

Charter Commission

CITY AND COUNTY OF HONOLULU

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



THURSDAY, DECEMBER 10, 2015 COUNCIL COMMITTEE MEETING ROOM HONOLULU HALE

MINUTES

Charter Commission Members Present:

David W. Rae, Chair
Kevin Mulligan, Vice-chair
Judge Michael F. Broderick (Ret.)
Nathan T. Okubo
Paul T. Oshiro

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

Charter Commission Members Absent/Excused:

Reginald V. Castanares, Jr.
Guy K. Fujimura
Donna Ikeda
R. Brian Tsujimura

Others Present:

Ernest Lau, Manager and Chief Engineer, Board of Water Supply
Derek Mayeshiro, Deputy Corporation Counsel
Linda Luli Nakasone Oamilda, Executive Administrator, Honolulu Charter Commission
Mary James, Research Analyst, Honolulu Charter Commission
Norma Reyes, Secretary, Honolulu Charter Commission

Representative Takashi Ohno
Matthew Weyer
Stanley Chang

I. CALL TO ORDER

Roll Call: Edlyn S. Taniguchi, Kevin Mulligan, Paul T. Oshiro, Nathan T. Okubo, David W. Rae, Judge Michael F. Broderick, Cheryl D. Soon, Pamela Witty-Oakland

With quorum present, Chair Rae called the meeting to order at 3:30 p.m.

II. FOR APPROVAL

*Minutes of the August 6, 2015 meeting
Minutes of the August 27, 2015 meeting
Minutes of the September 3, 2015 meeting*

Chair Rae announced that the minutes of August 27, 2015, are being reviewed by Corporation Counsel, therefore, the Commission will only be adopting the minutes for August 6, 2015, and September 3, 2015. A motion was made to approve both minutes as circulated. The motion was seconded and with no objections, the minutes were approved.

III. EXECUTIVE ADMINISTRATOR'S REPORT

The Executive Administrator (E.A.) reported that the meeting room has been reserved for the next six months. Also noted were possible outside locations for meetings. Commissioners are requested to review their schedules and send comments to the E.A.

IV. FOR DISCUSSION and FOR ACTION

A. *Discussion and Adoption of Criteria for Preliminary Screening of Charter Proposals including:*

1. *Preliminary Analysis and Review of Proposals;*
2. *Organization of Proposals; and*
3. *Deadlines*

1. *Preliminary Analysis and Review of Proposals*

The Commissioners discussed the screening process. Chair Rae felt that the initial screening should be very broad. For example, he thought that the Commissioners should agree not to change the form of government, not to entertain proposals that are preempted by other branches of government, and not to consider proposals that can be done administratively or legislatively. Commissioner Broderick suggested that the Commission not include ministerial changes, such as minor word changes. Chair Rae agreed and noted that the Office of Council Services is reviewing a proposal that will include all housekeeping matters to clean up the Charter.

The Deputy Corporation Counsel (DCOR) explained that it was his understanding that the intent was to have some sort of guidelines for the Commission to consider and not as a means to cut any proposals. This would give the Commissioners flexibility and the option to consider or defer proposals and reconsider the deferred proposals at a later time. DCOR suggested that the Commission follow the agenda and make a preliminary analysis and review of the proposals as they are sorted into categories of those that warrant further action and those that do not.

Governor Waihee referred to a worksheet prepared by the Department of Corporation Counsel in which columns indicated substantive categories and blank columns to indicate the Commission's action to move on or defer a proposal.

Commissioner Oshiro requested a recess. At 4:07 p.m. Chair Rae called a recess. At 4:08 p.m. with quorum present, Chair Rae called the meeting back to order.

Testimony:

State Representative Takashi Ohno testified regarding the preliminary screening of Charter proposals in support of the proposal establishing a Youth Commission. Chair Rae inquired whether this was something that the Legislature could take up. Representative Ohno was not sure if it would be this year, but if not it would be sometime in the future to get more youth involved.

Matthew Weyer of Law for Youth Empowerment testified in support of Proposal 102 to establish a Youth Commission. In response to Commissioner Broderick's question, Mr. Weyer explained that the members of the Youth Commission in San Francisco range in age from 18 to 24 and it was established in 1996.

Stanley Chang testified in support of two proposals, Proposal 102 to set up a Youth Commission, and Proposal 96 relating to the affordable housing fund.

Commissioner Taniguchi confirmed that the affordable housing fund is in the Charter, and Commissioner Witty-Oakland confirmed that the fund currently has about \$20 million, and that 0.5% of each year's real property tax revenue goes into the fund.

Ernest Lau, Manager and Chief Engineer, Board of Water Supply (BWS) shared his concern about Proposal 20 regarding the eminent domain power of the BWS. He felt that it was very important for BWS to control its own budget to enable it to do long-term planning for the water system.

Governor Waihee commented that, while the Commission may not be interested in the meritorious value of the proposal, there may be some merit in the discussion, and that some proposals may be important for the subject matter and not necessarily for the specific content.

Chair Rae commented that this proposal should be put in a category for later consideration because the Commission won't know if a specific proposal is appropriate until it learns about that agency.

2. *Organization of Proposals*

Proposals 1-6, Commissioners had no comments.

Proposal 7 concerning campaign contributions was put on a tentative deferral list.

Proposal 8 concerning wind machines was considered to be an ordinance and not rise to the level of inclusion in the Charter. It was tentatively deferred.

Proposal 9 concerning the city council will be categorized.

Proposal 15 concerning conflicts of interest will be categorized.

Proposal 17 concerning the Clean Water and Natural Lands Fund and the Affordable Housing Fund and the creation of special funds will be categorized.

Proposals 23 and 25 regarding public records under the jurisdiction of the state, will be categorized.

Proposals 24 and 26, regarding agency fees for information disclosures will be categorized.

Proposal 30 will be tentatively deferred.

Proposal 34 regarding the Charter will be categorized.

Proposal 38 regarding plans and planning, will be categorized.

Proposal 50 concerns the Royal Hawaiian Band, not "Bank".

Proposal 53 regarding the Board of Water Supply will be tentatively deferred.

Proposal 57 concerns initiative, referendum and recall and will be categorized.

Proposal 59 regarding the Municipal Library can be done by ordinance and will be tentatively deferred.

Proposal 60 regarding sirens can be handled administratively and will be tentatively deferred.

Proposal 65 regarding Hawaiian Electric Co. will be tentatively deferred.

Proposal 67 regarding elections does not belong in the Charter and will be tentatively deferred.

Proposal 68 regarding elections is covered in state or county law and will be tentatively deferred.

Proposal 71 regarding the Honolulu Authority for Rapid Transportation (HART) will be tentatively deferred.

Chair Rae stated that proposals on climate change will be categorized for discussion and all proposals on HART will be tentatively deferred.

Proposal 94 regarding HART will be tentatively deferred.

Proposal 97 concerning the merging of the Department of the Corporation Counsel and Prosecuting Attorney's offices will be categorized.

Proposal 101 regarding excess property is a change on policy regarding highest and best use and will be tentatively deferred.

Proposal 109 regarding rent will be tentatively deferred.

Proposal 110 regarding government organization will be tentatively deferred.

Proposal 111 regarding the Honolulu Police Department will be categorized.

Proposal 112 regarding the City Council will be categorized.

Proposal 116 regarding the Clean Water and Natural Lands Fund will be tentatively deferred.

Proposal 117 regarding council districts will be categorized.

Proposal 119 regarding the Department of Planning and Permitting will be categorized.

Proposal 135 regarding wastewater will be tentatively deferred.

Proposal 136 regarding minimum wage will be tentatively deferred.

Proposal 132 regarding elections will be categorized.

Proposal 137 regarding campaign financing will be categorized.

Proposal 138 regarding pesticides will be tentatively deferred.

Proposal 139 regarding HART will be tentatively deferred.

Proposal 140 regarding HART will be tentatively deferred.

Proposal 141 regarding genetically modified organisms will be tentatively deferred.

Proposal 142 regarding the executive branch will be categorized.

Proposal 146 regarding HART will be tentatively deferred.

Proposal 147 regarding the Honolulu Police Department will be categorized.

Proposal 144 regarding the executive branch will be tentatively deferred.

Proposal 148 is similar to Proposal 97 regarding the Department of the Corporation Counsel and Prosecuting Attorney and will be categorized.

Proposal 149 regarding the executive branch will be tentatively deferred.

Proposal 150 regarding the Charter Commission will be categorized.

Proposal 151 regarding the Police Commission will be categorized.

Proposal 152 regarding the Police Commission will be categorized.

Proposal 153 regarding ethics will be categorized.

Proposal 154 regarding public works projects will be categorized.

Chair Rae reviewed the list of proposals marked "defer, tentative deferrals" which include Proposals 7, 8, 30, 53, 59, 60, 65 and 67. Governor Waihee noted that the proposers are welcome to explain their proposals and convince the Commission to

consider them. Also included in this group are Proposals 68, 71, and 94. Governor Waihee suggested a policy that the Commission will not take up anything that proposes to abolish HART and will focus only on HART structure. Chair Rae then confirmed that the balance of proposals in this group include 109, 101, 110, 116, 135, 136, 138, 140, 141, 144, 146, 149, and 139.

Governor Waihee noted that these proposals seem to fall into three categories and suggested that the Commission might want to consider adopting these criteria at the next meeting. Chair Rae felt that it might be too early and suggested that the Commission go through the proposals to allow the proposers and the public to comment on the proposals. At that time, the public can be informed of the Commission's policies regarding the scope of proposals to be considered or not. He also noted that proposals which appear to be administrative items may suggest or lead to items which the Commission may want to include in the Charter, citing bikeways and recycling as examples.

Commissioner Broderick suggested that the E.A. contact the proposers of proposals designated as "tentative deferrals" to alert them of the status and notify them of the meeting at which they will be considered for possible "final" deferral.

Testimony:

There was no public testimony.

V. ANNOUNCEMENT and ADJOURNMENT

Chair Rae announced that the next meeting will be on December 17, 2015.

There being no further business the meeting was adjourned at 5:42 p.m.