

OFFICE OF THE CITY CLERK
CITY AND COUNTY OF HONOLULU
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HONOLULU, HAWAII 96813-3077
TELEPHONE: (808) 768-3810 • FAX: (808) 768-3835

GLEN I. TAKAHASHI
CITY CLERK

November 3, 2023

The Honorable Scott K. Saiki
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street Rm 431
Honolulu, HI 96813

Dear Representative Saiki,

This is to inform you that the following resolutions were adopted by the Council of the City and County of Honolulu at its meeting on Wednesday, November 1, 2023. As directed by the resolutions, a copies are attached for your information:

Resolution 23-210	Urging the Hawai'i State Legislature to establish a policy that provides partial State funding in perpetuity for any new State mandate that is imposed upon the City and County of Honolulu's first responders.
Resolution 23-255, FD1	Commemorating the 30th anniversary of the enactment of Public Law 103-150, the "Apology Resolution."

Sincerely,

A handwritten signature in black ink, appearing to read "Glen I. Takahashi", with a long, wavy horizontal line extending to the right.

GLEN I. TAKAHASHI
City Clerk

knk

Attachments



RESOLUTION

URGING THE HAWAII STATE LEGISLATURE TO ESTABLISH A POLICY THAT PROVIDES PARTIAL STATE FUNDING IN PERPETUITY FOR ANY NEW STATE MANDATE THAT IS IMPOSED UPON THE CITY AND COUNTY OF HONOLULU'S FIRST RESPONDERS.

WHEREAS, first responders are individuals with specialized training who are among the first to arrive and provide incident resolution at the scene of an emergency, such as a crime, accident, medical emergency, disaster, or terrorist attack; and

WHEREAS, in the State of Hawaii ("State"), first responders include police officers, paramedics, emergency medical technicians, lifeguards, and firefighters, most of whom are employed by county government; and

WHEREAS, despite being employees of the City and County of Honolulu ("City"), the responsibilities and duties of the City's first responders are not only dictated by City ordinances, rules, and regulations, but also State law; and

WHEREAS, whenever the State enacts legislation that calls for enhanced enforcement or increased support by first responders, the City's first responders must implement these mandates regardless of whether the new responsibilities were anticipated in their current operational budgets; and

WHEREAS, Article VIII, Section 5 of the Hawaii State Constitution requires that if any new program or increase in the level of service under an existing program shall be mandated to any of the political subdivisions by the State Legislature, the State shall share in the cost; and

WHEREAS, additionally, unlike the State, the City has limited taxing authority and the City's primary source of revenue is the real property tax, which constitutes 42.38 percent of all City operating resources for Fiscal Year 2024; and

WHEREAS, for each fiscal year, the City Administration and the City Council ("Council") carefully plan and deliberate upon each appropriated dollar to ensure that City residents are provided with sufficient and effective City services, balanced against the need to provide City residents with as much tax relief as fiscally possible; and

WHEREAS, unfunded State mandates arguably place a strain upon the City's budgeted revenues when additional fiscal resources have not been provided to the City department or departments that are charged with implementing the new State mandate; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAI'I

No. 23-210

RESOLUTION

WHEREAS, the Council finds that when the State Legislature enacts legislation that imposes new mandates upon the City's first responders, the State should also responsibly share in the cost of providing these additional public safety services in accordance with Article VIII, Section 5 of the Hawai'i State Constitution; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Hawai'i State Legislature is urged to establish a policy that provides partial State funding in perpetuity for any new State mandate that is imposed upon the City and County of Honolulu's first responders; and

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

INTRODUCED BY:

Calvin K. King
Tony Wilson

DATE OF INTRODUCTION:

SEP 5 2023

Honolulu, Hawai'i

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 23-210

Introduced: 09/05/23 By: CALVIN K.Y. SAY
TOMMY WATERS Committee: PUBLIC SAFETY (PS)

Title: URGING THE HAWAII STATE LEGISLATURE TO ESTABLISH A POLICY THAT PROVIDES PARTIAL STATE FUNDING
IN PERPETUITY FOR ANY NEW STATE MANDATE THAT IS IMPOSED UPON THE CITY AND COUNTY OF
HONOLULU'S FIRST RESPONDERS.

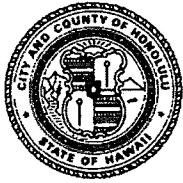
Voting Legend: * = Aye w/Reservations

09/05/23	INTRO	Introduced.
10/19/23	PS	Reported out for adoption. CR-314 4 AYES: DOS SANTOS-TAM, OKIMOTO, TULBA, TUPOLA
11/01/23	CCL	Committee report and Resolution were adopted. 9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER

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.


GLEN I. TAKAHASHI, CITY CLERK


TOMMY WATERS, CHAIR AND PRESIDING OFFICER



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

No. 23-255, FD1

RESOLUTION

COMMEMORATING THE 30TH ANNIVERSARY OF THE ENACTMENT OF PUBLIC LAW 103-150, THE "APOLOGY RESOLUTION."

WHEREAS, on November 23, 1993, President Bill Clinton enacted into law the Joint Resolution to Acknowledge the 100th Anniversary of the Overthrow of the Kingdom of Hawai'i, and to Offer an Apology to Native Hawaiians on Behalf of the United States for the Overthrow of the Kingdom of Hawai'i, Pub. L. No. 103-150, 107 Stat. 1510 (1993), commonly known and referred to herein as the "Apology Resolution"; and

WHEREAS, in Section 1 of the Apology Resolution the 103rd Congress of the United States:

1. Acknowledged the illegal overthrow of the Kingdom of Hawai'i on January 17, 1893, which resulted in the suppression of the inherent sovereignty of the Native Hawaiian people;
2. Recognized and commended the efforts toward reconciliation initiated by the State of Hawai'i and the United Church of Christ with Native Hawaiians;
3. Apologized to Native Hawaiians on behalf of the people of the United States for the 1893 overthrow of the Kingdom of Hawai'i with the participation of agents and citizens of the United States, and the deprivation of the rights of Native Hawaiians to self-determination;
4. Committed to acknowledge the ramifications of the overthrow of the Kingdom of Hawai'i, in order to provide a proper foundation for reconciliation between the United States and the Native Hawaiian people; and
5. Urged the President of the United States to also acknowledge the ramifications of the overthrow of the Kingdom of Hawai'i and to support reconciliation efforts between the United States and the Native Hawaiian people; and



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CITY AND COUNTY OF HONOLULU

No. 23-255, FD1

RESOLUTION

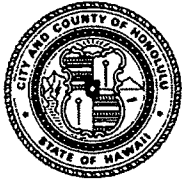
WHEREAS, the factual statements in the Apology Resolution, many of which the United States formally acknowledged for the first time in the Resolution, have since been cited in congressional findings in support of federal legislation and in litigation at the Hawai'i Supreme Court and U.S. Supreme Court, and have had a significant influence on many issues affecting Native Hawaiians; and

WHEREAS, passage of the Apology Resolution encouraged and supported members of the Native Hawaiian community to reassert their inherent sovereignty, demand mitigation of ongoing harms from the overthrow of the Kingdom of Hawai'i and loss of lands, and further their efforts towards self-determination; and

WHEREAS, in 1994, following decades of effort by the Protect Kaho'olawe 'Ohana and the Native Hawaiian community and pursuant to federal legislation enacted the year prior, title to the Island of Kaho'olawe was officially transferred by the U.S. Navy to the State of Hawai'i to be held in trust until the formation of a federally-recognized, sovereign Native Hawaiian entity; and

WHEREAS, in 1995, in consultation with the Hawaiian Homes Commission, the Hawai'i State Legislature and United States Congress ("Congress") passed legislation to help settle longstanding claims against the State and federal governments for unauthorized and uncompensated use of Hawaiian Home Lands, however, many of the commitments to transfer lands to or otherwise compensate the Hawaiian Home Lands Trust remain unfulfilled; more specifically,

1. Act 14 (1995) was enacted by the Hawai'i State Legislature, which settled claims made on behalf of the Hawaiian Home Lands Trust against the State for the illegal conveyance or use of trust lands between 1959 and 1988, created the Hawaiian Homes Lands Trust Fund to be used by the State of Hawai'i, Department of Hawaiian Home Lands ("DHHL"), to support its projects, required the State to make annual deposits into the trust fund, and transferred certain State land to the trust, among other provisions; and
2. The Hawaiian Home Lands Recovery Act, Pub. L. No. 104-42, 109 Stat. 357 (1995), was enacted in which Congress required the U.S. Department of the Interior ("DOI") to identify federal lands, including Lualualei, O'ahu, that had originally been part of the Hawaiian Home Lands Trust and to either return them, provide lands in exchange for them, or provide compensation for them to the DHHL, as administrator of the trust, and in



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RESOLUTION

which Congress authorized an administrative process to oversee the federal government's responsibilities under the Hawaiian Homes Commission Act; and

WHEREAS, in 2000, spurred by the Apology Resolution's call for reconciliation, the U.S. Department of Justice and the DOI held a series of meetings and hearings in Hawai'i and issued a joint report entitled From Mauka to Makai: The River of Justice Must Flow Freely ("Reconciliation Report (2000)") expressing support for the self-determination of Native Hawaiians within the framework of federal law and recommending a series of actions to facilitate reconciliation; and

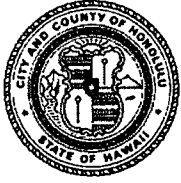
WHEREAS, the Reconciliation Report (2000) described the economic deprivation, low educational attainment, poor health status, substandard housing, and social dislocation disproportionately affecting the Native Hawaiian people; unfortunately, these challenges persist and are perhaps even more acute today; and

WHEREAS, in 2004, the Office of Native Hawaiian Relations, an office within the DOI, was established via an appropriations bill and the Hawaiian Home Lands Recovery Act to: effectuate the special legal relationship between the Native Hawaiian people and the United States, continue the process of reconciliation, and implement consultation with the Native Hawaiian people regarding any federal actions that may significantly affect Native Hawaiian resources, rights, or lands; and

WHEREAS, in 2009, following litigation at the Hawai'i Supreme Court and the U.S. Supreme Court regarding the use and disposition of Ceded Lands, the Hawai'i State Legislature enacted Act 176 (2009), which established a de facto moratorium on any transfer of Ceded Lands (former Crown, Government, and public lands of the Kingdom of Hawai'i ceded to the United States upon Hawai'i becoming a U.S. Territory in 1898); and

WHEREAS, in 2011, in the Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples, the United States articulated its support for Native Hawaiian self-determination and recognized the plethora of federal programs that Congress has enacted to support the Native Hawaiian people; and

WHEREAS, in 2016, the DOI issued procedures to reestablish a formal government-to-government relationship between the United States and the Native Hawaiian community, thereby recognizing the Apology Resolution's call for executive support of reconciliation and also recognizing that Native Hawaiians are indigenous



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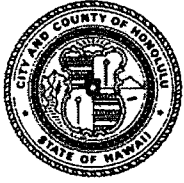
RESOLUTION

people of the United States, retain inherent sovereignty, and are in a special trust relationship with the United States; and

WHEREAS, the City Council ("Council") supports reconciliation with the Native Hawaiian people and addressing the unique challenges facing the Native Hawaiian people, the origin of many of which can be traced to the 1893 overthrow of the Kingdom of Hawai'i, as seen through these recent efforts:

1. On July 31, 2018, the City and County of Honolulu ("City") celebrated and observed the 175th anniversary of Lā Ho'iho'i Ea by installing a 12-foot-tall bronze statue of King Kamehameha III, in Thomas Square park, which was followed by the passage of Resolution 22-174 urging the City Administration to formally recognize and observe July 31 as Lā Ho'iho'i Ea, or Hawaiian Sovereignty Restoration Day;
2. The Council passed Ordinance 22-9 designating each February as Mahina 'Ōlelo Hawai'i (Hawaiian Language Month) in the City, the first bill written entirely in 'Ōlelo Hawai'i in modern City history;
3. More than 30 years after the O'ahu Historic Preservation Commission ("OHPC") was envisioned by the Council, the Council enacted Ordinance 22-33 to bolster the OHPC's ability to protect Native Hawaiian and other social, cultural, and archaeological resources, and stood up the OHPC in May of 2023 by passing Resolution 23-45, CD1, confirming the first group of OHPC appointees;
4. The Council passed Resolution 22-262, CD1, FD1, in both English and 'Ōlelo Hawai'i, urging the City Administration and Hawai'i State Legislature to formally recognize and observe November 28 as Lā Kū'oko'a, or Hawaiian Independence Day, and reaffirming the rightfulness of the historical independence of the Kingdom of Hawai'i; and
5. The Council appropriated \$20 million for Fiscal Year 2024 for affordable housing infrastructure development, with a priority for Hawaiian Home Lands housing development sites; and

WHEREAS, the Apology Resolution has had a profound nationwide impact in supporting federal legislation benefitting Native Hawaiians, in serving as a foundation for the ongoing process of reconciliation, and on the public's understanding of the



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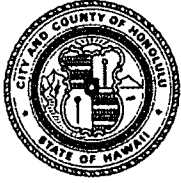
events of 1893, including the understanding that the Kingdom of Hawai'i was illegally overthrown; and

WHEREAS, reconciliation is an evolving and continuing process to address the political status and rights of the Native Hawaiian people and the future of the "Ceded" Lands based on dialogue among the federal and State governments, Native Hawaiians, and Hawai'i's Congressional delegation, and on further action by the United States; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it commemorates the 30th anniversary of the enactment of Public Law 103-150, the "Apology Resolution"; and

BE IT FURTHER RESOLVED that the City Council believes that, although the City, State, and federal governments have made efforts, further progress in the reconciliation process is direly needed to address the many challenges affecting the Native Hawaiian community today; and

BE IT FURTHER RESOLVED that the City Council urges the City, State, and federal governments to fulfill their ongoing obligations to support reconciliation with the Native Hawaiian people, respond to and mitigate ongoing harms from the overthrow of the Kingdom of Hawai'i, and support community initiatives to further Native Hawaiian self-determination; and



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

No. 23-255, FD1

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the U.S. President Joe Biden, U.S. Secretary of the Interior Deb Haaland, U.S. Attorney General Merrick B. Garland, U.S. Secretary of State Antony J. Blinken, U.S. Senator Mazie K. Hirono, U.S. Senator Brian Schatz, U.S. Representative Ed Case, U.S. Representative Jill Tokuda, Governor of the State of Hawai'i Josh Green, M.D., President of the Hawai'i Senate Ronald D. Kouchi, Speaker of the Hawai'i House of Representatives Scott K. Saiki, Mayor Rick Blangiardi, and Managing Director Michael D. Formby.

INTRODUCED BY:

Esther Kia'aina

DATE OF INTRODUCTION:

October 12, 2023
Honolulu, Hawai'i

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 23-255, FD1


Introduced: 10/12/23 By: ESTHER KIA'ĀINA Committee: PLANNING AND THE ECONOMY (P&E)

Title: COMMEMORATING THE 30TH ANNIVERSARY OF THE ENACTMENT OF PUBLIC LAW 103-150, THE "APOLOGY RESOLUTION."

Voting Legend: * = Aye w/Reservations

10/12/23	INTRO	Introduced.
10/19/23	P&E	Reported out for adoption. CR-312 5 AYES: CORDERO, KIA'ĀINA, OKIMOTO, SAY, WEYER
11/01/23	CCL	Amended to handcarried FD1. OCS2023-1003/10/31/2023 2:49 PM 9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
11/01/23	CCL	Committee report and Resolution were adopted. 9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER

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.


GLEN I. TAKAHASHI, CITY CLERK


TOMMY WATERS, CHAIR AND PRESIDING OFFICER