

Links: [RES13-81](#)
[RES13-81, CD1, FD1](#)
[CR-132](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

INTERGOVERNMENTAL AFFAIRS AND HUMAN SERVICES	04/25/13	CR-132 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN <u>CD1</u> FORM.
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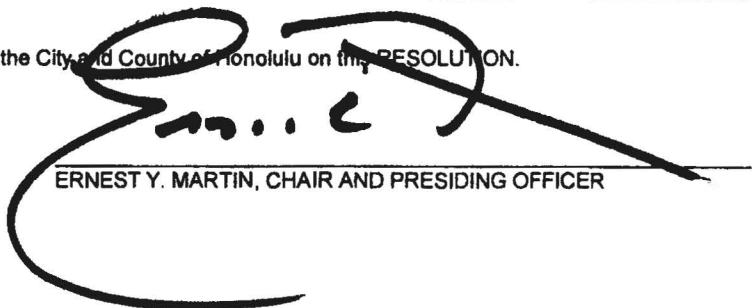
COUNCIL	05/08/13	RESOLUTION AMENDED TO FD1.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		

CR-132 AND RESOLUTION 13-81, CD1, FD1 WERE ADOPTED.

ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		

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.


BERNICE K. N. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER