

2015-2016
CHARTER COMMISSION
City and County of Honolulu

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Kevin Mulligan
David W. Rae
Cheryl D. Soon
Edlyn S. Taniguchi
Governor John D. Waihee III
Pamela Witty-Oakland

STYLE COMMITTEE MEETING NOTICE

THURSDAY, JUNE 30, 2016
2:00 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 noon of the day of the meeting, emailing to 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 12:00 noon of the day of the meeting to 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>

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 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. DISCUSSION AND ACTION

Deliberation and decision-making on Proposals No. 3, 23, 36, 40, 42, 44, 54, 76A, 80, 102, 116, 120, 153, and C-5. See Attachment.

The Commission anticipates convening an Executive Session closed to the public pursuant to Hawaii Revised Statutes §92-4 and §92-5(a)(4) to consult with its attorneys on questions and issues relating to their legal analysis and recommendations for Proposal 44 relating to Term Limits.

III. ANNOUNCEMENTS

Next meeting date.

IV. ADJOURNMENT

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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:

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.

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Proposal 23. Civil Beat Law Center for the Public Interest

The Proposed Amendment conforms the Charter's language regarding public records to State law and removes redundant language.

- a. Access to public records cannot be limited to citizens. The Uniform Information Practices Act (Modified), HRS ch. 92F (UIPA), provides: "Except as provided in section 92F-13, each agency upon request by *any person* shall make government records available for inspection and copying during regular business hours. . . ." HRS § 92F-11(b) (emphasis added).
- b. The Chief of Police and the Prosecuting Attorney do not have absolute discretion to withhold records maintained by the police department or office of the prosecuting attorney, respectively. As reflected in the UIPA citation above, the only exceptions to State law are provided by section 92F-13. E.g., OIP Op. No. 98-01 at 5 n.4 (public records under the UIPA cannot be made confidential by charter or ordinance); OIP Op. No. 95-14 at 6-7.
- c. The disclosure provision for traffic accident records is redundant of and cannot contradict HRS § 291C-20.

"Section 13-105. Records Open to the Public—

[All]Except as otherwise provided by law, all books and records of the city shall be open to the inspection of any person [citizen] at any time during business hours. Certified copies or extracts from such books and records shall be given by the officer having custody of the same to any person demanding the same and paying or tendering a reasonable fee to be fixed by the council for such copies or extracts. [, but the records of the police department or of the prosecuting attorney shall not be subject to such inspection unless permission is given by the chief of police or the prosecuting attorney, except in the case of traffic accidents where such records, including all statements taken, shall be available for inspection by the parties directly concerned in such accident, or their duly licensed attorneys acting under written authority signed by either party. Any person who may sue because of death resulting from any such accident shall be deemed a party directly concerned.]"

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Proposal 36. Paul Oshiro

Modify the deadline by which the Charter Commission must forward to the City Clerk proposals to amend the Charter.

Amended by Commission:

Section 15-105. Mandatory Review --

1. After November 1 of every year ending in "4," but before the immediate following February 1, the mayor and the presiding officer of the council shall appoint a charter commission consisting of thirteen members to study and review the operation of the government of the city under this charter. The mayor shall appoint six members; the presiding officer of the council, with the approval of the council, shall appoint six members; and the thirteenth member shall be appointed by the mayor and confirmed by the council.

For the 2005 charter commission, Section 16-127 shall prevail over any conflicting provision of this subsection.

2. The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment, except as otherwise provided under Section 16-127 for the 2005 charter commission. The commission shall act by majority vote of its membership and shall establish its own procedures. The commission shall be recognized as a constituent body, and its members shall not, in any manner, be deemed officers of the city. The commission and its members shall be subject only to provisions of this article, Section 3-114, and Section 3-502 of the charter.

3. The commission may propose amendments to the existing charter or a draft of a revised charter, which shall be submitted to the city clerk at any time prior to **[September 1] five working days before the deadline for submitting ballot questions for placement on the general election ballot as established in State law** of the year ending in "6" that immediately follows the appointment of the commission. Upon receipt of the amendments or revised charter, together with ballot language prepared by the commission, the clerk shall provide for the submission of such amendments or revised charter to the electors of the city at the next general election.

4. The commission shall publish, not less than forty-five days before any election at which charter amendments or a revised charter are submitted, at least once in a daily newspaper of general circulation within the city, a brief digest of the amendments or revised charter and a notice to the electorate that copies of the amendments or revised charter are available at the office of the city clerk..

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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.

Proposed amendment:

The Revised Charter of the City and County of Honolulu is amended by adding a new Article XVIII, which shall read as follows:

Article XVIII Sunset of Boards and Commissions.

Section 18-001. The council shall prepare an evaluation of at least one third of each board or commission of the county, every five years, which shall include the amount budgeted for and expended by the board and commission for the preceding five years, the annual average staff time allocated to the board and commission, the number of decisions made for each of the preceding five years, the impact if such board or commission were to sunset, the overall necessity of the board and commission, and any other relevant issue specific to that board or commission. This evaluation shall be provided to the voters as part of the ballot issue, described in section 18-003

Section 19-002. Every board and commission of the county shall be subject to such review, except for boards created or required by state constitution or statute.

Section 18-003. A minimum of one third of all boards and commissions shall be placed on the general election ballot every five years, beginning in the 2018 election cycle. The council shall determine which boards or commissions shall be placed on the ballot. There shall be a ballot issue for each board or commission so named, included in the November election which shall ask the voters separately, whether each and every board or commission so named shall be retained. The ballot issue shall include the annual and previous ten year cost of each board and commission. If a board and

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commission does not receive more than fifty percent of the votes cast said board or commission shall summarily sunset before January 1st of the subsequent year following said election.

Section 18-004. Any board or commission which is subject to sunset under section 18-003 shall not be re-enacted by the council unless two years have passed after such sunset.

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Proposal 42. Paul Oshiro

As approved by the Commission at the June 17, 2016 meeting:

“Section 13-119. Dual Offices or Positions --

No person shall hold more than one public office or position under the city[, **except**]; **provided** that city officers and employees shall not be precluded from membership on a neighborhood board; **provided further that no member of the Neighborhood Board shall concurrently serve on the Neighborhood Commission.** No city officer or employee shall be a member of the state civil service commission, nor shall any city officer or employee hold a public office or position under the federal or state government which would be inconsistent or incompatible with or would tend to interfere with the duties of the city office or position. The term "public office," as used in this section of the charter, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief.”

“Section 14-102. Neighborhood Commission --

There shall be a neighborhood commission which shall consist of nine members chosen from the city at large. The mayor shall appoint four members, **[at least two of whom shall have served on a neighborhood board for at least one full term. The] and the** presiding officer of the council, with the approval of the council, shall appoint four members**[, at least two of whom shall have served on a neighborhood board for at least one full term].** The ninth member shall be appointed by the mayor and confirmed by the council. **[The ninth member shall have served on a neighborhood board for at least one full term.]**

The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment.

The commission shall act by majority vote of its membership and shall establish its own procedures. Commission members shall be compensated and reimbursed for their necessary expenses as provided by ordinance. The council shall appropriate funds to the neighborhood commission necessary for the performance of its official duties.

The terms of members initially appointed shall be for five years, and their successors shall serve for staggered terms of five years in the manner provided in Section 13-103(c) of this charter.”

“Section 16- . Transitional provisions for the requirement that no member of the Neighborhood Board shall concurrently serve on the Neighborhood Commission—

The requirement that no member of the Neighborhood Board shall concurrently serve on the Neighborhood Commission shall only apply to appointments made to the Neighborhood Commission on or after the second day of January 2017. All Neighborhood Commission members appointed prior to the second day of January 2017 shall be allowed to complete their present term on the Neighborhood Commission.”

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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.

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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.

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- 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.

Amended by the Commission:

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:

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(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.

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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.

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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

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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

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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.

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(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.

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- (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 --

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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.

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Proposal 80. City and County of Honolulu, Office of the Managing Director

Expand to allow delegation of Mayor's authority to sign documents requiring execution by the City unless otherwise provided by charter, ordinance or resolution.

Amended by Commission:

Section 5-103. Powers, Duties and Functions –

The mayor shall be the chief executive officer of the city. The mayor shall have the power to:

(h) Sign, or designate the managing director, the deputy managing director, and any person appointed as the administrative head of an office or department of the executive branch to sign, instruments requiring execution by the city, except those which the director of budget and fiscal services or other officer is authorized to sign by this charter, ordinance or resolution.

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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.

Amendment Sent to Style:

Proposed Amendment: Youth Commission

STATEMENT REGARDING THE CREATION OF A YOUTH COMMISSION

Shall the City and County of Honolulu Charter be amended to establish a Youth Commission?

Plain Language Statement:

The proposed Charter amendment would create a Youth Commission to advise the City Council and Mayor on issues relating to children and youth, express the policy priorities of Honolulu’s youth, to create and develop future leaders, and to increase youth involvement in the shaping of public policy. The Commission would be composed of fifteen members from the ages of 14 to 24 appointed by the City Council and the Mayor. The fifteen members shall reflect the diversity of the people of the City and County of Honolulu, including ethnicity, race, gender, sexual orientation, and socioeconomic status. The Youth Commission may employ staff as necessary. The Youth Commission would respond to requests for comment from the City Council and Mayor.

YES FOR APPROVAL _____

NO FOR REJECTION _____

If approved, the Charter would include the following language:

§ 6-107.

YOUTH COMMISSION

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1. There shall be an independent youth commission consisting of fifteen members, each of whom shall be between the ages of 14 and 24 years at the time of appointment and shall serve for staggered terms of two years. Each council member shall appoint one member and the mayor shall appoint six members. Five of the members appointed by the mayor shall be from underrepresented communities reflecting the diversity of the people of the City and County of Honolulu, such as ethnicity, race, gender, sexual orientation, and socioeconomic status. The initial appointments shall commence no later than August 1, 2017, and shall be as follows:

A. ONE YEAR: Eight members, three appointed by the mayor and one each appointed by the council members representing districts 1, 3, 5, 7, and 9

B. TWO YEARS: Seven members, three appointed by the mayor and one each appointed by the council members representing districts 2, 4, 6, and 8.

Each succeeding appointment shall be for a term ending two years from the date of the expiration of each term for which the predecessor had been appointed. The commission shall elect a chair from among its members and the commission shall act by a majority vote of its membership. Any vacancy shall be filled in the same manner as for an original appointment.

2. The commission shall advise the council and mayor on the effects of legislative policies, needs, assessments, priorities, programs, and budgets concerning the children and youth of the City and County of Honolulu. The commission shall also express the policy priorities of the children and youth of the City and County of Honolulu. The commission shall respond to requests for comment and recommendation on matters referred to the commission by the council, the mayor, and any officers, departments, agencies, boards, commissions and advisory committees of the City and County of Honolulu.

3. The commission and City Council may establish its rules of procedure and adopt rules and regulations pursuant to law.

4. The commission may employ staff as is necessary to assist it in the performance of its duties.

5. Members of the commission may receive a stipend as determined by the council.

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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.

Proposed language:

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

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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.

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Proposal 120 APA

FUNCTIONAL PLANNING CHARTER AMENDMENT PROPOSAL

The purpose of this proposal is to require the preparation of functional plans for wastewater facilities, transportation systems, and parks and recreational facilities. The functional plans would be required to cover a period of at least twenty years and be consistent with the pattern of growth specified by the General Plan and Development Plans. The Charter presently does not require the preparation of functional plans.

This Charter amendment is necessary because Oahu's pattern of growth and development is highly dependent on the availability of infrastructure. Functional plans can be an effective tool to accommodate growth in certain areas of the city, while constraining growth in others. While the General Plan and Development Plans specify a desired pattern of growth, infrastructure systems and public services must be planned in advance to accommodate planned development.

The director of design and construction shall:

- (a) Direct and perform the planning, engineering, design, construction and improvement of public buildings.
- (b) Direct and perform the planning, engineering, design and construction of public streets, roads, bridges and walkways, and drainage and flood improvements.
- (c) In consultation with the respective departments, [direct and perform] implement the project planning, engineering, design and construction of wastewater facilities, parks and recreational facilities, and transportation systems specified in the respective functional plans.

Section 6-803. Powers, Duties and Functions

The director of the department of environmental services shall:

- (a) Prepare a long-range functional plan for wastewater facilities of the city, covering a period of at least twenty years, and consistent with the pattern of growth specified in the General Plan and Development Plans.
- [(a)] (b) Advise the director of design and construction concerning the project planning and design of wastewater facilities.
- [(b)] (c) Oversee the operation and maintenance of sewer lines, treatment plants and pumping stations.
- [(c)] (d) Monitor the collection, treatment and disposal of wastewater.
- [(d)] (e) Provide chemical treatment and pumping of defective cesspools.
- [(e)] (f) Develop and administer solid waste collection, processing and disposal systems.
- [(f)] (g) Promulgate rules and regulations as necessary to administer and enforce requirements established by law.
- [(g)] (h) Perform such other duties as may be required by law.

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Section 6-1403. Powers, Duties and Functions

The director of parks and recreation shall:

(a) Prepare a long-range functional plan for parks and recreational facilities of the city, covering a period of at least twenty years, and consistent with the pattern of growth specified in the General Plan and Development Plans.

[(a) (b) Advise the director of design and construction on the project planning and design of the parks and recreational facilities of the city, and maintain and operate all such facilities.

[(b)] (c) Develop and implement programs for cultural, recreational and other leisure-time activities for the people of the city, except as otherwise provided by law.

[(c)] (d) Beautify the public parks, facilities and streets of the city, including, but not limited to, the planting, trimming and maintaining of all shade trees, hedges and shrubs on such city parks, facilities and streets.

[(d)] (e) Process permit applications to use city parks and recreational facilities for free or affordable child day care programs for consideration by the council pursuant to Section 3-123 of this charter, provided that the director finds that such use does not interfere with the public's use of the property for park and recreational purposes.

Section 6-1503. Powers, Duties and Functions

The director of planning and permitting shall:

(a) Prepare a general plan and development plans, and revisions thereof, for the improvement and development of the city.

(b) Establish procedures for adopting and revising the general plan and development plans and amending state land use district boundaries. The director's procedures shall include provisions for the processing of any proposed revision to the general plan or development plans which is submitted with the prescribed level of supporting documentation, regardless of whether the proposal is supported by the director or the council. However, a proposal lacking such support shall be processed as an "unendorsed proposal" under the provisions of this chapter.

(c) Review the executive operating and capital program and budget for conformance to the purposes of the general and development plans and make a written report of findings to the council within thirty days after receipt of such program and budget.

(d) Prepare and submit to the council on at least a biennial basis a report on the condition of the city in terms of the general plan and development plans. In addition, the director shall prepare and submit to the council an annual report on the current status of land use and other data pertaining to the development plans.

(e) Undertake studies and prepare plans for special planning areas and issues.

(f) Perform other functions that will promote comprehensive planning, public participation and an efficient planning process.

(g) Prepare zoning ordinances, maps and rules and regulations and any amendments thereto.

(h) Prepare the land subdivision code and rules and regulations and any amendments thereto.

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- (i) Establish procedures for the review of land utilization applications.
- (j) Be charged with the administration and enforcement of the zoning, subdivision, park dedication, building and housing ordinances, and rules and regulations adopted thereunder, and any regulatory laws or ordinances which may be adopted to supplement or replace such ordinances.
- (k) Review the following for conformance to city standards:
 - (1) Plans for wastewater facilities for other than city projects;
 - (2) Plans for construction, reconstruction, widening and maintenance of public streets and roads, including utilities, landscaping, street lighting, traffic control and related items;
 - (3) Plans for the construction, reconstruction and maintenance of bridges and walkways and drainage and flood control systems.
- (l) Review the following for conformance to the general plan and development plans:
 - (1) Wastewater functional plan;
 - (2) Parks and recreational facilities functional plan;
 - (3) Transportation systems functional plan.

Section 6-1703. Powers, Duties and Functions

The director of transportation services shall:

- (a) [Plan] Prepare a long-range functional plan for the city's transportation systems covering a period of at least twenty years, operate and maintain transportation, including transit, systems to meet public transportation needs, in accordance with the general plan and development plans, and advise on the design and construction 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.

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Proposal 153. Donna Ikeda

Amended by Commission on 4/29/16 and sent to Style

Section 11-102. Conflicts of Interest --

1. No elected or appointed officer or employee shall:
 - (a) 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]:
 - (1) If it can reasonably be inferred that the gift is intended to influence the officer or employee in the performance of such person's official duties[.], or is intended as a reward for any official action; or
 - (2) From a lobbyist registered with the city.Nothing herein shall preclude the solicitation or acceptance of lawful contributions for election campaigns.
 - (b) Disclose confidential information gained by reason of such person's office or position or use such information for the personal gain or benefit of anyone.
 - (c) Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of such person's official duties or which may tend to impair the independence of judgment in the performance of such person's official duties.
 - (d) Receive any compensation for such person's services as an officer or employee of the city from any source other than the city, except as otherwise provided by this charter or by ordinance.
 - (e) Represent private interests in any action or proceeding against the interests of the city or appear in behalf of private interests before any agency, except as otherwise provided by law.
2. No appointed officer shall participate in or make any decision on a city matter if:
 - (a) He or she was directly involved in the matter while employed with a private entity in the twelve months immediately preceding the start of the officer's current employment with the city; and
 - (b) Such prior involvement on behalf of a private entity may tend to impair the independence of judgment in the performance of the officer's official duties.

The prohibition in this subsection shall apply for a period of twelve months from the start of the officer's current employment with the city. The officer may apply for a waiver from this prohibition to the ethics commission, which shall determine, based on the relevant circumstances, whether the waiver is in the best interests of the public. For the purposes of this subsection, the term "officer" shall exclude any member of a board or commission who is not the administrative head of an agency.

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Proposal C-5 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.