

Charter Commission

CITY AND COUNTY OF HONOLULU

Honolulu Hale • 530 South King Street • Honolulu, Hawaii 96813



FRIDAY, MARCH 6, 2015
1:30 P.M.
COMMITTEE MEETING ROOM
HONOLULU HALE

MINUTES

Charter Commission Members Present:

Michael F. Broderick
Reginald V. Castanares, Jr.
Donna R. Ikeda
Kevin D. Mulligan
Nathan T. Okubo
Paul T. Oshiro
David W. Rae
Cheryl D. Soon
Jesse K. Souki
Edlyn S. Taniguchi
R. Brian Tsujimura
John D. Waihee III

Charter Commission Member(s) Excused/Absent:

Guy K. Fujimura

Others Present:

Donna Y. L. Leong, Corporation Counsel, Department of the Corporation Counsel
Gary Takeuchi, Division Head, Counseling & Drafting Division, Department of the Corporation Counsel
Dawn Spurlin, Deputy Corporation Counsel, Department of the Corporation Counsel
Krishna Jayaram, Deputy Corporation Counsel, Department of the Corporation Counsel
Adina Cunningham, Deputy Corporation Counsel, Department of the Corporation Counsel
Ernest Martin, Chair, Honolulu City Council
Glen Takahashi, Acting City Clerk
Roy Amemiya, Managing Director, City and County of Honolulu

I. Preliminary Matters

Managing Director Roy Amemiya apologized for the Mayor's delay and on his behalf welcomed the Commissioners.

Corporation Counsel Donna Y. L. Leong introduced herself and Deputies Corporation Counsel Gary Takeuchi, Dawn Spurlin, Krishna Jayaram, and Adina Cunningham. Corporation Counsel Leong requested that Commission contact Deputy Corporation Counsel Dawn Spurlin if the Commissioners have any questions.

II. Administration by the City Clerk of the Oath of Office

Acting City Clerk Glen Takahashi administered the oath of office to all Commissioners present. City Clerk Takahashi informed the Commissioners that the Clerk's Office will provide the Commission with the deadlines for placing questions on the ballot for the following year.

III. Greetings from City Council and Administration

Honolulu City Council Chair Ernest Martin welcomed the Commissioners and thanked them for their willingness to serve in this demanding, but important process which occurs only once every ten years. Council Chair Martin commented that the Commission is a very critical component of city government that will require long hours of work. He thanked them for their future time to be invested in this endeavor.

IV. Call to Order by Chair Pro Tempore

Corporation Counsel Leong inquired if any Commissioners would volunteer to be the Chair Pro Tempore. Commissioner Jesse Souki volunteered until such time that permanent officers are elected. The meeting was called to order at 1:39 p.m.

V. Presentation by Corporation Counsel on the Sunshine Law

Corporation Counsel Leong again introduced Deputy Corporation Counsel Krishna Jayaram who provided a presentation and summary of Hawaii's Sunshine Law.

Deputy Corporation Counsel Jayaram highlighted that some differences between service upon a private board and a public board are found in the requirements of Hawaii's Sunshine Law codified in Hawaii Revised Statutes Chapter 92 Part I.

He noted that the purpose of his presentation is to emphasize some key points of the Sunshine Law. He stated that the intent of the Sunshine Law is that the formation and conduct of public policy take place in the "sunshine" i.e. that discussions, deliberations, and decision-making of boards, such as the Charter Commission, take place in the eye of the public.

He stated that the statutes regarding open meetings are construed liberally and the exceptions to open meeting requirement are construed narrowly. Generally, everything for this Commission must be done in the context of a public meeting. He stated that there are only certain specific exceptions and we must be careful in applying those exceptions.

He continued to say that there are four pieces of how the formation and conduct of public policy apply in the law. Two pieces will not be emphasized in his presentation because they will be handled by the Commission's executive staff with the assistance of the Corporation

Counsel's office. The first piece is that there must be public notice of all Commission meetings. He said that the public should be aware of when you are meeting and what you are discussing. The agenda must be posted at a certain time and it has to detail what the Commission will discuss. He said that the other piece that will be handled by the Commission's executive staff is the Commission minutes. There must be a record of what the Commission has done.

Deputy Corporation Counsel Jayaram stated that the two pieces that he wanted to cover are (1) what does public access to Commission business mean and (2) the fact that the public has the right to testify before the Commission.

The general rule regarding public access to board discussions, deliberations, and decisions is that all meetings are open to the public, including meetings, site inspection, retreats, and workshops. Also, no discussion of commission business can be conducted outside of a meeting. There can be no discussions or caucusing before, during, or after Commission meetings, including communication by faxes, telephone, emails, and postings to social media such as Facebook or Twitter. However, socializing with discussions of non-Commission business is allowed. Also, this restriction does not apply if a Commissioner discusses Commission business with a third-person who is not another Commissioner.

Deputy Corporation Counsel Jayaram summarized that all meetings are public, all commission business must be conducted during a meeting, and there can be no discussion of Commission business outside of meeting. However, there are exceptions.

One exception is that two commissioners may discuss Commission business outside of a meeting so long as no commitment to vote is made or sought. However, this type of situation may quickly and inadvertently become problematic if two members discuss Commission business, then one member of the conversation discusses what was said to a third member. He warned that this has now become a discussion between three members.

Deputy Corporation Counsel Jayaram continued to say that another exception is the Permitted Interaction Group or PIG. The PIG allows public boards and commissions to investigate matters outside of the public eye in an effective way.

He further stated that a PIG requires three meetings. The first meeting is needed to identify the members of the PIG and what the PIG is investigating. The PIG may then investigate the matter, in public or in private. At the second meeting, the PIG reports its findings to the Commission and presents its recommendations, if any. At this second meeting, the Commission is not allowed to discuss or take any action on the PIG's findings and/or recommendations. At the third meeting, the Commission may discuss and take action upon the PIG's findings and recommendations.

Deputy Corporation Counsel Jayaram continued to say that another exception is an executive session which is a private meeting of the Commissioners regarding a topic that the State has recognized as sensitive or critical in some fashion that it is appropriate to discuss outside of the public. While there are eight topics that fall within the parameters of an executive session, only two would apply to this commission. The first applicable topic is attorney-client communication between the Commission and its attorneys. The other applicable topic involves

personnel matters, including the hiring, evaluating, and disciplining of a Commission employee. Here, the individual's right to privacy outweighs the public's right to know the commission business.

Deputy Corporation Counsel Jayaram further stated that the opportunity for public testimony means that the public may testify on any matter on the Commission's agenda. However, the Commission may impose reasonable time restrictions on oral testimony. He stated that 30 seconds is probably not reasonable but 3 minutes probably is reasonable. He also stated that all written testimony will be accepted and circulated to all Commissioners.

To recap, Deputy Corporation Counsel Jayaram summarized that (1) all commission business must take place in meetings; (2) all meetings are public; (3) there are permitted interactions; and (4) executive sessions are available to the Commission.

VI. Presentation by Corporation Counsel on the Charter Commission's Purpose and Function, and Review of Activities of Prior Charter Commissions

The Chair Pro Tempore called upon the Corporation Counsel's office to present the Charter Commission's purpose and function. Corporation Counsel Leong made some prefatory remarks. She expressed her appreciation for the Commissioners' willingness to serve on the Commission. She commented that the City Charter is the guiding light for everything that we do at the City and stressed that every word is important and the Charter must be read as a whole document. She said that each provision when viewed collectively as a whole picture really shows how everything comes together. She encouraged the Commissioners to read the Charter and the minutes from the last Charter Commission.

Corporation Counsel Leong turned the meeting over to Deputy Corporation Counsel Spurlin who introduced herself and commented that all of them will be working very closely over the next 19 months. She asked that each of them introduce themselves since that agenda item was skipped. Each Commissioner introduced himself/herself and summarized his/her professional background.

Deputy Corporation Counsel Spurlin presented the Commission with an historical background of the Charter Commission. She stated that in 1955, the Hawaii State Legislature enacted Act 225 which authorized the City and County of Honolulu to create a Charter Commission. The Charter Commission's responsibility was to make the City a more efficient, economical, and representative form of government. This type of charter is called a "legislative charter" because the Act required that the proposed charter be approved by the legislature. The Act also reserved to the territorial legislature the power to enact general laws that could trump the City Charter.

In 1957-58, the Charter Commission convened and generated a report. The main issue this commission considered was the type of government the City would have. The Charter Commission considered such forms of government as a commission (an elected group of persons who act as legislators and administrators), a weak mayor (an elected legislative body separate from the administrator), a strong mayor (an elected administrator), or a manager (an administrator appointed by the legislative body). The Commission ultimately recommended a strong mayor form of government which vested the mayor with all the responsibility and

authority of the administration of the City. They also evaluated the authority of the legislative branch, the City Council. The 1958 Charter emphasizes that the legislative body's authority is focused upon policy making. Thus, the Council is the policy maker and the executive branch, the Mayor's office, handles the administration of the City. This Commission also created the managing director's position. The Commission believed that the Mayor should be focused upon overall city planning and leadership with day-to-day operations being handled by the managing director's office. The Charter was approved by 81 percent of the voters and the legislature approved the Charter to be effective in 1959.

In 1963, the Hawaii State Legislature adopted HRS Chapter 50 that allowed all counties to have charter commissions. In 1968, the state constitution was amended to allow counties to have "home rule" charters which did not require legislative approval as long as the charters were limited to the executive, legislative and administrative structure of the counties. The state legislature reserved authority if there was a general law that applied to all counties.

In 1970, there was another Charter Commission comprising of 13 members and had 100 meetings that reviewed the entire Charter. This Commission wanted to promote a demographic form of government with an emphasis on City involvement.

The 1971-72 Commission proposed to the public two options to promote fair representation, either a nine member council all elected by district or a nine member with five elected by district and four at large council positions. This Commission also created a Reapportionment Commission to ensure that the district lines were evenly drawn to ensure fair representation. To promote more citizen involvement in government, they amended the Charter to require that all council votes be taken by open ballot and all committees were required to be open to the public. To increase citizen participation in government, this Commission also created the neighborhood commission and the neighborhood board system. This Commission also added provisions to recall the Mayor and Council members and established the ranking or relationship of the council and the executive branch such that each branch was of equal rank and equal authority. This is where we have the separation of powers doctrine where each branch cannot interfere with the other's function and powers.

The 1981-82 Charter Commission had many revisions to the charter. However, this Commission bundled all of its proposals into a single package for the voters to approve all of them or none of them. The voters approved none of them.

The 1991-92 Charter Commission did not believe a full Charter review was needed. However, it did have some proposals, including limiting the Mayor and Council members to two consecutive four year terms; adopting the non-partisan elections; allowing the Mayor to transfer funds within departments without Council approval; allowing the Salary Commission to set the salary of appointed and elected officials subject to council veto; and allowing the department heads to serve prior to Council confirmation.

The next Charter Commission was in 1998 and that Commission was established to effectuate Mayor Harris's reorganization of the City departments. The Mayor had submitted a proposal to the City Council to reorganize city departments, but there was an understanding that the proposal may not pass for lack of votes. Therefore, a Charter Commission was convened to consider the reorganization proposals, including combining the Department of Planning into the

Department of Planning and Permitting; the Department of Budget into the Department of Budget and Fiscal Services. The Commission also provided a five year term for the police chief for evaluation by the police commission. In addition, the Commission also staggered the terms of the city council so that five Council positions are in one election and the four positions in the following election. This Commission faced a number of civil actions because the league of women voters believed that the mayor did not have authority to convene a Charter Commission. However, these lawsuits were either ruled against the petitioners or the cases were ultimately dismissed.

Deputy Corporation Counsel Spurlin stated that in 2005, the Charter Commission convened with 13 members. This Commission received 109 formal written proposals and held 35 public meetings from December 2004 to December 2006. (It continued after the election to finalize their reports.) The Commission selected 18 proposals, however the voters only approved eight, including the establishment of the land conservation and affordable housing funds; curbside recycling; allowed the Ethics Commission to impose civil fines for ethics violations; allowed elections where there are only two candidates to run on the general election rather than on the primary election; and they delineated the authority between the Fire Department and Department of Emergency Services because there was an overlap of services. There were also some housekeeping amendments.

Deputy Corporation Counsel Spurlin informed the Charter Commissioners that they must decide what type of proposals they want to consider. Prior Commissions have allowed anyone to submit proposals or set deadlines as to when proposals must be submitted. The final revisions must be submitted to the city clerk by September 2016 in order to meet the November 2016 general election ballot. Prior Commissions adopted a schedule by working backwards to set the deadlines and filing periods. Deputy Corporation Counsel Spurlin offered to provide calendars from prior Charter Commissions for this Commission to reference in deciding their deadlines.

At this time, Chair Pro Tempore recognized the presence of Mayor Caldwell who entered the meeting. Mayor Caldwell thanked the Commissioners for their participation. The Mayor asked the Commissioners how can we be different in the twenty-first century. How can we reconfigure government and get greater input from the public? How do we put ourselves in motion for the next hundred years to reinvigorate us and make us more efficient? How can we save money while doing more? What are the best practices for county governments around the world? Where are we and how can we become "cutting edge"? The Mayor told the Commissioners that they represent the best and brightest thinkers and he thanked them for stepping up.

Deputy Corporation Counsel Spurlin advised the Commission that the City Clerk's office just informed her that the State Election Office has advised the Clerk's office that all Charter proposals have to be submitted to the State Elections office by August 25, 2016 in "ballot ready" form.

Commissioner Oshiro asked if copies of the City Charter will be made available to the Commissioners. Deputy Corporation Counsel Spurlin stated that copies of the city charter are in the process of being copied for the Commissioners. She also informed the Commissioners

that if they would like complete versions of the report excerpts that they have, the complete report will be given to them at their request.

Chair Pro Tempore asked that the pdf documents in the future could be broken apart when sent electronically for easier use with his tablet. Deputy Corporation Counsel Spurlin responded affirmatively. Another Commissioner asked if the documents are available in any other format. Corporation Counsel Leong informed the Commissioners that it can be made available with OCR. She stated that the documents are available on-line and in a searchable format. Deputy Corporation Counsel Spurlin agreed to provide the hyperlink.

Chair Pro Tempore requested that the documents be provided in a pdf searchable format and in a Word format when drafting documents. Deputy Corporation Counsel Spurlin responded affirmatively. Commissioners Waihee, Ikeda, Rae, and Oshiro requested hard copies of all documents. All Commissioners will receive hardcopies of the City Charter.

Corporation Counsel Leong highlighted that the Charter in the Commissioners' packets is the 1973 version with the supplement in the back. Commissioner Tsujimura asked if the Corporation Counsel's office could insert the portions of the supplement into the body of the Charter. Deputy Corporation Counsel Spurlin stated that she would report back to the Commission regarding the feasibility of accommodating this request.

Commissioner Waihee asked whether the Commission has a budget. Deputy Corporation Counsel Spurlin stated that the City Council already proposed a budget for the Commission because the deadline to post the budget has past. The previous Charter Commission convened in December which allowed that Commission to propose its own budget. She further stated that this Commission's budget is \$300,000-plus which covers the salary of an executive administrator, a secretary, and a researcher.

Commissioner Rae asked whether the Charter will be republished. Deputy Corporation Counsel Spurlin responded that the Charter delegates the responsibility of republishing to the reviser, but it does not set a deadline.

Chair Pro Tempore asked if there are any decisions that needed to be made. Deputy Corporation Counsel Spurlin responded that the Commission needs to set the next meeting date and time and decide how frequently they want to meet. She stated that other commissions met more frequently as proposals were submitted.

Commissioner Ikeda asked if the first time they go out into the community, are they asking for proposals or presenting proposals. Deputy Corporation Counsel Spurlin responded that there will be advertisements requesting proposals from the public. The community meetings will already have agendas with proposals identified for discussion and public testimony.

Commissioner Ikeda further asked if the Commission has to go back out into the public each time a proposal is amended. Deputy Corporation Counsel Spurlin responded that it depends upon the Commission rules which have not yet been adopted.

Chair Pro Tempore asked Deputy Corporation Counsel Spurlin how the rules from the 2005 charter commission compared to prior commission rules. She responded that the Commission

should focus upon the 2005 Commission rules. These rules continued to be amended and were the most practicable and useful thus far. She also stated that the 2005 Charter Commission established subcommittees on rules and style.

VII. New Business

a. Election of Officers

The Commission skipped this item and returned to it at the end of the meeting where it was deferred to the next meeting.

b. Meeting Times and Locations for the Commission

Chair Pro Tempore asked Deputy Corporation Counsel Spurlin if a prior Charter Commission really held over 100 meetings. She stated that the 2005 Charter Commission had many proposals and the number of meetings just depended upon the number of proposals and the particular commission. She further stated that the number of meetings tends to increase toward the middle when there is an increase in the number of proposals and the Commission wants public comments, but the number of meetings taper off toward the end when the focus is the form of the proposals rather than their substance.

Corporation Counsel Leong stated that once the Commissioners review prior minutes, they will have a sense of the frequency of the meetings and how they intensify. Deputy Corporation Counsel Spurlin stated that the faster the Commission can retain the executive administrator and staff the better it would be for the Commission because staff can get out the meeting notices and keep everyone informed.

Chair Pro Tempore suggested March 18th for the next meeting. Discussion was held regarding the date and time of the next meeting.

A discussion was held and Commissioners were agreeable to hold some meetings during the day and some meetings during the evenings to accommodate commissioners who worked full-time during the day. A discussion was held regarding the availability of parking after business hours.

A motion was made that the Commission hold its next meeting on Wednesday, March 18, 5:00 p.m., Council Meeting Room.

Motion by: Commissioner Tsujimura
Second by: Commissioner Rae

A vote was taken as follows:

AYES: BRODERICK, CASTANARES, IKEDA, MULLIGAN, OKUBO, OSHIRO,
RAE, SOON, SOUKI, TANIGUCHI, TSUJIMURA

NO: NONE

EXCUSED: FUJIMURA

c. Discussion and Decision on Staffing Requirement to Service the Commission

Deputy Corporation Counsel Spurlin stated that the Commissioners have been provided copies of the position descriptions for the executive administrator and staff used by the 2005 Commission. If the position descriptions are acceptable, the Council's office will handle the posting of the positions. She elaborated that the 2005 Commission set up a committee that vetted the resumes, interviewed the applicants, and made recommendations to the Commission. The 2005 Commission also gave the executive administrator the authority to hire his own staff.

Chair Pro Tempore proposed to set up a PIG for the purpose of evaluating the applicants for the positions. Discussions were held regarding setting up a PIG for the evaluation of applicants for support staff positions and Deputy Corporation Counsel Jayaram advised the Commissioners that they need to move to amend the agenda (which can be done for non-controversial matters) to add an item to create a PIG to evaluate the applicants. There was a motion which was seconded for such an agenda amendment. (Technically, a vote was not held to amend the agenda.) Discussion was held as to whether the PIG should review and comment on the position description as well as evaluate the applicants. Chair Pro Tempore suggested that the Commission establish the PIG and the Commissioners can review the position descriptions by themselves and discuss and take action at the next meeting. Commissioners Ikeda, Mulligan, and Rae volunteered to serve on the PIG. Commissioner Waihee moved to establish the PIG with Commissioners Ikeda, Mulligan, and Rae to evaluate the applications when received for the support staff positions.

Motion by: John Waihee III
Second by: Rick Tsujimura

A vote was taken as follows:

AYES: BRODERICK, CASTANARES, IKEDA, MULLIGAN, OKUBO, OSHIRO,
RAE, SOON, SOUKI, TANIGUCHI, TSUJIMURA

NO: NONE

EXCUSED: FUJIMURA

Commissioner Waihee stated that the position description is fine as is and he would like the Commission to approve it now. Another Commissioner seconded motion. Commissioner Tsujimura suggested a one year contract with an extension up to 12 months for the positions. A discussion was held regarding the same.

A discussion was held as to who would receive the applications. Ms. Oshiro offered to receive the resumes and applications. Commissioner Soon stated that there are typographical errors in the sample publication. A discussion was held as to the typographical errors in the publication of the staff positions. A motion was made and seconded to amend the prior motion to allow the clerk to accept the resumes and applications and to allow the City Clerk's office and Corporation Counsel's office to make non-substances edits and finalize and publish the staff positions with the term for one year and up to a 12 month extension.

A vote was taken as follows:

AYES: BRODERICK, CASTANARES, IKEDA, MULLIGAN, OKUBO, OSHIRO, RAE, SOON, SOUKI, TANIGUCHI, TSUJIMURA

NO: NONE

EXCUSED: FUJIMURA

A motion was made and seconded to approve the wording of the publication for staff positions.

A vote was taken as follows:

AYES: BRODERICK, CASTANARES, IKEDA, MULLIGAN, OKUBO, OSHIRO, RAE, SOON, SOUKI, TANIGUCHI, TSUJIMURA

NO: NONE

EXCUSED: FUJIMURA

d. Discussion on the Budget for the Commission

Chair Pro Tempore asked Deputy Corporation Counsel Spurlin what is there to do for the budget. She responded that the 2005 Commission convened earlier and had time to make a budget and submit it to City Council which Council adjusted. However here, the City Council has already provided a proposed budget of \$300,000. Commissioner Waihee inquired as to how this budget compared to the budget of prior charter commissions. Corporation Counsel's office did not have that information readily available but advised that it will be provided.

Corporation Counsel Leong advised the Commission that budget committee hearings start next Tuesday. She explained that fiscal year 2015 is for this year up to June 30 while fiscal year 2016 is for July 1 to June 30, 2016. She continued to say that the Commission will require one more additional year for budget appropriation to allow the Commission to complete its work after June 30th next year. Chair Pro Tempore asked how flexible the budget categories are. Corporation Counsel Leong stated that the Council has set line items, but there are ways to move numbers around. She stated that the Commission's largest expenses are salaries and current expenses. She noted that the Commission's proposed budget has \$202,000 for salaries. Deputy Corporation Counsel Spurlin stated that she asked how Council arrived at the proposed budget and she was informed that the Council derived this year's budget by looking at previous Charter Commissions' budgets. She stated that she will provide a chart of prior Charter Commissions' budgets.

Commissioner Waihee asked how much the prior commission paid the executive administrator. Deputy Corporation Counsel Spurlin responded that it was \$100,000 for the executive administrator and \$50,000 each for the secretary and researcher. Chair Pro Tempore asked if those amounts include the fringe benefits or not. Corporation Counsel Leong did not have that information readily available.

Chair Pro Tempore deferred this matter to the next meeting. Corporation Counsel Leong stated that perhaps the Council staff that prepared the commission's proposed budget could attend the next meeting to address the Commission's questions regarding

the budget. She also advised the Commission that if they determine that the Commission requires additional money by the next meeting, they must make that request directly to Council because the Commission's budget is contained in the legislative budget. The Council's budget is coming up for first reading on March 11th.

Commissioner Ikeda asked if the staff employment was through a personal service contract or not. Deputy Corporation Counsel Spurlin responded affirmatively. Commissioner Ikeda expressed concern about the appropriateness of the executive administrator's salary if that was the salary ten years ago. She also expressed concern about publication costs. Chair Pro Tempore also expressed concern about the costs for notices of their meetings. Ms. Oshiro clarified that the posting of the agenda is done on the Commission's webpage and there are no costs incurred. Ms. Oshiro stated that the Commission will incur costs for the advertisement of the proposals. A discussion was held regarding anticipated costs that will be incurred in fiscal year 2016. Chair Pro Tempore asked when would be the earliest to hire an executive administrator. A discussion was held. Corporation Counsel Leong stated that the Commission currently has \$110,000 for salaries and \$40,000 for expenses for this fiscal year. A discussion was held as to whether it was possible and desirable to offer the staff positions to successful applicants without having the funding for their salaries. Corporation Counsel Leong stated that she will inquire and report back to the Commission how to execute a multi-fiscal year contract subject to additional funding for the next fiscal year. Chair Pro Tempore summarized that at the next meeting someone from Council will advise them as to how the budget was prepared; someone will also inform them how the Commission can implement a multi-fiscal year employment contract; and the Commissioners can discuss salaries and additional costs at the next meeting.

Deputy Corporation Counsel Spurlin advised the Commission that office space is available for the executive administrator and staff along with equipment, including computers and printers. She further offered to email the Commissioners a chart of the budgets for prior charter commissions. Corporation Counsel Leong cautioned the Commissioners not to "reply to all" on emails as that may constitute a violation of the Sunshine Law.

A discussion was held as to costs associated with public meetings. Deputy Corporation Counsel Spurlin advised the Commission that prior Commissions used City recreational facilities to hold public meetings in various districts.

Chair Pro Tempore suggested that a Budget PIG should be established. A discussion was held regarding the whether a standing committee could be established rather than a PIG. Deputy Corporation Counsel Jayaram stated that the standing committee would also be subject to Sunshine Law. Chair Pro Tempore summarized their options as (1) they could handle the budget collectively as a commission, (2) form a PIG, or (3) form a standing committee. A discussion was held. Commissioner Waihee commented that the PIG was short term whereas a standing committee is more permanent. Further discussion was held. Commissioner Ikeda commented that she wanted the executive administrator involved in budget discussions. Deputy Corporation Counsel Spurlin stated that it would likely take approximately two months to retain the administrator.

Motion to amend the agenda to add the establishment of a PIG for the Commission's budget.

Motion: Commissioner Tsujimura

Second: Commissioner Waihee

A vote was held as follows:

AYES: BRODERICK, CASTANARES, IKEDA, MULLIGAN, OKUBO, OSHIRO, RAE, SOON, SOUKI, TANIGUCHI, TSUJIMURA

NO: NONE

EXCUSED: FUJIMURA

Motion to establish PIG to evaluate the Commission's budget with Commissioners Castanares, Oshiro, and Souki.

Motion: Commissioner Waihee

Second: Commissioner Tsujimura

A vote was held as follows:

AYES: BRODERICK, CASTANARES, IKEDA, MULLIGAN, OKUBO, OSHIRO, RAE, SOON, SOUKI, TANIGUCHI, TSUJIMURA

NO: NONE

EXCUSED: FUJIMURA

e. Discussion and Decision on the Adoption of Rules of Practice and Procedure

Chair Pro Tempore suggested that everyone review the rules presented in their packet and that the matter be deferred for discussion and action on the next meeting.

Deputy Corporation Counsel Spurlin stated that the 2005 rules are the most comprehensive. Commissioner Rae asked that Corporation Counsel make recommendations to the rules for compliance with the Sunshine Law and ethics. Deputy Corporation Counsel Spurlin responded affirmatively. A discussion was held regarding videoconferencing and use of video testimony. Commissioner Tsujimura asked for an email summarizing the Sunshine Law requirements and restrictions for video conferencing. Further discussion was held, including discussion concerning submission of testimony and meeting locations. Corporation Counsel mentioned that it would be more costly because additional staff would be required for videoconferencing. The matter was deferred to the next meeting.

Corporation Counsel Leong inquired as to whether the Commission wanted to use a secured internet webpage to access documents if the City's Department of Information Technology can set it up. The Commissioners responded affirmatively.

A discussion was held as to what types of officers are needed. Chair Souki inquired about the number of officers or what officers were required. Commissioner Waihee stated he was ready to vote today. Deputy Corporation Counsel Spurlin advised the Commission to review the prior rules to see the scope of duties for previous officers.

Commissioner Waihee moved to keep the Pro Temp Chair for the next meeting. Commissioner Tsujimura seconded. No objection to the motion, the motion was adopted.

Commissioner Rae asked about conflict issues stating that he could not imagine anyone not having a conflict. A motion was made to amend the agenda to include a discussion regarding potential conflicts of interest for Commissioners.

Motion: Commissioner Ikeda
Second: Commissioner Rae

A vote was taken as follows:

AYES: BRODERICK, CASTANARES, IKEDA, MULLIGAN, OKUBO, OSHIRO, RAE, SOON, SOUKI, TANIGUCHI, TSUJIMURA

NO: NONE

EXCUSED: FUJIMURA

Corporation Counsel Leong stated that Section 15-105 of the Charter states that the Commission members are not deemed officers of the City and only subject to this article. She noted that the Commissioners are not subject to the City's standard of conduct and the conflict of interest provisions do not apply to them. She further noted that there is an Ethics Commission opinion which specifically states that Charter Commission members are not officers of the City and therefore, not subject to city standards of conduct. Commissioner Waihee asked about the conflict form. Corporation Counsel Leong stated no because the form applied to City officers. Chair Pro Tempore stated that the Commissioners will still perform to abide by the highest standards of ethics and morals. Commissioner Rae stated that Deputy Corporation Counsel Jane Howell used the term "sui generis," meaning unto you.

VIII. Adjournment

The meeting adjourned at 3:38 p.m.

Respectfully submitted,


Dawn Spurlin
Deputy Corporation Counsel