

2015-2016
CHARTER COMMISSION
City and County of Honolulu

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

June 2, 2016

Committee on Style Report 3
Re: Proposals No. 39, 54, 120, C-1, and C-2.

Chair David Rae,

Your Committee on Style, to which was referred Proposals No. 39, 54, 120, C-1, and C-2, begs leave to report as follows:

Your Committee:


1. Amended the language relating to salaries for attorneys working for the Ethics Commission in Proposal 39 by:
 - a) Moving the term "comparable" from modifying "salaries" to modifying "attorneys" in the new language added to the second paragraph; and
 - b) Fixing a typographical error.
2. Amended the language in Proposal C-1, relating to the removal of the Chief of Police by the Police Commission, by:
 - a) Allowing the removal or suspension of the Chief of Police by the Police Commission for any reason;
 - b) Removing the phrase "for the sole purpose" in the draft Proposal for section 6-1603, 2(d); and
 - c) Clarifying that the prerequisites for removal also apply to suspensions.
3. Amended the language in Proposal C-2, extending the powers of the Police Commission, by
 - a) Clarifying the authority of the Police Commission to issue subpoenas and require the attendance of witnesses and production of evidence; and
 - b) Replacing "must" with "shall" in subsection (e).

4. Deferred Proposals 54 and 120 to the next Style meeting.

The proposals as amended by the Committee on Style are contained in the Attachment.

As affirmed by the record of votes of the members of the Committee in Style, your Committee has approved Proposals No. 39, 54, C-1, and C-2, as amended, and is returning them to the full Commission for further consideration.

Respectfully submitted on behalf of the
Members of the Committee on Style,



Donna Ikeda, Chair

**ATTACHMENT
STYLE COMMITTEE REPORT 3
JUNE 2, 2016**

#39 Paul Oshiro; amended by the Commission; amended by Style Committee

Section 11-107. Ethics Commission --

There shall be within the department of the corporation counsel for administrative purposes only an ethics commission which shall consist of seven members. The commission shall be governed by the provisions of Section 13-103 of this charter. In accordance with the prohibition in Article XIV of the Constitution of the State of Hawaii, the members of the ethics commission shall be prohibited from taking an active part in political management or in political campaigns.

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.

The commission is authorized to hold hearings and to conduct investigations concerning the application of this article of the charter and shall have the powers provided in Section 13-114 of this charter.

The commission may, on its own initiative, render advisory opinions with respect to this article of the charter. An advisory opinion shall be rendered pursuant to a written request of any elected or appointed officer or employee concerned and may be rendered pursuant to the request of any person. The commission shall publish its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of the persons involved.

The commission may impose civil fines established by ordinance against elected and appointed officers and employees of the city with significant discretionary or fiscal power as determined by ordinance, found by the commission to have violated the standards of conduct established by this article of the charter or by ordinance. The commission shall recommend appropriate disciplinary action against officers and employees found to have violated the standards of conduct established by this article of the charter or by ordinance. The appointing authority shall promptly notify the commission of the action taken on the recommendation.

