

Charter Commission

CITY AND COUNTY OF HONOLULU

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



THURSDAY AUGUST 6, 2015
3:00 P.M.
COMMITTEE MEETING ROOM
HONOLULU HALE

MINUTES

Charter Commission Members Present:

Jesse K. Souki, Chair
David W. Rae, Vice Chair
Reginald V. Castanares, Jr.
Guy K. Fujimura
Donna Ikeda

Kevin Mulligan
Paul T. Oshiro
Cheryl D. Soon
Edlyn S. Taniguchi
Governor John D. Waihee III

Charter Commission Members Absent/Excused:

Judge Michael F. Broderick (Ret.)
Nathan T. Okubo

R. Brian Tsujimura

Others Present:

Ernie Martin, Honolulu City and County Council Chair
Glen Takahashi, City Clerk
Kimberly Ribellia, Deputy Clerk
Edwin S. W. Young, City Auditor
Charmaine Doran, Chief Executive Director of the Office of Council Services,
Jim Williston, Assistant Director of the Office of Council Services
Cindy Ramirez, Office of Council Services Paralegal Assistant
Laura Figueira, City Council Chair's Chief of Staff.
Gary Takeuchi, Division Head, Department of the Corporation Counsel
Derek T. Mayeshiro, Deputy Corporation Counsel
Linda Luli Nakasone Oamilda, Executive Administrator, Honolulu Charter Commission
Mary James, Research Analyst, Honolulu Charter Commission

I. CALL TO ORDER

Roll Call

With a quorum present, Chair Souki convened the meeting at 3:05 p.m.

Chair Souki moved to amend the agenda noting that the secretary position is vital to the operation of the Commission. The Commission previously approved the position description and requirements for the secretary but subsequently, the Executive Administrator, after posting and advertising the recruitment and interviewing the applicants, came back to the Commission with the two most qualified applicants who were selected. The Commission authorized the Executive Administrator to make the offer. The offer was made but was turned down partly because of the length of time it took to present it. To address the issue, the agenda needs to be amended and to do that a motion must be proposed to address the issue. Pursuant to section 92-7(d) of the Hawaii Revised Statutes and given that the matter before the Commission is administrative in nature and will not affect a significant number of persons, Chair Souki asked for a motion. Commissioner Castanares moved that the agenda be amended to add Item Ia after Roll Call and before item II that would state:

Ia. DISCUSSION AND DECISION ON HIRING PROCESS FOR COMMISSION SECRETARY

The motion was seconded by Commissioner Rae. Chair Souki asked if there was any discussion or public testimony. Seeing none, he announced that the motion passed.

Chair Souki asked that a motion be made to authorize the Executive Administrator to seek interviews of, and select and offer the position to applicants qualified for the position of secretary without further approval by the Commission and that the Executive Administrator report the status of the recruitment at the next Commission meeting.

It was so moved by Commissioner Mulligan and seconded by Commissioner Ikeda.

Commissioner Soon asked if recruitment would be done instead of offering the position to the second person. Chair Souki explained that the position was offered to the first and second applicant. The first applicant turned the offer down and the second applicant hadn't yet decided on the offer. This motion will give the Executive Administrator the chance to look further if the second applicant also turns down the offer. Commissioner Soon asked if the second part of the motion takes the Commission out of the decision-making process for hiring. Chair Souki explained that one of the problems was the delay. Commissioner Soon noted that she wasn't sure that was a totally good precedent. She suggested the choice should at least be delegated to the Chair for review. Chair Souki said

that he would ultimately have to sign off on the selection. Commissioner Soon suggested amending the motion to include the Chair signing off on the decision. Chair Souki agreed.

Commissioner Ikeda recalled that when staff was agreed on, the secretary was supposed to be hired by the Executive Administrator. Chair Souki said that was correct. Commissioner Soon clarified that maybe the motion wasn't needed. Chair Souki asked the Executive Administrator to explain the process. The Executive Administrator said that the March 18th Minutes stated that the Commission would do the hiring. Commissioner Ikeda suggested looking at the Rules. The Executive Administrator said the Rules don't cover hiring. Commissioners Ikeda and Mulligan recalled that the Commission delegated the authority to hire both the researcher and secretary to the Executive Administrator. Chair Souki said passing the Motion would be cautionary, clarifying the record. Commissioner Soon asked if that precedent meant that the Executive Administrator could also have the person removed from the position. Chair Souki was unsure, that none of the Rules addressed that. The Executive Administrator explained that it was up to the Commission. She explained that's the March 18th minutes said it was up to the Commission to do the actual hiring. She had to report back at the Executive Session for the researcher and secretary positions, based on the March 18th Minutes. Commissioner Ikeda pointed out that the Commission has a Committee on Personnel so the Executive Administrator should work with that Committee if any problems arise. Chair Souki agreed and asked if the Motion should be amended or should they vote on it. The decision was to vote on it. The Motion passed with none opposed. The Motion carried.

II. BRIEFING ON PLANNING AND ENGINEERING FUNCTIONS BY THE LEGISLATIVE BRANCH

Chair Souki stated that under section 15-105, of the Revised Charter of the City and County of Honolulu 1973, as amended ("Charter"), the Charter Commission is required "to study and review the operation of the government of the city under [the current] charter" every ten years. The Commission has invited departments, agencies, and offices of the City to a series of public meetings to explain how they operate under the Charter and to discuss potential Charter amendments or revisions that may improve City government operations.

The Chair welcomed the guests from the Legislative Branch of the City and County of Honolulu.

Honolulu City and County Council Chair Martin greeted the Commissioners and thanked them for their service. He stated that he's listened to a few of the presentations given thus far. He provided a brief video overview not only of the City Council, but of the entire Legislative Branch. Most people, except those who work directly with the City and County of Honolulu, don't recognize that there's more to the Legislative Branch than just nine Council members. The Council members are just a small part of the day-to-day

process of City government. The video provided the Commissioners with an understanding of how the Legislative Branch functions.

Before Chair Martin presented the video, he introduced the recently-appointed City Clerk, Glen Takahashi. Prior to his appointment as City Clerk, he was the Elections Administrator, so he is well-versed on that function; Cindy Ramirez who would help with the presentation; the City Auditor, Edwin Young; Chief Executive Director of the Office of Council Services, Charmaine Doran; and Assistant Director of the Office of Council Services, Jim Williston, who has been with the City Council for a number of years and has a wealth of knowledge; newly appointed Deputy Clerk, Kimberly Ribellia; and the City Council Chair's Chief of Staff, Laura Figueira.

Cindy Ramirez provided the video presentation.

Following the presentation, Chair Martin asked if there were any questions, noting that all the division chiefs were there to help with specific questions. In regards to Charter amendments being contemplated by the Legislative Branch, Chair Martin told the Commission there were a few that have been proposed by Council members including flexibility for the Affordable Housing Fund. Both the Executive and Legislative Branches have been challenged expending funds from that particular activity. He said that these expenditures need to be expedited because of the current situation. Flexibility will best serve government as well as those who would directly benefit from the various programs. Because of the limitations of the Fund, many projects were unable to be funded over the years since it was created. Chair Martin said he knows of only one activity that's been funded since its creation to the great disappointment of both Branches. Chair Martin then asked the City Clerk to discuss a proposed amendment to the Charter related to special elections.

The City Clerk explained that many sections in the Charter might require technical amendments to comply with more recent changes to State election law that occurred since the last Charter Commission ten years ago. Specifically, State law requires that absentee ballots to military and absentee voters be mailed out much earlier than the deadline in the current Charter. That throws off the Charter's timeline for special elections. Currently, the provisions require a special election within sixty days of a vacancy. Because State law requires ballots be sent out forty-five days prior to the election, that leaves only fifteen days which is not enough time for the City Council to notice a meeting, convene the meeting, call a special election, and then hold a 10-day candidate filing period. Therefore, if the Commission believes holding special elections to fill vacancies for the City Council, Mayor, or City Prosecutor continues to be the way such a vacancy should be filled, then more time would be needed to conduct these elections. Currently, it is impossible to do this in sixty days. The effect of not being in compliance would be that the state Attorney General or any person from the public could file suit and likely seek some kind of equitable relief to achieve the same effect of the ballot deadline – in essence postponing the release of election results or postponing the finality of the election beyond the

scheduled election day. If the Commission believes that certain vacancies should be continued to be filled with special elections, an amendment to the Charter would be required.

Commissioner Soon asked the City Clerk which Charter section is involved. The Clerk cited section 3-105 as an example, as well as sections 5-106, and 8-106. These are special elections that occur not in conjunction with a regular election but rather are held at another time such as when there is more than one year remaining on a person's term and there is no regularly scheduled election within 180 days. In the past ten years, three special elections have been held to fill City Council vacancies. He noted that the national trend is to move away from special elections, using appointments instead, since the positions can be filled more quickly to get representation for the constituency and save the extra costs of an election. In addition, he pointed out that special elections are notorious for low turnout.

Chair Souki asked if the Clerk could answer some questions from the Commissioners. The Clerk agreed. Commissioner Oshiro asked how much time would be needed to assist in continuing the special elections. The Clerk replied that he had correspondence which hadn't been submitted yet because this briefing opportunity came up. The Clerk thought that for a Council vacancy 80 days would be required. For an island wide mayoral or prosecutor election about 100 days would be needed because of the extra complexity in terms of planning and logistics.

Commissioner Oshiro asked what the present timing for the Mayor would be and the Clerk answered 60 days, a near impossibility. It would be very difficult just to mobilize an island wide campaign in so little time. For comparison, when Congressman Abercrombie resigned from office and the State held a special election to fill his seat, they did it 175 days after the Congressman announced he would be leaving office. The City and County of Honolulu is much larger than a congressional district. Commissioner Oshiro asked about the other three counties' elections. The Clerk responded that Maui and Hawaii Counties have the possibility but he didn't think Kauai had provisions for special elections for vacancies in its Charter. Commissioner Oshiro asked if those counties also had the option to appoint. The Clerk said he thought Kauai had a different process, perhaps the Council selects the replacement.

Chair Souki asked the Clerk to highlight those issues in the proposal form when he submits it. Commissioner Ikeda wondered if the Charter supersedes State statute since he said that the change to 60 days was done by the State Legislature so she presumed this was by statute. The Clerk explained that the 60-day limit is in the Charter and what the Legislature said is that for any election, overseas and military ballots have to go out at the 45 day mark. Therefore, that leaves only 15 days for many of their procedures, which is not nearly enough time. Commissioner Ikeda clarified that she misunderstood what the Clerk said.

Commissioner Rae asked the Clerk to also comment on the appointment process in his submittal so that they can weigh the costs and the length of time until the next regularly scheduled election. Delaying until the next regular election would save on election costs. The Clerk explained that if there's a City Council vacancy, the district would be without representation for a minimum of 80 – or three months – and then to comply with the State law they would have to add on a few additional days, a long time to go without representation.

Chair Souki noted that for partisan legislative appointments for vacated seats, the party helps with the appointment but for City Council he asked who would make the appointment since the Council is nonpartisan. The Clerk said that would be a policy call. One option could be to allow the remaining eight members to select the ninth member from the district. He emphasized that he's just referring to the timeline that needs to be extended.

Commissioner Mulligan followed up by asking for more clarity on how other municipalities have handled these situations. An election might make sense for a remaining term of two or three years but it's important to respond to a vacancy to make certain that the district has representation. The Clerk pointed out that Hawaii has elections two times every two years while other municipalities have them every three or four months so they have many more opportunities to fill a vacancy quickly without the need for a special election. He again emphasized the low turnout for off-year elections. He noted that the turnout for the three special elections they conducted entirely by mail hovered around a 45 percent ballot return rate.

Chair Martin commented that it's essential to fill a vacancy as expeditiously as possible because there are only nine council members, each of whom represents a substantial constituency base. They all serve about the same number of constituents, though the geographic size of the districts vary significantly. For a large district to go without representation for any amount of time drastically affects the ability of those communities to be served. He noted that each community within his district is quite different so it's essential to have someone serving all of those interests. It's different from the State where the Governor essentially makes the appointment. The City Council has made the appointment for previous vacancies. The discussion is important. It's important that the voters have a say in the decision but the low level of participation as well as the cost need to be considered.

Chair Souki asked if there were any other questions.

Governor Waihee asked about the budgeting process. He opined that the State's budget process revolves around a biennial budget. The first year is the main budget and the following year is a supplemental budget to adjust the budget that passed the prior year. But according to the Charter, the Council adopts an annual budget. He asked about the process. He asked if the Mayor submits the budget to the Council and, if so, what happens

next. Chair Martin explained that the Mayor submits a proposed budget to the Council in March of every year, including an executive operating budget and the capital improvement program (CIP) executive budget. Then the Council must adopt a budget by June 15 of that year. It's a one-year budget, although the CIP program has a two-year life in terms of expenditure of funds. Governor Waihee reviewed this and asked if the legislative budget is passed by ordinance. Chair Martin affirmed that the legislative budget is passed by ordinance in the same timeline. Governor Waihee asked if both were subject to veto. Chair Martin affirmed this. Governor Waihee asked about reprogramming of funds since Chair Martin mentioned that the CIP budget is for two years. This would mean that a project is funded for two years and if the money isn't spent, it lapses. Chair Martin concurred. Governor Waihee asked how that worked for the executive budget. Chair Martin explained that since the operating budget is for one year, all expenditures must be made within that fiscal year for both branches. Any expenditures not made will lapse. Governor Waihee asked about reprogramming during the course of the year. Chair Martin explained that reprogramming can only be accomplished through a budget amendment submitted to the Council, going through the same process as any other ordinance. It's been very rare. He noted that the Executive Branch is reluctant to submit such a proposal since, once it's submitted to the Council, the Council can make any changes it wants which may be contrary to what the Executive Branch would want.

Governor Waihee continued, asking if the Legislative Branch can initiate its own budget action or can only respond to the Executive Branch. Chair Martin explained that the executive operating budget and the CIP budget can only be initiated by the Executive Branch. Governor Waihee pointed out that the process differs from the State legislative process. After some discussion, Chair Martin assured Governor Waihee that the Legislative Branch would welcome the authority to submit a budget amendment with respect to the executive operating budget or any budget within its purview, pointing out that the Honolulu Authority for Rapid Transit (HART) made that presentation as well, subject to the Council's review and approval.

Commissioner Mulligan asked about the term limit for Council Members with two consecutive four-year terms. He noted his concern that term limits restrict the ability of voters to elect whom they want but there's also a concern that, with the complexity of City government, this limitation may not give some the time necessary to understand the challenges of City government. Short term limits mean a shift of power to the Executive Branch and lobbyists. He suggested that this should be considered and is a concern of his. Chair Martin noted that term limits will always be an issue. For those with extensive City government experience, it isn't too difficult. However, he pointed out that four years on the Council go very quickly and the City government is far more complex than people can truly appreciate. He noted that the first four years are a learning experience and even after that there is much to learn. He agreed that term limits should be expanded or eliminated and that it's a tough decision. He further noted that running against an incumbent can be very difficult and it's not a level playing field. He also noted that once term limits are set,

it's difficult to remove them based on public perception and how the public feels about politicians in general.

Commissioner Rae pointed out that he was on the Charter Commission 20 years ago and made an attempt to remove term limits then. He has a conceptual problem, feeling that people should have the right to have the representative they want. He understands that some "churning" would be appropriate, but would prefer it be done by the voters. He also said he shares Commissioner Mulligan's concern that in today's climate and with the problems facing the City, they are not the problems of 20-40 years ago. Rather they are things like homelessness or a billion dollar CIP project. Those may not be issues that can be understood quickly – during one or two terms. Elected officials also need to campaign for election while representing their districts. Commissioner Rae said he thinks extended terms is an issue worth discussing. There needs to be some continuity and some institutionalization while still giving opportunities. He wondered if there are term limits, whether term limits should be for all county elected offices, including Neighborhood Board (NB) Members and the Prosecutor. Chair Martin agreed that uniformity is important. He also agreed with the complexity of City government issues – more so than five years ago when he was first elected to the Council. He stated that it's important that these issues that are very complex and highly sensitive can continue to progress forward. Otherwise, he felt they would be working against themselves. He spoke about NBs as a starting point for elective offices pointing out that some NB members become entrenched, serving for years, limiting the opportunity for others to serve in that capacity. It's a good training ground and good opportunity for people to contribute and serve. He agreed there should be some uniformity across the board.

Chair Souki asked Chair Martin that since the CIP budget is planned out for six years would it be best to have six-year terms. Chair Martin explained that the six-year CIP program is developed to outline the City's priorities for the CIP budgets and that six-year terms would make sense to allow members to see the completion of many CIP projects.

Commissioner Soon addressed the City Auditor stating that a previous testifier, perhaps Mike Formby at the Department of Transportation Services, mentioned a Bike Audit that recommended Charter amendments. She wondered if it would be possible for the Auditor to review the various audits and share other possible Charter-related recommendations from them with the Commission. The Auditor greeted the Commissioners and thanked Commissioner Soon for the question and Mr. Formby for his comments. He explained that the Bike Audit presented a very interesting situation primarily because to implement the Bike Program as required in the City Charter, several entities were involved, the Departments of Design and Construction, Planning and Permitting, and Transportation Services, each working independently. Mr. Formby said he did not have the authority to oversee or coordinate all of the operations for all of the departments so the Auditor proposed some sort of oversight. Mr. Formby felt that the City Charter could provide for that – oversight to coordinate all the streets as well as the bikes. He suggested that the

Charter Commission may want to examine this but thought Mr. Formby could elaborate further on it.

Commissioner Rae brought up the 1998 reorganization, questioning who's now in charge of the various functions. He suggested that if something can be done by ordinance, it should be done that way instead of by Charter. He commented that the Mayor and Council are elected and the Charter Commissioners are not, and it would be more efficient for the Mayor and Council to make the changes required rather than the Commission. The Auditor agreed. He pointed out that the Mayor has tried to break down the "silos" in the City so that "instead of going this way you're going across cross-departmental. That, by nature, is incumbent with every and any organization, even a state government, has that similar culture. Breaking down the "silos" will not necessarily require a Charter amendment but it's something that culturally has to be overcome." Commissioner Rae responded that there are good elected officials doing "things like that" but the Charter and ordinances need to be in place to guard against what happens next. The Auditor agreed. He continued to address Commissioner Soon's question saying that the Charter is operating as it is supposed to with a few suggested changes. In the City Auditor's view, he sees no great need to overhaul the Charter if the issues can be addressed by ordinance or better management.

Commissioner Soon brought up section 3-103, regarding residency for Council members which comes up from time to time and asked Chair Martin if the current language works or should be amended. Chair Martin replied that there's always been a level of contention in that. He thought some level of consideration could be given to clarify or maybe create a little more flexibility with respect to the residency requirement. He said that perhaps he can discuss it internally with staff and offer some consideration for the Commissioners.

Commissioner Rae inquired about the practical benefit of first reading. Perhaps the Chair could just refer the bill to Committee where the public can have a more meaningful interaction. Chair Martin agreed that expediting laws is preferable. He explained that first reading is really a courtesy with limited testimony. He would prefer to have more discussion in the subject matter committees and limit testimony on the floor but such a proposal will be contentious. There are many perennial testifiers and others who may accuse the Council of stifling public participation. The City Council is unique in offering a minimum of five public hearings for testimony for any ordinance. He doesn't think so many are necessary, pointing to repetitive testimony. But if there are substantive amendments, more participation would be better. He is concerned for the testifiers who have to sit through pages of testimony unrelated to their issues, and often these testifiers leave before their issue comes up. This stifles public participation. He agreed that streamlining the process would be helpful as long as it doesn't detract from allowing sufficient public participation. However, some members prefer to have five opportunities to hear testimony.

Chair Souki noted that section 3-202 of the Charter requires a bill to have three readings before being passed. He asked Chair Martin to go over the entire process. Chair Martin explained that the first reading is only for bills. Resolutions go directly to committee. Passage on first reading is a courtesy. Bills are then referred to a subject matter committee. If the committee recommends passage, the full body votes on the bill. Chair Souki asked how many bills that are referred after first reading return to the full body for a vote. Chair Martin noted that they have fewer bills than the State Legislature, an average six to ten bills on first reading. The majority pass the committee and return to the full body. It's normally between second and third reading that bills either move forward or are deferred for further action. Chair Souki asked if removing first reading would cause much impact. Chair Martin replied that he didn't think so. The bills would still have the opportunity, he believes, to go to subject matter committee to be discussed at that level. They have a little more flexibility in terms of accepting testimony. It really depends on the subject matter in terms of the length of time that the committee chair is willing to accord any one testifier. But on the floor it's very different because there are so many items that testimony has to be more restrictive on the time limits. Often, when a person testifies, an introduction can use up thirty seconds, leaving only thirty seconds to give the first reading testimony. Chair Martin said he feels bad cutting such people off but there may be fifty more people in line waiting to testify which makes it tough.

Chair Souki recognized Commissioner Ikeda and then Governor Waihee. Governor Waihee asked if testimony was taken on first reading. Chair Martin affirmed this. Chair Souki again recognized Commissioner Ikeda and then Commissioner Fujimura.

Commissioner Ikeda thanked Chair Martin for showing up personally for the Commission. She asked about the statement in the overview that the Administrative and Legislative Branches of City government are equal. She asked Chair Martin if he thinks they are equal. Chair Martin answered that it's as equal as when he came onto the Council. He continued that there is a level of misapprehension as to the level of power between the Executive and Legislative Branches, pointing out that he served in both branches. When there is discord in the Legislative Branch, the Executive Branch can become very powerful. But when the Legislative Branch is uniform in terms of the matters that they contemplate, with little discord, that's when the balance of power shifts, where it should be, which is what the basic form of government is, a check and balance. People misperceive that there is some level of disagreement between the Legislative and Executive Branches as a matter of the City Council having more power than the Executive Branch. He would disagree. That's part of the exercise of government. The Executive Branch believes what it is putting forward is a priority but once it comes within the Legislative Branch's prerogative, then there are nine members who represent their own constituency base and they express their own opinion as to whether they believe within the constituency they represent that it is a priority.

If there was the level of contention that people believe there was, then the Mayor would veto more bills. But in Chair Martin's time in office, the Mayor has exercised his veto power very rarely. He guessed it was fewer than five times that the previous Mayor and the current Mayor exercised the veto power. If there were a high degree of contention, the veto power would be exercised much more frequently, but that hasn't occurred. The members like each other. There's very little discourse amongst the members. But in the past when Chair Martin served in the Executive Branch, there were members fighting each other but that was to the benefit of the Executive Branch, allowing it to take advantage of that level of discord between members, to push the agenda forward.

Commissioner Ikeda responded that one of the reasons she asked that question is because it seems as though the Executive Branch has so many departments, a multitude of departments. While she hasn't gone to many Council meetings, there have been times when she watched on Olelo as well as being there during the meetings. She noted that she's observed department heads totally stonewalling the Council Member's questions by saying "We'll have to get back to you" or sometimes not even that – or "We've already answered that question several times." She doesn't think that does the public any good, because often, they may feel they have answered the question adequately, or maybe they don't want to answer the question as she's noticed many times, so they just don't answer it. She doesn't understand how an answer can be compelled. In addition, when the answer isn't given publicly, that denies the public full information and it's a disservice to the public.

Chair Martin thanked her for her comment. He said that he's proud to have served on the City Council with his colleagues who have grown, not just politically, but personally. It's always an exercise, pointing out that Commissioner Soon and he served in the Executive Branch, that it's the art of saying a lot without saying nothing. That's the art, especially if one does not necessarily want to share the direction the speaker is headed. It's not necessarily the wrong thing but current members are more diligent in their line of questioning and while it's not very hostile, it can be adversarial. But as an attorney, one of four on the City Council, he knows that in their line of questioning, they are very skilled in getting the answers that they need to get. This has benefitted those who have served on the City Council who don't have that kind of training. Even though he doesn't serve on many subject matter committees, Chair Martin has observed some of his colleagues assisting some of their colleagues who perhaps haven't gotten a direct answer. They would come in and follow up on the particular line of questioning, using their own talents to get the type of information they need. "It is what it is."

Commissioner Ikeda asked about the Revisor of Ordinances presuming that the responsibility lies with the Auditor. Chair Martin explained that the responsibility was with the Office of Council Services. She noted that on the State level there is a Revisor of Statutes who puts new laws into proper form. She noted that there is little time to amend the Charter and wanted to know if the Revisor of Ordinances would have the same ability to revise something, should the Commission not get something right for the Charter. It

was noted that Corporation Counsel serves as the Revisor for the Charter. Chair Martin stated that that responsibility lies with the Corporation Counsel.

Chair Souki asked if the Revisor duties should be with the Office of Council Services. Chair Souki mentioned that he was Deputy Corporation Counsel a few years ago and even then there wasn't a Charter that was put together and didn't know who does it in the office. He continued that, even today, the Commission doesn't have an updated official Charter. Chair Martin said that his legislative analyst has mentioned that. The Assistant Director of Council Services explained that it's historical. The Corporation Counsel used to be the Revisor of Ordinances as well as the Revisor of the Charter. In 1990, the Revised Ordinances of Honolulu was about five years behind in being updated and the City Council asked if the Office of Council Services would be willing to take it over and the Office of Council Services has been acting as the Revisor of Ordinances ever since. But Corporation Counsel retained the Charter Commission advisory role and in that role they've assisted with the Charter revision.

Chair Souki recognized Commissioner Fujimura and then Governor Waihee.

Commissioner Fujimura spoke up saying that he was making more of a comment than a question to be answered now. He said it was one of the things that's been coming up in testimony and perhaps because of the way he looks at the City, he always tells people that the primary duty of the City is the City's streets, fire hydrants, sidewalks, etc. He clarified that it's more a function of running the City. He said that because of the various departments and discussions about how they function and the issues that they face, he thinks that it's apparent that upcoming testimony shows concern that the timelines and the nature of the problems have changed. For example with global warming issues, or the sea level rise issues, it appears that instead of planning for a 100-year storm, planning is actually taking place for the 500-year storm. It seems that the 100-year storm is coming every ten years now. Turning to the Commission members, he inquired whether they have to embody that in the structural document which is the Charter or can they make relatively minor fixes assuming that the current Charter and the persons in charge of the City are able to cope with the changing timeline.

Commissioner Fujimura finds that the problems with which the City is faced, such as homelessness and affordable housing, are really social problems. He said that, historically, there are only two levels of government in Hawaii and only five entities, unless Kalaupapa is included, but essentially, the State has been dealing with the social and the broader issues, and the Cities and Counties make things run. He observed that looking at the purposes of Honolulu in the Charter preamble, it's not as broad a visioning statement as the State has. Considering the problem of homelessness, the only tool the City Council or Administration has is to fix the sidewalks, that is, to clear the sidewalks, so the City Council passes the sit-lie provisions. Unfortunately, that has led to much criticism in the news and elsewhere as they describe the problem. But, he noted, this also works to help solve the issue as they parse the problem, finding that homelessness is not a

single monolithic issue nor does it affect a homogenous group of people. Instead, there are those with mental problems, those with economic problems that cannot find homes, those with affordable housing problems, and many other different issues. They've shown how complex the problem is, but the City by its Charter and by its historical function really is not oriented to addressing these issues in a comprehensive way nor does it have the resources to do so. However, as the discussions have developed, maybe one of the discussion points for the Charter Commission could be to push the parameters out a little bit further. Commissioner Fujimura said that in his experience, there have been different approaches to the various issues. For example, in the past it was felt that some of the issues could be solved just by raising the level of people's income but it seems like that was considered inappropriate by the Corporation Counsel. There was a similar outcome with the ordinance that Local 5 suggested relating to timeshare issues. The challenge is: would expanding the scope of what can be done under the Charter for the Legislative Branch and for the Executive Branch be helpful in dealing with the more complex nature of the problems faced by the City and County of Honolulu.

Chair Martin responded by asking to what degree the Charter needs to be addressed. He agreed that the issues contemplated before the City and County of Honolulu are far more complex than they have ever been. To some degree, the County powers shouldn't be limited. He said he thinks it comes down to political philosophy. Since he's come into government, having served in appointed positions and now in the City Council, even if it's not strictly a defined responsibility of the City and County of Honolulu, whatever political leadership sits in office at the time, if they decide that that is an issue that should be addressed by the County, irrespective of the limited resources or what has been traditionally defined as the County's responsibility, shouldn't prohibit anyone from addressing that priority. Speaking from his position as an elected official, irrespective of whether a person serves on the City Council or as the Mayor or even a State legislator or the Governor, the general public demands action. If they are told that it's not in an area within the realm of responsibility of the City Council, that's not acceptable, especially with regards to the issue of homelessness which traditionally hasn't been an issue for which the County has been directly responsible. There was a time when the County said that homelessness was a State responsibility, that the State should be taking the lead, but where the County is at this particular date and time, "all hands on deck." He said that the State has been unable to solve the homeless crisis on its own nor can the County on its own address this crisis. Collectively, the City and the State are not going to be able to address this crisis. Literally, he said, it's "all hands on deck." He thinks it's a matter of consolidating resources but that's going to be more political ideology, having somebody grab the bull by the horns so to speak to say that "I'm going to take this issue on and these are the entities that I need to ride with me as we take on this crisis." Ultimately, serving in the capacity in which he serves is what people are waiting for. They want leadership to step forward. The people want to hear who is accountable for this issue. Whoever makes the decision to spend \$50,000,000 to address this issue will be held accountable for making that decision. That's what people want. He continued that he wouldn't necessarily look for a Charter amendment to provide more definitive guidelines as to what

should be within the realm of responsibility or even to expand it. He said he favors more flexibility. He continued that Chair Souki appreciates that and mentioned that Corporation Counsel has advised the City Council countless times that this is a matter that they should not endeavor toward. However, he continued that the general public often forces the City Council to take risks, at the expense of being sued, a risk some of the Council Members are willing to take. He noted that the sit-lie measure is the perfect example. None of the nine Council Members whole-heartedly support the sit-lie law but they know that the sidewalks are not a proper place for anybody to decide that that's his or her residence. He said that when he goes out to speak, he tells people that it isn't a social condition but has become a public safety and health issue. He explained that it's beyond just the level of homelessness that they are talking about. The City needs more affordable housing but the City also needs to keep the City safe for everyone, not just a defined population. Therefore, it's the current level of concern that's forcing the City Council to consider expanding the sit-lie measure.

Commissioner Fujimura asked Chair Martin what would happen if Corporation Counsel provides an opinion that says the sit-lie law is inappropriate. Chair Martin answered that it's up to the membership to decide. If five members decide that they don't necessarily agree with the opinion being rendered by the Corporation Counsel, the Council would have to decide if they are willing to risk being sued if they move forward with sit-lie. That's a decision made collectively by the body, not by one individual. Every Council Member sees the legal opinions so it's not a matter of the Chair saying, "Let's disregard that opinion." He stressed that it's the membership collectively that makes the decision. If the Council Members are willing to take the risk, then it's a risk worth taking.

Governor Waihee returned the discussion to "flexibility," saying that he noticed that the Charter says that the Corporation Counsel is the legal officer for both the Council and the Executive Branch. Unlike other executive offices, like HART, for example, the Charter doesn't have a specific provision that allows the Charter Commission to hire it's own attorneys. He asked if that was an issue that should be considered. Chair Martin answered that he thinks it is something that the Commission should consider. Even within the Council itself, because the Corporation Counsel is appointed by the Mayor, there's always some level of apprehension whether the Corporation Counsel necessarily can serve both masters, so to speak. Chair Martin finds it personally discomfoting, because, as an attorney himself, it's as if an attorney were representing the defendant and the plaintiff on the same matter, which is covered in "Law 101." Governor Waihee said that he often asks government attorneys who their real client is. In the private sector, it must be a specific person or entity. A private attorney can't simply say they represent the people. He noted that Corporation Counsel might consider this an enhancement of their responsibility.

Governor Waihee continued, saying that the other issue is, going back to the budget, the language used in the Charter states that amendments to the budget "may" be initiated by the Mayor. He said that the interpretation seems to be that it's exclusive to the Mayor, "may" meaning "only". Yet in other instances, "may" could also mean it's discretionary,

not necessarily “only.” The practice according to Chair Martin is that only the Mayor can submit an amendment to the budget. He asked if that was the interpretation of this language and how it is practiced. The Assistant Director of the Office of Council Services responded that that’s been the consistent position of Corporation Counsel for the last thirty years that the word “may” means that they don’t have to submit any amendments but if amendments are going to be submitted by anybody, it has to be by the Mayor. Governor Waihee clarified that “may” means “only.” The Assistant Director of the Office of Council Services affirmed that “may” means “only” in addition to providing discretion, that the Mayor has the discretion to not submit any amendments but if amendments are going to be submitted, they can only come from the Mayor and not the Council. Governor Waihee asked if that was another area that the Council would like the Commission to look at. Chair Martin said he would favor that.

Governor Waihee continued, asking about HART. The discussion about the future of HART is that it’s close to being an autonomous agency. The justification for that has to do with its ability to focus on building the transportation line. However, he noted, the Commission is looking beyond the building of the rail line, into the operation and maintenance of the rail. He noted some discussion of the necessity of coordination between the Department of Transportation and its responsibility vs. TheBus and the responsibility that will evolve out of the construction of the rail which will be very similar to what’s being done with the bus right now. Under those circumstances, he asked if a semi-autonomous agency would still be necessary. Having said that and pointing out Chair Martin’s willingness to take a stand on so many issues of interest to everyone, he asked Chair Martin if he had an opinion as to whether HART should continue to exist beyond its immediate function of building the rail. Chair Martin replied that in his opinion, the public transportation responsibilities need to be consolidated whether within the transit authority or within the Department of Transportation Service. It makes sense to have a transit authority but the current Charter provisions limit this. HART’s testimony on its budget is constrained on how much they can say beyond the construction of the project itself. For example, a common question is “Once the project is constructed and fully operational who’s responsible for ensuring that the project is properly financed?” Governor Waihee explained that HART is very constrained in terms of their response, noting that it’s the City’s responsibility. However, HART does not explain what is meant by “the City.” Chair Martin noted that it could mean the City Council, the Mayor, or HART. HART is reluctant to give a very straightforward answer because he thinks that within their own identity they don’t believe they have that authority beyond building the project. It doesn’t make sense to not expand that responsibility to the agency responsible for building it. The expertise should continue to be embodied within that particular entity to see it through. Chair Martin said he hopes that there will be interest in looking at developing spurs to connect other areas of Honolulu to the main rail routes. Ultimately, the fewer cars on the road, the better for all concerned. He compared the rail project to building the H-3, noting that it took a while to develop that highway and now even those opposed to it praise the H-3 and where it is. He acknowledged that there are many hurdles to get over with rail.

Chair Souki recognized Commissioner Rae and then Commissioner Soon.

Commissioner Rae thanked Chair Martin for his willingness to take on hard issues. He noted that the Commission has been struggling to get someone or a group to come forward with proposals to amend the Charter to combine the transportation services and that has to come from the administration, HART, and probably also from the Council. They need to decide what needs to be done on a timeline, whether by amending the Charter, by ordinance or otherwise. The rail is the biggest project going on and it needs to be dealt with correctly. He noted that the Commission is simply looking for a proposal to discuss. Chair Martin pointed out that a number of his colleagues are struggling with that question and perhaps may propose Charter amendments for consideration on their own. He thinks this will be one of the most dominant subjects discussed by the public that will come before the Charter Commission. He assumes that there are many who will try to put the issue back onto the ballot. Chair Souki noted the number of future public hearings.

Commissioner Soon continued on the same theme by bringing up the issue of setting the rail fares for which HART is responsible. She noted the many discussions about a single integrated fare and that HART has been talking to the Department of Transportation Services about that but, she pointed out, only the City Council can set the fares. To have a semi-autonomous body responsible for one fare and an elected body responsible for the other fare, is a clear issue for discussion. But, she said, it's married to the fact that in all the years working on fares and their increases, the government subsidy has been directly or indirectly involved. She noted that HART had done a wonderful job in building the rail but wonders if a non-elected group of people would be able to set something for whatever purpose that indirectly causes a subsidy problem for the City. She noted that everyone should participate in the dialogue. The problem, being in revenue service, will become real long before another Charter Commission exists. She concluded, saying that the Commission is looking to improve the situation through Charter amendments and by allowing everyone to have a say on the issue.

Chair Martin agreed that there has been frustration about the fare structure on the City Council's part. He assured the Commission that the issue will come up much sooner than they think because they currently have consideration of extending the general excise tax surcharge before them. That will go into the decision-making process as the Council contemplates whether to accept the five-year extension or not. He said that's what the general public has been looking for as well. They want to know how much it'll cost to ride the rail and it's all tied into the subsidy.

Chair Souki commented that he's a big supporter of public transit. Along with early childhood education, it is one of the best programs on which to spend public money. He asked why HART is discussing rates. He noted that the only self-supporting semi-autonomous entity under the Charter that has language making it self-sustaining is the Board of Water Supply. He noted that no one who has spoken to the Commission about

planning or transportation said it should not be a multi-modal issue. Even the Directors of the Department of Transportation and HART said that. But no one is talking about what will be done about it, since it's not reflected in the Charter. In ten years, he wondered if the Charter will contain a framework to ensure that that happens. Chair Martin suggested that the Commission could have had the Directors of the Department of Transportation and HART testifying at the same time so they could come up with a definitive answer as to whether they agree or disagree. The Commission would then know where everyone stands on that particular issue. He agreed with Chair Souki. Chair Souki said he thinks they'll bring them back.

Commissioner Fujimura said he thinks this is a multilayered discussion. One of the continuing underlying issues that has been discussed is how the Commission should deal with the Charter itself in terms of proposals. He pointed out that there's a period of time during which people may make proposals. The departments, the Council, the administration are supposed to be submitting proposals that will then go through the process of Commission discussion resulting with a package of Charter amendment proposals. He wondered how much can be added to include issues that arise based on the larger picture. He told Chair Martin it would be a good idea if the City Council could somehow provide the Commission with a proposal. Somewhere in the process of setting up the rail system the Council may realize that specific language in the Charter could solve a problem going forward. In Commissioner Fujimura's opinion, the Charter says HART is responsible for operating the rail. But HART said they were going to subcontract it out. But operations includes a fare-setting mechanism and transit-oriented development (TOD) to subsidize the rail. Yet there's no connection between the added value of TOD to subsidize the rail except to improve the general economics of the City. Specifically, development means increased property taxes which will affect some communities, leading some to move out because of increased rents, etc. He commented that the Charter Commission has asked those involved to submit their proposals in writing. He continued that he thinks the Legislative Branch should be thinking holistically in terms of how they do their job and if there are areas in the Charter, including operations, that could be fixed. He stressed he was not talking about a major overhaul or changing philosophy but would appreciate seeing proposals that could fix an issue, especially in the context of legislation to fulfill the purpose of the Charter. He asked Chair Martin to think larger than just for the City Council. He said, "Think HART, think interrelationship."

Chair Martin thanked the Commissioner for the invitation and stated that with respect to the various divisional responsibilities they'll focus more on legislative matters but the Members will think more holistically in what should be offered to the Charter Commission with respect to Charter amendments. Chair Martin said he needs no encouragement. Since his work on the Council, he has looked beyond the legislative realm and has proposed only two Charter amendments passed since his time on the Council and he authored both of them. Both have infringed on the Executive Branch's realm of responsibility, not to dilute its power but to give it the same level of authority as the Legislative Branch.

Chair Souki asked Chair Martin how the Commission should weigh proposals from the Council as a whole against proposals from individual Council Members. Chair Martin stated that in the past, some Members have offered such proposals through the Council itself to offer the other Members the opportunity to express their opinion on any Charter amendment offered by any one Member. He was unaware of whether the Council had received any proposals directly from a Council Member. Chair Souki and another Commissioner said they have received several. Chair Martin continued that it's within the Commission's thoughts and philosophies. From his perspective, anything coming from the full body is an indication that it's supported by at least a majority of the members rather than just one individual member. He said if he were serving on the Commission, he would give more weight to a proposal supported by the Council over one supported by an individual, but all should be given ample consideration.

Chair Souki thanked Chair Martin for his time. Chair Martin said he appreciated the opportunity and would have liked more questions for the staff. Chair Souki noted that the Commission is trying its best to accomplish something for the public through this decennial review and wanted the initial briefings to be more "talk story" because the Sunshine Law makes discussions more stringent but they wanted it to be as flexible as possible. Chair Martin pointed out that the Sunshine Law is very restrictive which would surprise people. He thanked Chair.

Commissioner Ikeda thanked the Legislative Auditor for the "2014 Service Efforts & Accomplishments Report" because she has been using it extensively and found it very well done.

Chair Souki asked if there was any public testimony. Seeing none, he moved the meeting into Discussion.

Commissioner Soon asked about Commissioner Rae's comment that there have already been submissions. She had not heard of any. Chair Souki noted that there were Council submittals and asked if the Executive Administrator sent those out to all the Commissioners. The Executive Administrator replied that she had. Commissioner Soon asked if for each meeting the Commissioners could receive a running list of what has been received so that they are aware of those. The Executive Administrator noted that the list of proposals was in the packet passed out last week. The Resolution is 15-165 that was adopted by the Council, requesting the 2015 Charter Commission to propose Charter amendments related to the Affordable Housing Fund and was from the Council, directly. Another Resolution was 15-10 from the Mayor, under his authority in the Charter to amend the duties and functions of the departments, which was adopted by the Council on February 18. The third Resolution that was forwarded to the Commissioners was 15-168, initiated by the Mayor. Commissioner Soon said she recognized those three because the Commission asked the Corporation Counsel to clarify the status of these Resolutions. She asked if anything else had come in. The Executive Administrator explained that she is

continuing to look beyond the last supplement which was published in 2012 to find other possible resolutions relating to the Mayor's powers, because the Charter hasn't been updated, and the supplement only goes to 2012.

Chair Souki intervened, offering a proposal that he will put into formal writing. He explained that when he was a Deputy Corporation Counsel, he wasn't able to find an official Charter. He's uncertain whose responsibility it is to update and revise the Charter. He said that the Corporation Counsel should be the Revisor of the Charter and make an official consolidated version of the Charter available online for the public within 160 days of any adopted revision or amendment. That would be consistent with the rest of the Charter that talks about that office being the Revisor. He explained further that references to the Corporation Counsel's Charter revision duties are spread throughout the Charter, but without a statement that they are the Revisor and that they should revise the Charter.

Commissioner Ikeda asked if a new Charter couldn't be reprinted totally and, if so, whose budget would it come out of – the Commission's, the Council's, the Administration's, the Revisor's. Chair Souki answered that currently the Revisor of the Charter is the Corporation Counsel so it must be in their budget. Commissioner Ikeda pointed out that they might not even put it in their budget request to the Council. Chair Souki agreed and said he didn't think they do. Commissioner Ikeda stressed that the Commission must ensure that the work, whatever is passed by the 2016 Charter Commission, is published in the Charter in its entirety as a new Charter, and not piecemeal added onto the 1973 document with amendments only up to 2012. Chair Souki agreed. Commissioner Soon suggested that a submission along those lines should include a timeframe. Chair Souki explained that he used the time of 160 days as a rough number. Other municipalities contract the work out. Commissioner Ikeda pointed out that those companies charge for copies. Chair Souki said that Maui and Seattle pay a contractor that puts it online with free access to the public. Because the Honolulu Charter is done in-house, it's not updated.

Commissioner Fujimura asked who is responsible for publications in the City generally. Chair Souki answered that for the Charter, it's Corporation Counsel. Commissioner Fujimura continued, asking if there was an office responsible for publications. Chair Souki said that the Municipal Library provides publications but it's not their responsibility to revise anything. Commissioner Fujimura thought that it would be good to put a comprehensive Charter online but print copies are still needed. There should be an entity that will print copies and that has the ability to charge for the copies. At some point there should be an assigned responsibility to do a publication. Commissioner Taniguchi said that the City has a print shop. Commissioner Fujimura asked who initiates the request and makes sure there are sufficient resources to publish and how many copies should be made available. Commissioner Taniguchi said she thinks that once Corporation Counsel updates the Charter, they can send it to the print shop to be printed. Commissioner Mulligan offered that the print shop was under the Department of Customer Services. Governor Waihee pointed out that a Table of Contents would be helpful and many voiced their agreement. Commissioner Fujimura offered that perhaps Chair Souki's proposal

should also say “and is responsible for having it published” to make certain that someone remembers to send it to the print shop.

Chair Souki noted that the Executive Administrator and staff are putting together a list of issues for consideration and asked the Commissioners to provide their ideas on what should be included in the list. For example, he’d like to discuss more about climate – climate change and resiliency. Governor Waihee mentioned planning and how it’s handled. Commissioner Ikeda strongly agreed. Commissioner Fujimura suggested adding a timeline to the planning issue. The issue would be whether the planning should be more specific in terms or requiring it to be more long-range or not.

Governor Waihee pointed to a discussion about the boards and commissions and those that are semi-autonomous such as the Board of Water Supply and HART. Commissioner Ikeda agreed.

Commissioner Mulligan noted that they haven’t heard from either the Liquor Commission or the Police Commission yet. Chair Souki asked if Commissioner Mulligan was recommending that they be called to a meeting. Commissioner Mulligan affirmed this, noting his concerns about the response from the Police Chief regarding complaints against police officers and the use of excessive force which is an issue that needs to be discussed. Commissioner Fujimura pointed out that the Fire, Police, and Liquor Commissions all have power. Another Commissioner also suggested the Salary Commission. Another suggested the Transportation Commission and finally, someone suggested that all of the boards and commissions be invited to make a presentation.

Commissioner Ikeda suggested forming a Permitted Interaction Group (P.I.G.) on boards and commissions. Chair Souki told Commissioner Rae that the Commission had been waiting for Commissioner Rae’s return, because of some discussion about forming a P.I.G. to look at boards and commissions, with Commissioner Rae, the Chair of the P.I.G. There was more discussion about perhaps using specialized, focused meetings to look at them and having staff do some research. He turned the option over to Commissioner Rae. Commissioner Soon said it would be preferable not to do it as a P.I.G. but rather as the Commission as a whole. She pointed out that there is time for that and there is some clarity of thought about the Commissioners’ interests and the P.I.G. process is too cumbersome and too limiting and too concentrated and the information would be presented to the full Commission anyway so why not just take the time to ferret out what the Commission needs to know. Commissioner Rae noted that they would just have to schedule a number of meetings to do that if that’s the decision. He stated that they all have the same concern about all of them – why are they there, whether they are needed, their accountability, etc. – and asked if it was the Mayor who was the head of that. He asked if there was anything a board or commission could do that the Mayor couldn’t do. Commissioner Rae considered it almost more obfuscation than it is serving. Commissioner Ikeda pointed out that there is a Charter provision that gives the Mayor the authority to appoint commissioners to every board and every department if he wants to.

Another Commissioner pointed out that he thought the City needs fewer boards and commissions, not more.

Governor Waihee voiced his concern regarding the structure of the government. For example, the whole issue of the Corporation Counsel presents a structural discussion. In addition, budgets that are passed that the Mayor cannot veto should be considered in structural terms and consideration should be given that the Council cannot initiate reprogramming. Perhaps these provisions work but they are structural issues that can only be changed through a Charter amendment. Chair Souki asked Governor Waihee if it would help to invite the budget person from the Office of Council Services and the budget person from the Department of Fiscal Services to discuss the issues. Governor Waihee emphasized that he has biases. For example, he never thought that the lawyer for the Legislative Branch should be the lawyer for the Executive Branch. Commissioner Mulligan asked if he might suggest a Legislative Counsel. Governor Waihee affirmed this. Governor Waihee noted that he thought the same when he was Governor. He explained that the State Legislative Branches have their own lawyers. However, the State Attorney General may still advise the Legislature about an issue.

Commissioner Soon brought up the topic of terms of office. Two terms of five years might have an interesting dimension to it, or perhaps two terms of six years, or two terms of four years.

Chair Souki brought up the issue of transportation, noting that Commissioner Soon was involved in the reconfiguration the last time and asked her opinion if it should be considered again. She answered that the transportation issue comes up with the discussion of HART. Some resolutions mean that HART isn't needed, while others say that HART should be the transportation agency. She mentioned a middle ground, saying that Ansaldo was given the contract to build cars, with an extension of time. It could be at that point, there's a better way of doing operations and maintenance. There are many questions about the relationship between authority and accountability when it comes to extensions, operations, fares, etc.

Commissioner Rae noted that when the Department of Transportation Services was unbundled in terms of responsibilities, in many ways it became cumbersome because, as the Auditor points out, there is lack of responsibility for fixing a road. It can cross three or four departments, whether it's street trees, etc. He noted that when Commissioner Soon ran the agency, she had the ability to do it unilaterally. Commissioner Soon commented that she appreciated the comment but that it is not actually true. She interjected that there was always a Department of Public Works that was in charge of roads. She was never in charge of resurfacing roads. Commissioner Rae commented that maybe there should be a Department of Public Works. Commissioner Soon continued that transportation was always defined as public transportation - TheBus, the Handivan. Commissioner Rae pointed out that there is "that set of stuff" around management of maintenance, the creation of just roads and things that has now become much more cumbersome because of

the reorganization twenty years ago. Commissioner Soon explained that was an issue of breaking up the Department of Public Works. The Department of Public Works went out of existence with the reorganization so the City no longer has a building department or a road division but instead the City has an entity that does capital improvement projects but the maintenance and other things have fallen into the cracks. Commissioner Rae pointed out that that's a departmental organization issue that really needs to be spearheaded by the Administration and the Department of Transportation Services as to what doesn't work for them. Commissioner Soon agreed. She continued by saying that they came up with half a dozen topics and that she'll look through her notes in case there are others that are important.

Chair Souki suggested that the Executive Administrator put the issues together and email them out to the Commissioners. He emphasized that the Commissioners can't talk to each other but they can individually look at the list and let the Executive Administrator know what their thoughts are. She can then do a final list and the Commission can set up some agendas around that.

Commissioner Soon asked if they would meet again in two weeks. The Executive Administrator responded that it depends on the Commissioners' timeframe. Commissioner Soon asked how long it would take to go through the issues. The Executive Administrator answered that two weeks sounded reasonable and would keep the discussion going.

Commissioner Fujimura added a concern about the Corporation Counsel limitation based on its opinion of what can be addressed by ordinance. He said he's trying to understand how to do that without making major changes. He noted his current concern was with the purpose of the City as outlined in the Charter.

He said his current concern or idea is whether they can make the purpose of the Charter clearer, inserting provisions to ensure that health and happiness and safety are important along with economics and some of the other issues they are concerned with. He emphasized that he felt it important to discuss all issues that are brought up even if they wouldn't easily fit into the Charter provisions or even if in Corporation Counsel's opinion they are not apropos. He explained that he would discuss any proposal saying it's a concern and, if necessary, make its purpose broad to allow inclusion of ideas that might be turned down.

Commissioner Mulligan asked if the Commission would hear from the Administration again because many of the department heads said they would be meeting with the Managing Director. He was concerned that even if that process had not been finished he would like them to again come before the Commission and explain what Charter proposals would be coming forward. Chair Souki asked if anyone recalled when they said they'd get back to the Commission. Commissioner Ikeda said they didn't say. Governor Waihee said they were meeting that week, on Tuesday. He thought the Commission could have

one meeting and the departments could go through every proposal. Commissioners Mulligan and Soon agreed. Chair Souki said that after October 31, there would be many proposals submitted by the Administration and City Council that then should be analyzed thoroughly. Everything that comes in after October 31 will be part of public hearings.

Commissioner Soon noted that she had already just written down seven topics: planning; Corporation Counsel; Mayor's role in semi-autonomous budgets; term limits; HART; TOD; and boards and commissions. She proposed that once the Executive Administrator finishes the list, the Commission could set up meetings with two or three people familiar with particular issues. She asked if the Commission is ready to tackle the issues relating to boards and commissions – they've already articulated the questions: is it needed; is it functioning correctly, is it accountable. The Commission will need to sort through that. Those proposals will come from the Commissioners, similar to planning. She noted that the questions aren't from any one source but are from multiple sources. She suggested bringing people in for discussions prior to the October 31 deadline.

Commissioner Ikeda pointed out that the Commissioners need to talk among themselves. She said that the discussions after the presentations have been very good and produced much more dialog and a feel of where people are coming from, where the Commissioners agree, and getting down to specifics. Maybe they just need to have meetings only for discussions. These discussions may lead to questions they may want to pose to the agencies.

Chair Souki said that it seemed that HART and the Department of Transportation Services are two groups they want to talk to. He suggested having them attend a meeting in two weeks. He asked who else they could invite who would be helpful such as planning or engineering professors. Commissioner Soon asked if it wouldn't be better to use the meeting in two weeks to work out the schedule and decide the order of discussions. Chair Souki said that was his initial thought. He asked the Commissioners if they wanted an organizational meeting. There were many affirmative replies.

Commissioner Ikeda said the scope of the Commission should remain in the forefront. She noted that Commissioner Fujimura brought up the 500-year storm as an example. She suggested that they may not want to be that specific but right now the powers and purposes of the City in the preamble are pretty broad. She continued that maybe, as the Governor said, they are looking more than ten years ahead into the future and that should be expressed in the Charter and that may be one of the first things that the Commission should address. Because problems like homelessness and affordable housing are of concern, yet, she said, that every time affordable housing is brought up, she thinks to herself that is there is no such thing as affordable housing in Hawaii. She maintained that housing is not affordable and will never be affordable though it is possible that there may be affordable rentals. She said there are examples of what's being built currently and the prices being asked are not affordable. There is nothing below \$400,000 and few can even afford that.

Chair Souki asked the Executive Administrator to give them the top seven issues. The Executive Administrator asked about the availability of the Commissioners for future meetings. Chair Souki noted that some of the Commissioners have asked that the meetings be scheduled as far in advance as possible. At one of the last meetings, 5 p.m. was thought to be a good starting time, or later. Commissioner Rae offered to send the Executive Administrator his schedule and asked how they wanted to do availability. Chair Souki stated that he'd let the Executive Administrator work on that. Governor Waihee suggested that they just set a date and time without worrying about availability. Chair Souki suggested something like every Wednesday or Thursday at 5 p.m. Commissioner Oshiro said that setting the date and time is helpful but that some of the Commissioners might have lane-closure issues or other evening commitments. Finishing by 7 p.m. would be helpful. Chair Souki suggested 4:30 p.m. as a compromise starting time, trying to finish by 7 p.m. Commissioner Ikeda and others suggested 4 p.m. would be better especially since they've spent as much as three hours on some of the meetings. The Commissioners agreed that 4 p.m. would be a good start time. Chair Souki asked the Executive Administrator to poll the Commissioners but she reminded him that he was going to set the date. Commissioner Soon pointed out that Wednesday would run into Council meeting days and make parking hard to find. The Executive Administrator said she would check the City calendar.

Commissioner Taniguchi pointed out that if they start at 4:30 p.m., they won't have to deal with the motor pool but if they start at 4 p.m. they will. Commissioner Soon asked what she meant by "deal with motor pool." She asked if that meant they don't give tickets after 4:30 p.m. Commissioner Ikeda offered that perhaps they could work something out with the parking agency. She noted there was a sign in the parking lot saying there was enforcement between 8 a.m. and 4 p.m. Commissioner Taniguchi explained that applied to the meters. Commissioner Ikeda suggested that the Executive Administrator work something out with the motor pool so that if they know the Commissioners will be coming in for a 4:30 p.m. meeting, they can make parking available. Commissioner Rae said that employee parking is available all the time. He told them that twenty years ago, they were given a placard that said "Charter" so they knew not to tow their cars. It was pretty simple. Chair Souki asked the Executive Administrator about parking. She said her understanding was that she just gives the parking people the information on the Commissioners' vehicles and when the meeting is scheduled. A Commissioner asked if it was possible to get placards. Commissioner Taniguchi said that they make them park under the tree. Chair Souki said that it seems that 4 p.m. is good except that traffic could be a problem so 4:30 might be better; they want to be paid by 7 p.m. He asked the Executive Administrator to look into getting placards. Seeing nodding from a staff member of the Mayor's office, he suggested that she talk to them afterward to figure it out. He also asked that she let them know which days the room is available by email and the Commissioners can respond which days are better for them and whichever one has the best preference will be set as the meeting day weekly at 4 or 4:30 depending on parking. The Executive Administrator pointed out that the City Council concluded their meeting

yesterday and it takes them another week so the second week following Council meeting is usually when the committees generally use the room. Commissioner Rae observed that Council meetings don't generally go that late. The Executive Administrator said she needs to check the calendar. Commissioner Rae noted that Mondays and Thursdays are usually fairly good. Chair Souki asked about setting the meetings for Thursdays. The Executive Administrator pointed out that Thursday is the day that the Zoning Committee meets but that's only once a month. Commissioner Soon pointed out that the Zoning Committee meetings begin at ten in the morning. Chair Souki said to set it for Thursdays at 4 p.m., saying that the Executive Administrator will confirm this. There was agreement voiced. The Executive Administrator said she'll check the room for 4 p.m. on the 20th and 27th of August and inform the Commissioners.

III. ADJOURNMENT

The meeting was adjourned at 5:30 p.m.