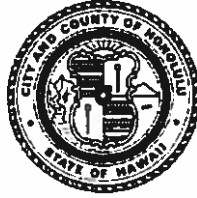


2015-2016  
CHARTER COMMISSION  
City and County of Honolulu

Honolulu Hale  
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**MEMBERS**  
David W. Rae, Chair  
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Judge Michael F. Broderick (Ret.)  
Reginald V. Castanares, Jr.  
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Donna Ikeda  
Nathan T. Okubo  
Paul T. Oshiro  
Cheryl D. Soon  
Edlyn S. Taniguchi  
R. Brian Tsujimura  
Governor John D. Waihee III  
Pamela Witty-Oakland

## MEETING NOTICE

MONDAY, JUNE 27, 2016  
6:00 P.M.  
COMMITTEE MEETING ROOM 205  
HONOLULU HALE

## AGENDA

### WHERE TO FIND CHARTER PROPOSALS

All proposals are posted in PDF format on the Charter Commission website at <http://www.honoluluchartercommission.org/submitted-proposals>. Hard copies are available for review at the Charter Commission office.

### TESTIFIER REGISTRATION

Persons wishing to testify are requested to register as follows:

- a. By 12:00 p.m. noon of the day of the meeting, emailing to [cclcharter@honolulu.gov](mailto:cclcharter@honolulu.gov) your name, phone number, and the agenda item; or
- b. By filling out the registration form in person.

Persons who have not registered to testify will be given an opportunity to testify on an item following oral testimonies by the registered testifiers.

Each testifier shall not have anyone else read the testifier's statement. Each testifier is limited to three minutes per agenda item.

### WRITTEN STATEMENT

Written testimony or comments may be submitted online at the Charter Commission website: <http://www.honoluluchartercommission.org>.

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Written testimony may be emailed by 6:00 p.m. of the day prior to the meeting to [cclcharter@honolulu.gov](mailto:cclcharter@honolulu.gov) for distribution at the meeting to the members of the Charter Commission. If written testimony is emailed after that time, please provide 15 hard copies for the meeting.

If submitted, written testimony, including the testifier's address, email address, and phone number, may be posted and available to the public on the Honolulu Charter Commission website <http://www.honoluluchartercommission.org>

## OLELO

The meeting will be telecast live on Olelo. For more information see: <http://www.olelo.org>

## ASSISTANCE

If you require auxiliary aids or services (i.e., ASL or foreign language interpreter, or wheelchair accessibility) to participate in the Charter Commission meetings, please call 768-5093 or send an email to [cclcharter@honolulu.gov](mailto:cclcharter@honolulu.gov) at least three working days prior to the meeting for arrangements. Prompt requests will help ensure the availability of services and reasonable accommodations.

### I. CALL TO ORDER

Roll Call

### II. TESTIMONY

Public testimony will be heard on certain proposals being considered by the Honolulu Charter Commission to amend the Honolulu Charter. See Attachment A for the list of proposals.

### III. ANNOUNCEMENTS

Next meeting date.

### IV. ADJOURNMENT

## ATTACHMENT A

### Proposal 2. Glen I. Takahashi, City Clerk

The proposal relates to Special Elections and specifically requests that the timing of the ballot process be extended to allow enough time to meet the requirements of the Uniformed Military and Overseas Voter Act, passed by the Hawaii State Legislature in 2012, that requires that ballots must be mailed to military and overseas voters at least forty-five days prior to an election. Currently, the Charter requires the special election to be held within 60 days of a vacancy. The extension would be for an addition 20 days for a district special election (for a council vacancy) and an additional 60 days for a countywide special election (for the mayor or prosecutor). See sections 3-105, 5-106, and 8-106 of the Revised Charter of the City and County of Honolulu.

As amended on June 2, 2016, by the Style Committee:

#### **“Section 3-105. Vacancy in Office --**

A vacancy in the office of any councilmember shall be filled in the following manner:

(a) If the unexpired term is less than one year, the remaining members of the council shall elect a successor with requisite qualifications to fill the vacancy for the unexpired term. Vacancies shall be filled only at a **[regular]** meeting of the council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the council by the presiding officer. Should the council fail to fill any vacancy within thirty days after its occurrence, the mayor shall appoint a successor to fill the vacancy for the unexpired term.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by special election to be called by the council within ten days and to be held within **[sixty] one hundred twenty** days after the occurrence of the vacancy. At such time, the electors of the district shall elect a successor to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election. **Pending the election, the remaining members of the council shall make a temporary appointment with requisite qualifications to fill the vacancy until a successor is duly elected. The vacancy shall be filled only at a meeting of the council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the council by the presiding officer. Should the council fail to fill the vacancy within thirty days after its occurrence, the mayor shall appoint a successor to fill the vacancy until a successor is duly elected.”**

#### **“Section 5-106. Vacancy in Office --**

1. A vacancy in the office of mayor caused by death, resignation, removal or disqualification to hold office shall be filled as follows:

(a) If the unexpired term is for less than one year, the council shall, by a majority vote of all of its members, elect one of its members to be mayor for the unexpired term, and a vacancy shall thereupon exist in the council.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by a special election to be called by the council within ten days and to be held within **[sixty] one hundred twenty** days after the occurrence of the vacancy. The electors of the city shall then elect a successor with requisite qualifications to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election is to be held in conjunction with such other election.

2. Pending the election of a mayor in case of a vacancy or in the temporary absence of the mayor from the state or temporary disability of the mayor, the managing director shall act as mayor. If there is no managing director or if the managing director is unable to act, the director of budget and fiscal services shall then act as mayor.”

**“Section 8-106. Vacancy in Office --**

A vacancy in the office of the prosecuting attorney caused by death, resignation, removal or disqualification to hold office shall be filled as follows:

(a) If the unexpired term is for less than one year, the office of the prosecuting attorney shall be filled by the first deputy who shall act as prosecuting attorney, or if the position of first deputy is vacant or if the first deputy does not meet the minimum qualifications for prosecuting attorney, the mayor with the approval of the council shall fill the vacancy by appointment of a person with the requisite qualifications within thirty days after the occurrence of the vacancy.

(b) If the unexpired term is for one year or more, the vacancy shall be filled by a special election to be called by the council within ten days and to be held within **[sixty] one hundred twenty** days after the occurrence of the vacancy. The electors of the city shall then elect a successor with requisite qualifications to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election. Pending the election of the prosecuting attorney, the first deputy shall act as prosecuting attorney. If the position of first deputy is vacant or if the first deputy does not meet the minimum qualifications for prosecuting attorney, the mayor, with the approval of the council, shall fill the vacancy by appointment of a person with the requisite qualifications within thirty days after the occurrence of the vacancy.”

**Proposal 3. Brandon Elefante, Council-member**

The Honolulu City Council adopted Resolution 15-165, CD-1, on July 7, 2015. This resolution requests that the Charter Commission process an amendment to the City Charter amending Section 9-204(3). This amendment changes the parameters of the use of money in the Affordable Housing Fund so that the money can be used for persons earning sixty percent or less of median household income (AMI) in the area, and allows mixed-use, mixed-income projects. The changes also requires that the housing remain affordable for sixty years. The current language is too restrictive, and the fund is not being drawn down for its intended purposes. The change to sixty percent AMI will allow these funds to be used for projects that also use the state's Low Income Housing Tax Credits and other low-income housing credits, and the change to a sixty-year term of affordability will allow project to potentially proceed on state lands which could not be encumbered "in perpetuity." These changes will allow partnerships with the state and private developers who build low-income units and also allow mixed-income projects to include low-income units. It will allow the fund to be expended for low-income units as originally proposed and intended. It updates the parameters for the use of the fund monies to meet current low-income housing development possibilities and address financing constraints.

As amended by the Housing Permitted Interaction Group 5/16/16:

3. Moneys in the Affordable Housing Fund shall be used to provide [and maintain] affordable housing for persons earning [less than fifty] sixty percent or less of the median household income in the city for the following purposes: provision and expansion of affordable rental housing and suitable living environments principally for persons of low and moderate income through land acquisition, development, construction, and [maintenance of] capital improvements of mixed-use, mixed-income projects that include affordable rental housing [for sale or for rental], provided that the rental housing remains affordable [in perpetuity.] for at least sixty years.

**Proposal 39. Tutto**

Authorize the Salary Commission to set salary ranges for attorneys who work for the Ethics Commission which would set their actual salaries.

Amended by the Style Committee and approved by the Commission on June 17, 2016:

**Section 11-107. Ethics Commission –**

[only the paragraph on staff appointments, etc., was amended. The rest of the section remains as currently drafted]

The commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. Such staff and consultations may include attorneys who may advise the commission independently of the department of the corporation counsel. All staff positions shall be exempt from the provisions of Chapter 11 of Article VI of this charter, but such staff positions, except the position of executive director and staff attorneys, shall be included in the position classification plan. The executive director shall be an attorney qualified to practice law in the State of Hawaii. The salary of the executive director shall be [fixed by ordinance] set by the ethics commission within an excluded managerial compensation plan applicable to city and county employees. The salary of staff attorneys shall be set by the ethics commission; provided that salaries of staff attorneys shall not be more than salaries of comparable attorneys in the department of corporation counsel.

**Proposal 40. Tsujimura**

To create a sunset provision for all boards and commissions in the City and County of Honolulu.

The Counsel shall, no less than every five years, review the necessity of every board and commission of the City and County of Honolulu. Each evaluation shall include the amount budgeted for the board and commission, the staff time allocated to the board and commission, the number of decisions made, the impact if such board or commission were sunseted, the overall necessity of the board and commission, and any other relevant issue specific to that board or commission.

The Counsel shall issue a public report no later than January preceding the November election, following the review. There shall be a ballot issue included in the November election which shall ask the voters separately, whether each and every board or commission reviewed shall be retained. The ballot issue shall include the cost of each board and commission. If a board and commission does not receive more than fifty percent of the votes cast said board or commission shall be summarily terminated before January 1st of the subsequent year following said election.

The review by the Counsel of the boards and commissions may be done in two phases with the board or commissions with the largest budgets in the first phase and the smaller budgeted boards and commissions in the second phase.

**Proposal 44. Paul Oshiro**

Term Limits: Section 3-102, Section 5-101, Section 8-102, Section 14-104, Section 14-New.

**Section 3-102. Number, Election and Terms of Office of Councilmembers --**

The council shall consist of nine members. One member shall be elected from each of the nine districts hereinafter provided. Except as provided in Section 16-122, the regular terms of office of councilmembers shall be four years beginning at twelve o'clock meridian on the second day of January following their election. The terms shall be staggered in accordance with Section 16-122. No person shall be elected to the office of councilmember for more than **[two] three** consecutive four-year terms.

**Section 5-101. Election and Term of Office --**

The electors of the city shall elect a mayor whose term of office shall be four years beginning at twelve o'clock meridian on the second day of January following the mayor's election. No person shall be elected to the office of mayor for more than **[two] three** consecutive full terms.

**Section 8-102. Election and Term of Office --**

**The electors of the city shall elect a prosecuting attorney whose term of office [of the prosecuting attorney] shall [commence] be four years beginning at twelve o'clock meridian on the second day of January following the prosecuting attorney's election. No person shall be elected to the office of prosecuting attorney for more than three consecutive full terms.**

**Section 14-104. The Neighborhood Plan --**

The neighborhood plan shall designate the boundaries of neighborhoods and provide procedures by which registered voters within neighborhoods may initiate and form neighborhoods and the manner of selection of the members of neighborhood boards[, **their terms of office**] and their powers, duties and functions.

The plan may be amended by the commission, after public hearings to be held in various areas of the city, and amendments shall become effective upon filing with the city clerk.

**Section 14-XXX. Term of Office --**

**The term of office for neighborhood board members shall be two years. No person shall be elected as a neighborhood board member for more than six consecutive full terms.**



**Proposal 48. Cheryl Soon**

Amend the language pertaining to the use of City Powers to add that powers shall be used to further a culture of sustainability and resource protection. Also, underscore that inclusiveness, transparency, and participation by the citizenry is a fundamental principle of conduct.

**Article II, Section 2-102 Purposes**

Incorporates sustainability concepts from the UN Commission on Sustainability as well as the Hawai'i Sustainability and Aloha Challenge.

All City powers shall be used to serve and advance the general welfare, safety and aspirations of its inhabitants in a sustainable manner and protecting natural resources for present and future generations. All powers are to be used in a transparent manner, be inclusive and encourage full participation in by the citizenry in the process of governance.

AMENDED 6/17/16 – unanimous vote:

All City powers shall be used to serve and advance the general welfare, safety and aspirations of its inhabitants in a sustainable manner and promote stewardship of natural resources for present and future generations. All powers shall be administered in a transparent and inclusive manner and shall encourage full participation in by the citizenry in the process of governance.

## **Proposal 54. Cheryl Soon**

The purpose of this propose Charter amendment is to require the preparation of functional plans by the agencies responsible for infrastructure. It connects the Functional Plans to the planning system by requiring that they be submitted to the Planning Commission. The proposal is silent on whether they are to be adopted and if so, by whom. But that could become part of future conversations.

Functional plans are routinely prepared in most jurisdictions, but our Charter is silent as to their existence, purpose and relationship to each other. This amendment serves to correct that.

### Article VI

- Chapter 8 Section 6-803
  - Chapter 9 Section 6-903
  - Chapter 14 Section 6-1403
  - Chapter 15 Section 6-1509
  - Chapter 17 Section 6-1703
- Article VII      Section 7-103

**In Article VI Managing Director, add the following the Powers, Duties, and Functions for various agencies.**

### **Chapter 8 Department of Environmental Services**

#### Section 6-803

Delete existing [a) Advise the director of design and construction concerning the planning and design of wastewater facilities.]

Add new duties

- a) Prepare a functional plan for wastewater to emphasize source reduction and reuse where appropriate. The plan shall be for a thirty years horizon with five year updates. The wastewater functional plan shall be sent to the Planning Commission for a review of consistency with the General Plan and Sustainable Community Plans.
- b) Oversee design and construction of wastewater and solid waste facilities constructed in accordance with the functional plans.
- c) Prepare a proactive and sustainable approach and functional plan for materials management including but not limited to reduction and recycling to meet GHG reduction goals. The plan shall be for a thirty year horizon with five year updates. The solid waste functional plan shall be sent to the Planning Commission for a review of consistency with the General Plan and Sustainable Community Plans.

### **Chapter 9 Department of Facilities Maintenance**

Section 6-903

Add new duties.

- d) Prepare and implement an energy efficiently plan to reduce GHG emissions and meet clean energy goals of the State and City & County. Update annually.

**Chapter 14 Department of Parks and Recreation**

Section 6-1403

Add new duties

- a) Prepare a functional plan for parks and recreation on O'ahu and update it every five years. The plan shall be for a thirty year horizon with five year updates. The parks and recreation functional plan shall be sent to the Planning Commission for a review of consistency with the General Plan and Sustainable Community Plans.

**Chapter 15 Department of Planning & Permitting**

Amend Section 6-1509 Development Plans to add new opening sentence.

Development Plans shall promote the formation of smart and sustainable communities.

**Chapter 17 Department of Transportation Services**

Section 6-1703

Add f) Prepare a proactive and sustainable approach and plan for city transportation systems to meet GHG reduction goals and clean energy goals. The plan shall be for a thirty year horizon with five year updates. The energy conservation and emissions reduction plan shall be sent to the Planning Commission for a review of consistency with the General Plan and Sustainable Community Plans.

In Article VII Board of Water Supply add the following to Section 7-103, new item 2, others to be re-numbered accordingly.

2. Prepare a functional plan for water supply, including water conservation planning. The plan shall be for a thirty year horizon with five year updates. The water supply plan shall be sent to the Planning Commission for a review of consistency with the General Plan and Sustainable Community Plans.

Amendment approved by the Commission on April 7, 2016:

**Article VII BWS 7-105:**

(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 and prepare a water functional plan with appropriate maps and list of projects to support requests in the annual capital budget, covering a period of no less than twenty years; such projects should include actions necessary to address the effects of climate change 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.

**Article IX Financial Admin. 9-103:**

(c)(4) An explanation of the relationship of the capital program and budget to the general plan and development plans of the city as well as the Functional Plans prepared by infrastructure agencies including wastewater, transportation, parks and recreation, and drainage and flood control facilities and adopted by resolution by the Council.

### **Proposal 73. Burkett**

The proposed amendment would create an office that, among other things, provides the policy framework, leadership and coordination across all relevant city agencies, other counties, and the State on climate and resilience related issue. In addition, the office would facilitate expert information, assist with direction setting regarding planning and climate impacts, and audit new and existing policy to assess our relative climate preparedness at a given time. The office would produce an annual report on the state of climate adaptation.

Climate change is an increasingly serious problem that disproportionately affects coastal areas.

Amended at Commission meeting of 6/17/16:

Added exemption of Climate Executive from section 6-1103 of the Charter; added "resiliency" to the provision as noted below:

#### **Section 6-107. Office of Climate Change, [and] Sustainability and Resiliency –**

There shall be an office of climate change, [and] sustainability and resiliency headed by an executive for climate change, [and] sustainability and resiliency who shall be appointed and may be removed by the mayor. The executive for climate change, [and] sustainability and resiliency shall:

- (a) Seek local information from scientists and track climate change science and potential impacts on city facilities.
- (b) Coordinate actions and policies of departments within the city to:
  - (1) Increase community preparedness.
  - (2) Protect economic activity.
  - (3) Protect the coastal areas and beaches.
  - (4) Develop resilient infrastructure in response to the effects from climate changes.
- (c) Develop or coordinate city policies and programs that will improve environmental performance of city operations and advance environmental priorities.
- (d) Integrate sustainable and environmental values into city plans, programs and policies.
- (e) Promote resiliency of communities and coastal areas.
- (f) Report to the mayor and council regarding overall performance in meeting sustainability and environmental targets and objectives.
- (g) Coordinate with federal and state agencies regarding climate change, sustainability and the environment.

- (h) Convene a Climate Change Commission consisting of five members with expertise in climate change in Hawai'i, which Commission shall meet no less than twice annually for the purpose of gathering the latest science and information on climate change effects in the city and providing advice as is deemed appropriate to the executive for climate change and sustainability, the mayor, council and executive departments of the city

**Section 6-1103. Civil Service and Executive Branch Exemptions --**

The provisions of this chapter of the charter shall apply to all positions in the service of the executive branch. This section shall apply to semi-autonomous agencies as though they are departments of the executive branch. The following positions shall be exempt from the provisions of this chapter of the charter:

- (a) Positions of officers elected by public vote; positions of heads of departments; the position of the band director of the Royal Hawaiian Band; the position of the executive for housing; the position of the manager and chief engineer of the board of water supply, the executive for climate change, sustainability, and resiliency, and the manager of any semi-autonomous agency created by ordinance.

- (b) Positions in the office of the mayor, but such positions shall be included in the position classification plan. Employees of the civil defense agency and Royal Hawaiian Band, other than the band director, shall not be exempted from civil service.

- (c) Positions of deputies of the corporation counsel, deputies and administrative or executive assistants of the prosecuting attorney and law clerks.

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**Proposal 76a. City and County of Honolulu, Office of the Managing Director**

**CHARTER COMMISSION  
PERMITTED INTERACTION GROUP FOR PUBLIC TRANSIT PROPOSALS  
REVISED PROPOSAL 76A + NEW RATE COMMISSION (June 1, 2016)**

**REVISIONS TO ARTICLE VI, CHAPTER 17: DEPARTMENT OF TRANSPORTATION SERVICES**

**Section 6-1701. Organization --**

There shall be a department of transportation services which shall consist of a director of transportation services, a rate commission, and necessary staff. The director of transportation services shall be the administrative head of the department.

**Section 6-1703. Powers, Duties and Functions**

The director of transportation services shall:

- (a) Plan, operate and maintain the city's multimodal municipal transportation system in accordance with the general plan and development plans, and advise on the development thereof.
- (b) Locate, select, install and maintain traffic control facilities and devices.
- (c) Provide educational programs to promote traffic safety.
- (d) Promulgate rules and regulations pursuant to standards established by law.
- (e) Manage and maintain all commercial parking facilities except facilities that are attached or adjacent to a building or project managed by another city agency.
- (f) Enforce the collection of fares, fees, rates, tolls and other charges for use of any and all modes of the multimodal municipal transportation system and deposit those collections into the city treasury in a fund separate and apart from any other funds of the city.

(g) Identify, create and recommend new sources of revenue from non-fare sources to provide additional funding for the planning, operation and maintenance of the multimodal municipal transportation system, including:

- (1) Promoting, creating and assisting transit oriented development projects near fixed guideway system stations or other multimodal municipal transportation system facilities, which projects are designed to promote transit ridership and are consistent with the intent of the adopted community plans and zoning.
- (2) Recommending to the council the sale, exchange, lease or transfer of city-owned surplus real property or any interest therein, including air rights, for transit oriented developments.
- (3) Entering into public-private partnerships or other innovative business relationships with private entities or other public agencies.
- (4) Engaging in concessions or other means for advertising, parking or other revenue-generating activities as permitted by law in or associated with any multimodal municipal transportation system facilities.
- (5) Collecting and reporting transit data and receiving federal funds for the multimodal municipal transportation system.
- (6) Engaging in other activities authorized by law for the purpose of increasing ridership.

**REPEAL SECTIONS 6-1704 AND 6-1705 AND REPLACE WITH THE FOLLOWING:**

**Section 6-1704. Rate Commission --**

1. There shall be a rate commission consisting of seven members appointed as follows:

- (a) Three members shall be appointed by the mayor without necessity of council confirmation;
- (b) Three members shall be appointed by the council; and
- (c) One member shall be nominated and, upon council confirmation, appointed by the mayor.

The member appointed pursuant to this paragraph shall be the chair of the rate commission.

Each member shall be a duly registered voter of the city.

2. Each member of the rate commission shall be appointed to a five-year term except that:

- (a) Of the initial members appointed by the mayor without council confirmation, one shall be appointed to a two-year term, one shall be appointed to a three-year term, and one shall be appointed to a four-year term; and
- (b) Of the initial members appointed by the council, one shall be appointed to a two-year term, one shall be appointed to a three-year term, and one shall be appointed to a four-year term.

The term of each member shall commence on July 1 and expire on June 30 of the applicable years.

A member, however, may serve beyond the expiration date until a successor is appointed and qualified. The term of the successor, no matter when appointed, shall commence on the July 1 immediately following the June 30 expiration of the predecessor's term.

When a member leaves the rate commission by other than expiration of a term, a successor shall be appointed to serve the remainder of the unexpired term. The successor shall be appointed in the same manner as the predecessor.

The council may establish procedures by ordinance for the replacement of a member who cannot serve temporarily because of illness, incapacity, or absence.

No person shall serve on the rate commission for more than two consecutive full terms or more than ten consecutive years, whichever is greater.

3. A majority of the entire membership of the rate commission shall constitute a quorum.

The affirmative vote of a majority of the entire membership of the rate commission shall be necessary to take an action.

4. Section 13-103 of this charter shall not apply to the rate commission or its members.

**Section 6-1705. Powers, Duties and Functions --**

1. The rate commission shall:

- (a) Adopt rules for the conduct of its business.
- (b) When requested by the director of transportation services, or when otherwise deemed necessary and appropriate, but in no event less frequently than annually, review the fares, fees, rates, tolls and other charges for the use of any and all modes of the multimodal municipal transportation system. The rate commission shall recommend adjustments thereto, such that the revenues derived therefrom, in conjunction with any other revenues allocated to the multimodal municipal transportation system, shall be sufficient or as nearly sufficient as possible, to support



the operation and maintenance of the multimodal municipal transportation system. In making recommendations on such fares, fees, rates, tolls and other charges, the rate commission may also consider factors such as transportation equity, accessibility, sustainability, availability, and effect on ridership.

(c) Submit an annual report to the director of transportation services, mayor and council.

The rate commission shall make the recommendations authorized under this subsection to the mayor, through the director of transportation services. The mayor will transmit the recommendations to council, with or without amendments. After receiving the recommendations from the mayor, the council shall fix and adjust reasonable fares, fees, rates, tolls and other charges for the use of any and all modes of the multimodal municipal transportation system so that the revenues derived therefrom, in conjunction with any other revenues allocated to the multimodal municipal transportation system, shall be sufficient or as nearly sufficient as possible, to support the operations and maintenance of the multimodal municipal transportation system. In setting fares, fees, rates, tolls and other charges, the council may also consider factors such as transportation equity, accessibility, sustainability, availability, and effect on ridership.

2. Except for purposes of inquiry, neither the rate commission nor its members shall interfere in any way with the administrative affairs of the department of transportation services or the authority.

## **REVISIONS TO ARTICLE XVII: PUBLIC TRANSIT AUTHORITY**

### **Section 17-102. Definitions –**

For the purposes of this article and Article VI:

“Authority” and “public transit authority” shall mean the governmental unit known as the “Honolulu Authority for Rapid Transportation.”

“Board” shall mean the policy-making body, consisting of ten members of the board of directors, nine voting members and one non-voting member.

“Develop” shall mean plan, design, develop and construct.

“Executive director” shall mean the executive director of the public transit authority.

“Fixed guideway system” shall mean the minimum operable segment approved by the city council and any extensions to the minimum operable segment approved by the mayor and the city council.

“Multimodal municipal transportation system” shall mean all public transportation systems of the city including, without limitation, bus, paratransit and fixed guideway systems and associated parking and other services.

### **Section 17-103. Powers, Duties, and Functions --**

1. The public transit authority shall have authority to develop the fixed guideway system as provided in this article.

2. To perform its duties and functions, the transit authority shall have the following general powers:

(a) To make and execute contracts, project labor agreements and other instruments requiring execution by the authority on such terms as the authority may deem necessary and convenient or desirable with any person or entity in the execution and performance of its powers, duties and functions.

(b) 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 development of the fixed guideway system; provided however that, prior to commencing such action, the authority shall submit to the council, in writing, a list of the parcels and areas to be acquired. The authority 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 authority, the council may approve, upon a single reading of a resolution, such acquisition by eminent domain.

(c) To recommend to the council the sale, exchange or transfer of real property or any interest therein which is under the control of the authority. The council shall take no action to dispose of such property without the written approval of the authority, and all proceeds from the disposition shall be deposited into the transit fund.

(d) To direct the development of the fixed guideway system.

(e) To maintain proper accounts in such manner as to show the true and complete financial status of the authority and the activities and performance thereof.

(f) To prepare an annual operating budget for the authority and an annual capital budget for the development of the fixed guideway system.

(g) To make and alter policies for its organization and internal administration.

(h) To create or abolish positions within the authority and establish a pay plan for those persons holding positions in the position classification plan in accordance with Section 6-1109 of this charter.

(i) To make temporary transfers of positions between subdivisions of the authority.

(j) To adopt rules in accordance with state law, when necessary, to effectuate its functions and duties.

(k) To enter into agreements with any public agency or private entity as it deems proper.

(l) To have full and complete control of all real and personal property used or useful in connection with the development of the fixed guideway system, including all materials, supplies, and equipment.

(m) To promote and assist transit oriented development projects near fixed guideway system stations that promote transit ridership, and are consistent with the intent of the adopted community plans and zoning.

(n) To apply for and receive and accept grants of property, money and services and other assistance offered or made available to it by any person, government or entity, which it may use to meet its capital or operating expenses and for any other use within the scope of its powers, and to negotiate for the same upon such terms and conditions as the authority may determine to be necessary, convenient or desirable.

(o) In addition to the general powers under this subsection, other general or specific powers may be conferred upon the authority by ordinance, so long as the powers are consistent with this article of the charter.

#### **Section 17-104. Powers, Duties and Functions of the Board of Directors --**

1. The board shall:

(a) Be the policy making body of the authority.

(b) Determine the policies for the development of the fixed guideway system.

(c) Have the authority to issue revenue bonds under the name of "Honolulu Authority for Rapid Transportation" in accordance with HRS Chapter 49, subject to council approval.

(d) Review, modify as necessary, and adopt an annual operating budget for the authority and an annual capital budget for the fixed guideway system submitted by the executive director of the authority.

(e) Request and accept appropriations from the city, and request and accept grants, loans and gifts from other persons and entities.

(f) Appoint and may remove an executive director, who shall be the chief executive officer of the public transit authority. The qualifications, powers, duties, functions, and compensation of the executive director shall be established by the board.

(g) Evaluate the performance of the executive director at least annually; and submit a report thereon to the mayor and the council.

(h) Review, modify as necessary, and adopt a six-year capital program within six months of the creation of the authority and annually update the six-year capital program, provided that such capital programs shall be submitted by the executive director.

(i) Determine the policy for approval of arrangements and agreements with the federal government and with any public entity, private entity or utility owning or having jurisdiction over rights-of-way, tracks, structures, subways, tunnels, stations, terminals, depots, maintenance facilities, air rights, utility lines, and transit electrical power facilities, subject to approval of the department of transportation services if such arrangements or agreements may affect the operation or maintenance of the fixed guideway system.

(j) Adopt and enforce rules and regulations having the force and effect of law to carry out the provisions of this article of this charter, and any governing federal or state agreements or laws, including rules and regulations pertaining to the organization and internal management of the authority and allocation of decision-making responsibility as between the board and the administrative staff.

(k) Submit an annual report to the mayor and council on its activities.

(l) In addition to the general powers under this subsection, other general or specific powers may be conferred by ordinance upon the board, so long as the powers are consistent with this article of the charter.

2. The board shall consist of ten members, nine voting members and one non-voting member. All members shall serve part-time. The board shall be governed by the provisions of Section 13-103 of this charter, except that subsections (b) and (e) shall not apply and as otherwise provided herein.

3. Appointed members. There shall be seven appointed members. The mayor shall appoint three members. The council shall appoint three members. The six appointed and two ex officio voting members shall appoint, by majority vote, a ninth member.

The initial appointments of the seven appointed members shall be as follows: One member from each mayoral or council appointment shall be designated to serve a five-, four-, and three-year term. The ninth member appointed by the voting members shall serve a two-year term.

4. Ex officio members. The state director of transportation and the city director of transportation services shall be ex officio voting members of the board. The director of the department of planning and permitting shall be the ex officio non-voting member of the board. The ex officio members of the board shall not be subject to any term limit.

### **Section 17-105. Powers, Duties and Functions of the Executive Director --**

The executive director shall:

- (a) Administer all affairs of the authority, including the rules, regulations and standards adopted by the board.
- (b) Sign all necessary contracts for the authority, unless otherwise provided by this article.
- (c) Recommend to the board the creation or abolishment of positions.
- (d) Prepare payrolls and pension rolls.
- (e) Maintain proper accounts in such manner as to show the true and complete financial status of the authority and the activities and performance thereof.
- (f) Prepare an annual operating budget for the authority and an annual capital budget for the development of the fixed guideway system.
- (g) Prepare and maintain a six-year capital program.
- (h) Recommend rules and regulations for adoption by the board, including those pertaining to the organization and internal management of the authority and allocation of decision-making responsibility as between the board and administrative staff.
- (i) Administer programs approved by the board that promote developments near transit stations that would increase multimodal municipal transportation system ridership.
- (j) Review development projects having significant impact on the development of the fixed guideway system.
- (k) As directed by the board, plan, administer and coordinate programs and projects of the fixed guideway system that are proposed to be funded, wholly or partially, under federal or state law and required to be transmitted to the Oahu metropolitan planning organization.
- (l) Attend all meetings of the board unless excused.
- (m) In addition to the general powers under this section, other general or specific powers may be conferred upon the executive director by ordinance, so long as the powers are consistent with this charter.

### **Section 17-106. Appropriations --**

The authority shall submit a line-item appropriation request for its annual operating budget for the authority and its annual capital budget for the development of the fixed guideway system for the ensuing fiscal year to the council through the office of the mayor by December 1st of each year. The office of the mayor shall submit the authority's line-item appropriation requests without alteration or amendment. The council shall, with or without amendments, approve the authority's appropriation requests.

### **Section 17-107. Public Hearings --**

The board shall hold public hearings prior to adopting a proposed budget.

### **Section 17-108. Receipt and Disbursement of Funds --**

All moneys expended by the authority shall be disbursed with the written approval of the authority according to the procedures prescribed by the director of budget and fiscal services.

The authority shall have management and control over the moneys made available to the authority in the special transit fund established to receive the county surcharge on state tax.

The authority shall have the authority to receive and expend federal funds authorized for the development of the fixed guideway system.

**Section 17-109. Bond Sales --**

All bond sales shall be subject to council approval. At the request of the authority, the council may, by resolution, approve and the director of budget and fiscal services, when so directed by the board, shall sell such bonds for the acquisition and development of the fixed guideway system in accordance with the procedures prescribed by law for such sales. The proceeds from such sales shall be kept by the director of budget and fiscal services in a separate fund to be used only for the purposes for which the bonds are sold.

**Section 17-114. Transit Fund --**

There shall be established a special fund into which shall be transferred the county surcharge on state tax and all revenues generated by the authority, including interest earned on the deposits and all other receipts dedicated for the development of the fixed guideway system. All moneys collected from the county surcharge on state excise and use tax and received by the city shall be promptly deposited into the special fund. Expenditures from the special fund shall be for the operating costs of the authority and the capital costs of the fixed guideway system and for expenses in complying with the Americans with Disabilities Act of 1990 as it may be amended.

**Section 17-121. Transfer of Property For Fixed Guideway System Operation and Maintenance --**

As and when any segment of the fixed guideway system has completed its final testing and has been approved to commence revenue service, all real property and interests therein that are under the jurisdiction and control of the authority and that are necessary, used, or useful for the operation and maintenance of that segment, shall be transferred to the jurisdiction and control of the department of transportation services, whereupon the department of transportation services shall assume authority and responsibility therefor and all revenues derived therefrom.

**NEW TRANSITION PROVISIONS**

**Transition Provisions Concerning the Operation and Maintenance of the Fixed Guideway System –**

1. All positions with the public transit authority on December 31, 2016, whether vacant or filled, the primary responsibilities of which involve the operation and/or maintenance of the fixed guideway system, and all persons holding such positions on that date, whether in civil service, by exempt appointment, by contract, or by any other means, shall be transferred to the department of transportation services on January 1, 2017. Any affected 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 and liabilities owed by or to the public transit authority relating to the operation and maintenance of the city's fixed guideway system on December 31, 2016, shall remain in

effect on January 1, 2017. The obligations and liabilities shall be assumed by the City through the department of transportation services.

3. Subject to Section 17-121, all records, property, and equipment of the public transportation authority that are necessary for the operation and maintenance of the fixed guideway system shall be transferred and delivered to the department of transportation services.

**REPEAL SECTION 16-115, TRANSITION PROVISIONS CONCERNING ESTABLISHMENT OF TRANSPORTATION COMMISSION.**

**Proposal 79. City and County of Honolulu, Office of the Managing Director**

Require BWS & HART contracts to be approved as to form and legality by COR.

**(BWS) Section 7-116. Legal Counsel –**

The corporation counsel of the city shall be the legal adviser of the department and shall institute and defend, as the board may require, any and all actions involving matters under the jurisdiction of the department. The corporation counsel may, with the prior approval of the board, compromise, settle or dismiss any claim or litigation, for or against the department. Before execution, all written contracts to which the department is a party shall be approved by the corporation counsel as to form and legality.

The compensation for such legal work shall be as agreed upon by the board and the council and shall be paid from the revenues of the department.

The department may employ an attorney to act as its legal adviser and to represent the department in any litigation to which the department is a party. (*Reso. 83-357*)

**(HART) Section 17-112. Legal Counsel --**

The corporation counsel of the city shall be the legal adviser of the authority and shall institute and defend, as the board may require, any and all actions involving matters under the jurisdiction of the authority. The corporation counsel may, with the prior approval of the board, compromise, settle or dismiss any claim or litigation, for or against the authority. Before execution, all written contracts to which the authority is a party shall be approved by the corporation counsel as to form and legality.

The compensation for such legal work shall be as agreed upon by the board and the council and shall be paid from the revenues of the authority.

The authority may employ an attorney to act as its legal adviser and to represent the authority in any litigation to which the authority is a party. (*Reso. 09-252*)

**Proposal 102. Ryan Akamine**

Establish a Youth Commission to advise the Mayor and City Council on issues important to young people. Young people are, by law, disenfranchised from participating in city elections. The City and County of San Francisco established a Youth Commission by charter in 1995, comprising 17 San Franciscans between the ages of 12 and 23. The SF YC also provides recommendations and feedback on all proposals that primarily affect youth. Each city councilmember and the mayor there appoints one commissioner, plus the mayor appoints another 5 from “underrepresented communities” to ensure that the YC truly represents the diversity of the City. Hawaii has the lowest voter participation rate in the country and by far the lowest youth voter participation rate. Involving youth in the City policymaking process would facilitate pro-youth policies and policies that would increase youth voter turnout. It would also promote leadership development for our next generation of Honolulu leaders.



## **Proposal 116. Lea Hong; The Trust for Public Land**

In 2006, an overwhelming majority of voters supported the establishment of the Clean Water and Natural Fund, which set aside half-a-percent of real property taxes to protect Oahu's special places. These proposed amendments (1) clarify that monies from the fund are to be spent in a manner consistent with the priorities, recommendations, and rankings of a citizen-expert appointed Commission, (2) split appointment power of the nine-member citizen-expert Commission between the City Council and the Mayor, (3) clarify that grants may be mad from the fund to other public agencies and non-profit organizations, and (4) clarify that the City and County of Honolulu need not provide any matching funds for purchases made by the City and County of Honolulu. These amendments seek de-politicize the funding and implementation process. The fund has not completed as many projects as expected despite ever increasing development pressures on O`ahu and high demand by voters for more conservation of land.. This failure to complete projects is due to many factors. One major factor is different elected officials' desires to re-prioritize or overrule projects recommended by the Commission. It takes many months if not years to put together a land conservation project and delays in funding because of shifting priorities can turn landowners away from conservation alternatives. In addition, cooperation between the City Council and Mayor (over several administrations) on completing projects has not occurred, due to the perception by different Mayors that the Commission is appointed and controlled by the Council. There is also confusion and additional expense and potential liability triggered by lack of clarity as to whether the funds may be granted to other public agencies and non-profits without the City owning a conservation easement. And finally, it is not clear whether the City is exempt from matching funds requirements for City owned projects. These proposals attempt to address or clarify these issues or problems.

### **Language agreed to (May 2016):**

#### **Section 9-204. Clean Water and Natural Lands Fund and Affordable Housing Fund --**

1. There shall be established a Clean Water and Natural Lands Fund and an Affordable Housing Fund. In adopting each fiscal year's budget and capital program, the council shall appropriate [a minimum of] one percent of the estimated real property tax revenues, one-half of which shall be deposited into the Clean Water and Natural Lands Fund and the remaining one-half of which shall be deposited into the Affordable Housing Fund.

2. Moneys in the Clean Water and Natural Lands Fund shall be used to purchase or otherwise acquire real estate or any interest therein for land conservation in the city for the following purposes: protection of watershed lands to preserve water quality and water supply; preservation of forests, beaches, coastal areas and agricultural lands; public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; conservation of land in

order to reduce erosion, floods, landslides, and runoff; and acquisition of public access to public land and open space.

3. Moneys in the Affordable Housing Fund shall be used to provide and maintain affordable housing for persons earning less than fifty percent of the median household income in the city for the following purposes: provision and expansion of affordable housing and suitable living environments principally for persons of low and moderate income through land acquisition, development, construction, and maintenance of affordable housing for sale or for rental, provided that the housing remains affordable in perpetuity.

4. The moneys in each fund may also be used for the payment of principal, interest, and premium, if any, due with respect to bonds issued subsequent to enactment of this section and pursuant to Sections 3-116 or 3-117, in whole or in part, for the purposes enumerated in subsections 2 and 3 of this section and for the payment of costs associated with the purchase, redemption or refunding of such bonds.

5. At any given time, no more than five percent of the moneys in each fund shall be used for administrative expenses.

6. Any balance remaining in each fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The moneys in each fund shall not be used for any purposes except those listed in this section.

7. The department of budget and fiscal services shall receive proposals for the use of funds in the Clean Water and Natural Lands Fund and shall submit qualified proposals to an advisory commission, which shall make recommendations to the council for approval. All proposals for uses of the Clean Water and Natural Lands Fund shall be processed consistent with this procedure.

8. There shall be established a Clean Water and Natural Lands advisory commission to consider proposals submitted to it by the department of budget and fiscal services and to submit recommendations to the council for approval of expenditures under this section. The commission shall consist of seven members, with three appointed by the mayor, three appointed by the council, and one appointed by a majority vote of the six appointed members. The members shall serve for staggered terms of five years and until their successors have been appointed and qualified. The initial appointments shall commence no later than January 15, 2017, and shall be as follows:

- (a) For an initial two-year term, two members, one each appointed by the mayor and the council.
- (c) For an initial three-year term, two members, one each appointed by the mayor and the council.
- (d) For an initial four-year term, two members, one each appointed by the mayor and the council.
- (e) For a five-year term, the member appointed by the majority vote of the other six appointed members.

9. The director of the department of budget and fiscal services shall administer the fund.

10. The council shall by ordinance establish other procedures for the administration and expenditure of moneys in each fund consistent with this section. The appropriations to each fund shall not substitute for, but shall be in addition to, those appropriations historically made for the purposes stated in this section.

**Proposal 153. Donna Ikeda**

Amend Article XI: Standards of Conduct. Section 11-102.1. (a) Conflicts of Interest

The current language uses the standard "it can reasonably be inferred that the gift is intended to influence...". This language is overly broad and when it is used in conjunction with the definition of a lobbyist, can and has been used by the Ethics Commission to determine that ANY gift from a lobbyist, regardless of its value, is a violation of law. I do not believe that prohibiting all gifts from lobbyists is the intent of Section 11-102.1 and so I propose that Section 11-102.1 (a) be amended to establish a clear standard of conduct.

**Article XI: Section 11-102.1 (a)**

1. No elected or appointed officer or employee shall:

Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances [in which it can reasonably be inferred that the gift is] which are intended to influence the officer or employee in the performance of such person's official duties and which benefit the elected or appointed officer or employee personally, affect the financial interests of their family, or involve individuals or organizations with which the elected or appointed officer or employee has some past, present or future connection away from their official duties.

**Proposal C-1 Kevin Mulligan**

**Section 6-1603. Chief of Police —**

1. The chief of police shall be appointed by the police commission for a term of five years. The chief shall serve at the pleasure of the police commission and shall not attain any property interest in the position of chief of police. The police commission may remove or suspend the chief of police at any time prior to the expiration of the five year appointment. The chief shall have had a minimum of five years of training and experience in law enforcement work, at least three years of which shall have been in a responsible administrative capacity. The chief shall not serve beyond the expiration of a term unless appointed again by the police commission. If desiring to do so, the police commission may appoint an incumbent chief to a new term without first engaging in an applicant solicitation and selection process.

2. Before the expiration of a term to which appointed, the chief may be removed or suspended by the police commission [only for cause] for any reason. Such reasons may include but are not limited to:

- a) The chief has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer;
- b) The chief has caused a material fact to be misrepresented for any improper or unlawful purpose;
- c) The chief is unable to perform his or her duties with reasonable competence or reasonable safety because of a mental condition, including alcohol or substance abuse.
- d) The chief has acted in a manner for of furthering his or her self-interest or in a manner inconsistent with the interest of the public or the chief's governing body.

As prerequisites to removal or suspension, the chief shall be given a written statement of the ~~[charge]~~ reasons for removal or suspension and an opportunity for a hearing before the police commission.

~~3. [Gross or continuous maladministration shall be a cause sufficient for removal of the chief. Before removing the chief for such cause, the commission shall give the chief written notice of and a reasonable period to cure the gross or continuous maladministration. If the gross or continuous maladministration is not cured to the commission's satisfaction within the period given, the commission may proceed to remove the chief in accordance with subsection 2.~~

~~This subsection shall not be construed as:~~

- ~~(a) Making gross or continuous maladministration the only cause sufficient for removal of a chief; or~~
- ~~(b) Requiring the commission to give the notice and opportunity for cure specified under this subsection when removing a chief for a cause other than gross or continuous maladministration.~~

~~(c) Requiring the commission to give the notice and opportunity for cure specified under this subsection when removing a chief for a cause other than gross or continuous maladministration.]~~

## Proposal C-2`Kevin Mulligan

### Section 6-1606. Powers, Duties and Functions (of Police Commission)

- Amending Section (d) by giving the Police Commission the power to subpoena and require the production of evidence pertinent to the investigation and administer oaths to such witnesses to the extent permissible by law.<sup>1</sup> The Police Commission can make recommendations concerning allegations of officer misconduct to the Chief of Police and the Chief must respond to the Police Commission with his or her decision on the recommendation in writing. *Currently, the Chief is not required to respond to the Police Commission concerning their recommendations.*
- The Police Commission investigations should provide an objective analysis of complaints filed by citizens to ensure compliance with policy and procedure, best practices and the law.<sup>2</sup>

### Section 6-1606. Powers, Duties and Functions --

The police commission shall:

- (a) Adopt such rules as it may consider necessary for the conduct of its business and review rules and regulations for the administration of the department.
- (b) Review the annual budget prepared by the chief of police and may make recommendations thereon to the mayor.
- (c) Submit an annual report to the mayor and the city council.
- (d) Receive, consider and investigate charges brought by the public against the conduct of the department or any of its members.
- (e) The police commission may issue subpoenas and require the attendance of witnesses and the production of evidence pertinent to the investigation and administer oaths to such witnesses to the extent permissible by law. [and]
- (f) Submit a written report of its findings to the chief of police. If the chief of police disagrees with the findings of the police commission, the chief shall submit the reasons in writing to the police commission. A summary of the charges filed and their disposition shall be included in the annual report of the commission.
- (g) Review and, if deemed necessary, make recommendations on the five-year plan and any update of goals and objectives for the police department which is submitted by the chief of police. The commission shall not have the power to approve, modify, or reject the plan or any update.
- (h) Compare at least annually the actual achievements of the police department against the goals and objectives in the five-year plan or latest update submitted by the chief.

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<sup>1</sup> City of Long Beach California City Charter – Citizen Police Complaint Commission

<sup>2</sup> Fresno Office of Independent Review  
Charter Commission Meeting June 27, 2016

(i) Evaluate at least annually the performance of duties by the chief of police.  
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.

**Proposal C-3 Guy K. Fujimura**

**Honolulu Zoo Fund**

**Section \_\_\_\_\_. Honolulu Zoo Fund –**

1. There shall be established a Honolulu Zoo Fund. In adopting each fiscal year's budget and capital program, the council shall appropriate a minimum of one-half percent of the estimated real property tax revenues of which shall be deposited into the Honolulu Zoo Fund.

2. Moneys in the Honolulu Zoo Fund shall be used to provide the funds for the operation, repair, maintenance, and improvement of the Honolulu Zoo; the salaries of persons employed to work at the Honolulu Zoo, and related expenses; acquisition of zoo animals for the city, including shipping, insurance, travel, and other costs related to the purchase of animals for the Honolulu Zoo; and to pay for debt service owed for capital improvements at the Honolulu Zoo.

3. The moneys in each fund may also be used for the payment of principal, interest, and premium, if any, due with respect to bonds issued subsequent to enactment of this section and pursuant to Sections 3-116 or 3-117, in whole or in part, for the purposes enumerated in subsections 2 and 3 of this section and for the payment of costs associated with the purchase, redemption or refunding of such bonds.

4. Any balance remaining in each fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The moneys in the fund shall not be used for any purposes except those listed in this section.

5. The council shall by ordinance establish procedures for the administration and expenditure of moneys in the fund.



**Proposal C-5 Cheryl D. Soon**

(NEW)

**ARTICLE VI, CHAPTER 18 DEPARTMENT OF LAND PRESERVATION AND ENHANCEMENT**

**Section 6-1801. Organization --**

There shall be a department of land preservation and enhancement headed by a director of land preservation and enhancement who is appointed by and may be removed by the mayor.

**Section 6-1802. Powers, Duties and Functions --**

The director of central land services shall:

- (a) Protect, develop, and manage the land assets of the city;
- (b) Prepare and maintain a perpetual inventory of all lands owned, leased, rented or controlled by the city;
- (c) Consult with city user agencies on appropriate use or non-use of city land assets;
- (d) Practice stewardship and conservation of valued assets;
- (e) Manage land assets while transitioning any developed parcels to the appropriate city agency;
- (f) Receive and review development proposals on city lands and develop property as directed by the mayor and council;
- (g) Dispose of lands and built property through lease, license, permit, concession, or sale upon consent and approval of the council
- (h) Negotiate with others as to the joint use of city land and property upon consent and approval of the council
- (i) Negotiate public private partnerships on behalf of the city to formulate agreements, including but not limited to Clean Water Fund, transit oriented development, unilateral and bi-lateral agreements, and other discretionary land use agreements and prepare for council consent and approval.

**Section 6-1803. Public Consultation**

Conduct public consultation to help identify what is the public interest for city owned property. Before making recommendations to the council for land disposal or joint development of city lands the department shall conduct a public meeting in the district where the land activity would occur.

**Section 6-1804. Compliance with Environmental Laws**

All licenses, sales, and land use agreements whose term that involve city property and land shall be in compliance with the environmental laws of the State of Hawaii.