

Charter Commission

CITY AND COUNTY OF HONOLULU

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



FRIDAY, JANUARY 15, 2016
COMMITTEE MEETING ROOM
HONOLULU HALE

MINUTES

Charter Commission Members Present:

David W. Rae, Chair
Kevin Mulligan, Vice Chair
Judge Michael F. Broderick (Ret.)
Reginald V. Castanares, Jr.
Guy K. Fujimura
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:

Donna Ikeda
R. Brian Tsujimura

Others Present:

Derek T. 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

I. CALL TO ORDER

Roll Call

With a quorum present, Chair Rae convened the meeting at 3:30 p.m.

II. PUBLIC TESTIMONY

Chair Rae opened the meeting by taking public testimony.

Senator Laura Thielen testified on Agenda Item VII, regarding proposals relating to the Honolulu Police Department (HPD) and the Honolulu Police Commission (HPC). Senator Thielen submitted Charter Proposal 111; and also said she supports Proposals 16, 18, 28, 31, 58, 147, 151, and 152. She stated that the number of proposals submitted indicates a high interest in the general public to improve accountability and transparency regarding law enforcement. It should not be taken as an attack on the officers or the HPD.

Everyone is very grateful for their efforts but there are incidents by individual officers which diminish public trust, making it harder on the majority of good officers and harder to provide the resources to HPD because of public cynicism that needs to be overcome. She suggested merging similar proposals. Amendments relating to the organization of departments concern issues separate from accountability and transparency, and she recommended that these topics be separate proposals. She supported investigation into individual officer based on anonymous complaints in instances of domestic violence and corruption and misconduct involving physical violence. She concluded by stating that it is also important to allow a vote on improved oversight of the police chief and how to address removal.

Representative Cynthia Thielen was the next testifier. (Chair Rae disclosed that he and Representative Thielen worked together in the Office of Council Services.)

Representative Thielen testified on Agenda Item VII regarding proposals relating to the HPD and HPC. She noted that a few incidents caused a lot of public uproar and public concern. She suggested changes to the system to avoid such concern. Representative Thielen works with officers in her district who are very responsive, prompt and thorough, and very helpful. She participated in Ride-along one morning and was very impressed with the work they do. She suggested increasing the number of members on HPC from seven to ten, and imposing term limits. She also suggested requiring that more members possess actual law enforcement experience, and that HPC be given more authority over HPD, including recommendations made directly to the Mayor regarding the hiring and dismissal of the Police Chief, including overriding a police chief's decision that would compromise public safety. One of the problems that surfaced is that HPC has no legal authority to do much of anything and she would like the Charter Commission to correct that.

Commissioner Soon asked about the suggestion that candidates with more expertise be put on HPC. She asked Representative Thielen to expand on the issue that a lay perspective is desired for many commissions. Representative Thielen responded that some knowledge of an area is important, maybe not expert level but at least some working knowledge. In response to Commissioner Soon's further question regarding specific types of expertise, Representative Thielen felt that it could be accomplished by requiring a certain number of members to have that experience.

James Wataru testified in opposition to the proposed changes to the Honolulu Fire Commission (HFC). He is the Chair of HFC, but was not speaking on behalf of HFC. He is opposed to the five-year contract recommendation. He believes that annual review of the Fire Chief is the best method of evaluation. He doesn't believe that having no contract equates to a life-time appointment. He also opposes language which eliminates the authority of HFC to remove the Fire Chief, and the addition of two more members of HFC. He has been on the HFC for six years and there have been no meetings cancelled due to lack of quorum, so additional members are unnecessary, as quorum is not an issue.

Robert Lee, President of Hawaii Fire Fighters Association (HFFA), which represents all of the county and state firefighters in the state, testified that they oppose the changes. He submitted testimony. They have some concerns regarding the five-year contract for the Fire Chief. They feel that the annual review process works well for them. There are some concerns regarding HFC meeting only one hour per month, and the political and sensitive issues they address, but HFFA feels that on the whole, the system works. A five-year contract will make it more difficult to control issues and harder to discipline or remove the Fire Chief. HFD is not like HPD so its requirements and restrictions cannot be compared.

Commissioner Mulligan confirmed that Mr. Lee is satisfied with the annual review and that there is sufficient accountability for the members. Mr. Lee stressed that an annual review keeps the Fire Chief on his toes. A five-year contract tends to encourage mediocre performance which doesn't work when you are entrusted with public safety and people's lives and property.

Governor Waihee requested clarification on the appointment of the Fire Chief. Mr. Lee clarified that the Fire Chief is appointed by HFC and commission members are appointed by the Mayor, whose terms are staggered. The HFC hires, evaluates and fires the Fire Chief if necessary which is their main job.

Commissioner Fujimura queried if the law on removal of the Fire Chief talks about charges, and whether the level of charges is equivalent to the charges for the Police Chief. In response to Commissioner's Fujimura's question regarding the relationship between

evaluation and findings of evaluation, and the possibility of removing the Fire Chief, Mr. Lee responded that it is a question for HFC as they develop the policy and procedures, and evaluation criteria for the Fire Chief.

Chuck Tutto testified that he submitted testimony on six measures and stands on 15, 107, 114, and 153. He is testifying as an expert on the current city ethics laws and policies. Proposal 39 was submitted by and is strongly supported by the Ethics Commission. The pay equity problem for the attorneys stems from Charter language so they are proposing a language amendment to correct the disparity. Currently, the Salary Commission recommends salary ranges for almost all City attorneys except for Ethics Commission attorneys. Mr. Tutto said that disparity leads to a decline in quality of staff because they will be unable to retain or recruit comparable staff of high quality.

Commissioner Oshiro requested clarification on the salary classification of the Ethics Commission staff attorneys. Mr. Tutto explained that there are two attorneys, including himself. The Ethics Commission sets his salary and the other attorney's salary is set by the position classification plan per the Honolulu Charter (Section 11-107, 2d paragraph), which has a cap much lower than the comparable salary for other attorneys in the City.

Commissioner Soon noted that testimony by the Ethics Commission on Proposal 114 which was submitted by the League of Women Voters of Honolulu (LWV) requested that the Charter Commission defer the proposal. She noted that the Charter Commission is on a very tight schedule and is hopeful that the Ethics Commission can review the issue and submit its testimony soon. The Charter Commission hopes to get through all the draft proposals by the end of February. Mr. Tutto said he will work with the Ethics Commission to respond in a timely basis.

Carolee Kubo, Director, Department of Human Resources (DHR), also testified on Proposal 39. She noted the City's budget process includes the City Council's consideration of the Salary Commission's recommendations. She explained DHR's role in the Salary Commission's deliberation process. Administratively, the Department of the Corporation Counsel (COR) includes the Ethics Commission in its budget. The Corporation Counsel is responsible for the budget and decides the pay for COR attorneys. She explained the background of the Ethics Commission positions, duties, and rationale for its current status. She feels that the current process is satisfactory and it should remain as is. Regarding Proposal 41, submitted by Commissioner Oshiro, that proposes to set a range for salaries, DHR agrees with the concept but has many concerns regarding its effect on other people whose salaries are set by the Salary Commission. DHR opposes Proposal 43 which provides that a 3/4 the vote of the Salary Commission would be binding. They feel that it is the responsibility of the City Council to watch the budget for the entire city and they are responsible to the people of the City. DHR opposes Proposal 62 because the

City Council should have the final say in it since they are responsible for the City budget. DHR opposes Proposal 100 which makes the Salary Commission's recommendations binding because the Salary Commission is not answerable to the residents of the City whereas, the City Council is because the councilmembers represent their constituents.

Chair Rae received clarification that Ms. Kubo is testifying on behalf of DHR. He noted that the questions were directed to the Salary Commission and they indicated that they would be supportive of removing the politics from setting salaries for elective and administrative personnel by making their recommendations the final decision. He noted that they do spend a lot of time on the recommendation.

Commissioner Oshiro noted that the salary range proposal is in response to the Medical Examiner issue from a couple years ago, when the position was vacant for over two years. He confirmed with Ms. Kubo that DHR's position is in opposition to the proposal due to the many concerns that the DHR has. She feels that the inability to fill the Medical Examiner position was an anomaly because there are so few in the nation and the City was trying to get the top apex candidate but offering too little. The salary offer was raised twice before they finally got two applicants who were hired as the Director and the Deputy Director.

Managing Director of the City and County of Honolulu (MD) testified on Proposal 87 to increase the number of members on the HFC from five to seven. He noted that the Administration supports the proposal. The increase would make the number of members consistent with other commissions, including the Police, Salary, Ethics, and Transportation Commissions, and Board of Water Supply. A larger commission would allow more community and professional diversity, which would allow more points of view to be represented resulting in a richer and more robust discussion.

In response to an inquiry by Commissioner Fujimura, the MD responded that the justification for the number requested is theoretical

In response to Governor Waihee's question, the MD responded that he was not prepared to respond to whether or not the Administration would be more comfortable with no HFC. The MD said he would look into the question and get back to the Commission.

Janet Mason represented the LWV and testified on Agenda Item IV concerning proposals relating to ethics and the Ethics Commission. LWV proposed a change in the method of selection of the members of the Ethics Commission to ensure their independence and impartiality. They are concerned with the independence of the members. They have three suggestions: 1) The Ethics Commission members should be selected by community organizations; 2) There should be clarification that it is the Ethics Commission that

administers the City's Ethics Code; and 3) The Ethics Commission should be moved to the Office of the Auditor. The current process has the potential to create real or perceived conflicts of interest because the Ethics Commission oversees the work of the Mayor and City Council who appoint the Commission members. Proposal 114 is modeled on the ethics commission process in Atlanta, Georgia. Each of the seven community groups mentioned in Proposals 114 would select one member of the Commission as the Commissioner's term expires. These selections would be vetted by the Mayor and confirmed by City Council.

In response to Chair Rae, Janet Mason responded that the Atlanta, Georgia, process is relatively recent and understands that it is operating effectively.

In response to Governor Waihee, Janet Mason responded that the criteria for the selecting organization do not require that the nominee be a member of that organization. She explained that the advantage of using community groups is that those selected would be independent of the Administration. The suggested groups are well-established and diverse community groups that would be interested in maintaining the civic life of Honolulu.

Aaron Hunger introduced himself as a doctoral researcher at the University of Hawaii and former police officer in Florida and California who is currently a criminal justice instructor here at a private college. He has been honored to be engaged in doctoral research involving HPD in its oversight mechanism since 2010. He has a total of about 24 years' experience in policing. Currently, he's engaged in research at University of Hawaii at Manoa that seeks to understand the unique structure of the criminal justice institutions on Oahu. He stated that many of the proposals look like a buckshot of some of the oversight systems being used nationwide. He said he stands by his submitted written testimony. He explained that he was there because of his work with legislators behind the scenes to write a policy and op-ed paper that covered some of the shortcomings of what's transpired and why some things are produced based upon the workings of the HPC and wanted to make himself available should the commissioners have questions about ideas or philosophies behind some of the proposals. He explained that he did not write any of the proposals but is familiar with the theories behind the proposals and can answer questions about them and the various issues.

Commission Soon requested clarification that Mr. Hunger is not speaking on any particular proposal at this time. Mr. Hunger responded that he submitted testimony on Proposals 16, 18, 151, and 152. He has written papers on the proposed ideas, but many of the proposals contain only part of the ideas contained in his papers so he wanted to be available in case anyone had any questions if a proposal doesn't seem to make sense as written.

Brian Black, Executive Director, Civil Beat Law Center for the Public Interest, testified in support of Proposal 111 regarding disclosure of police disciplinary files. He submitted written testimony. In regard to Proposal 147 concerning the Ethics Commission and its advisory opinions, Mr. Black testified that the proposal is a little strange because the issue is already addressed in the Charter. He suggested a housekeeping amendment to strike certain language regarding redacting of names in the Charter to make it consistent with state law.

Mr. Lee testified again regarding Governor Waihee's question to the Managing Director regarding the disbanding of the HFC. Mr. Lee recited some history of the HFC and the Fire Chief. He testified that the HFC is important for continuity in the HFD. Each time the Fire Chief changes, the deputy chiefs also change so there is a huge change in the HFD. If the Fire Chief's appointment is by the Mayor, the possibility exists for the Fire Chief to change with each mayoral change which is not conducive to continuity in the HFD and puts political pressure on the Fire Chief.

Governor Waihee noted that Mr. Lee's justification is a way of protecting the longevity of the appointment. He then asked why anyone would be opposed to a five-year contract if the system is working well. Mr. Lee responded that in the police situation, it was felt that if there is no contract, the appointee has a lifetime appointment to that seat because it's hard to remove a high profile official without something really egregious happening.

Commissioner Fujimura followed up on a question directed to Mr. Lee earlier regarding the relationship of annual evaluations and the charges for removal. He assumed the system does work, because the two are not connected. The expectation would seem to be that the evaluation is to see how to make the system work better. However, if something in the evaluation came up that was very egregious, he asked what steps would be needed to remove the Fire Chief. Mr. Lee responded that the HFC evaluates the Fire Chief using a point system. If there is such an egregious complaint, the HFC could remove the Fire Chief without an evaluation. Commissioner Fujimura concluded that HFD and HPD are totally different and separate departments with totally separate issues.

Donna Y. L. Leong, the Corporation Counsel for the City and County of Honolulu, testified on Proposal 107 which proposes to create an Office of the Inspector General to replace the Ethics Commission, not under the administrative authority of the Department of the Corporation Counsel (COR); and Proposal 114 to support the independence of the Ethics Commission by clarifying that the Ethics Commission administers the Ethics Code for the City and locating the Ethics Commission within the Office of the City Auditor. She also responded to earlier testimony on Proposal 39 regarding the setting of the salary ranges of the attorneys in the Ethics Commission as the head of the department to which the Ethics Commission is administratively attached and is not giving legal advice. She

said she wholeheartedly supports the independence of the Ethics Commission as required by law. She pointed out that there are human resource and budget and fiscal services consequences in being attached to COR. Over the past three years as Corporation Counsel, she does NOT control the Ethics Commission, but does implement city policies in terms of human resources and fiscal policies and implements the policies applicable to all city agencies which the Ethics Commission may not agree with. If the Ethics Commission became "independent," the budgetary and human resource and administrative consequences would need to be considered. It would not be cost-effective for staff of only five with seven commissioners to be independent. She emphasized that she has no control over the budget for the Ethics Commission. She continued, discussing Proposal 39 relating to the salary ranges, again emphasizing that the Corporation Counsel does not control the Ethics Commission budget.

Chair Rae theorized that the setting of attorney salary within the range set by the Salary Commission would not trump budgeting process. The Corporation Counsel agreed, noting that the Salary Commission is charged to make a certain recommendation but that recommendation needs to be subject to budgetary constraints. Also, the Salary Commission is not expected to understand the budget process.

Commissioner Broderick asked whether the Corporation Counsel makes a recommendation regarding Ethics Commission budget. The Corporation Counsel responded that currently she asks COR's Administrative Services Officer to apply the guidelines set forth in the Budget and Fiscal Services Guidelines for the applicable fiscal year and that is the budget that is submitted to the Department of Budget and Fiscal Services with discrepancies noted as the budget issues.

Senator Thielen clarified for the record that police officers are given powers that no other government employee has, and therefore, they are requesting accountability and oversight.

Natalie Iwasa requested that the minutes of Charter Commission meetings be made available so that the public can make corrections, if necessary; and that the handout from the last meeting be posted online. She also suggested that a binder containing all the proposals be made available for the public to review. She also noted that she submitted testimony on the Ethics Commission regarding Proposal 15 relating to recusal. She stressed the need to be very careful about that issue because if every councilmember had to recuse himself or herself, there would be a huge segment of the population that would not be represented. Ms. Iwasa submitted Proposal 107 because currently there is no independence with respect to the Ethics Commission. The Commission needs to be totally separate from the Executive Branch; the benefits far outweigh the costs. She said she supports Proposal 39 regarding the Salary Commission setting Ethics Commission

salaries. Turning to Proposal 43 and approval of salaries, Ms. Iwasa noted that the City Council has not accepted salary recommendations a couple of times due to peer pressure during a tight budgetary situation. In considering Proposal 22, she thought that it would be best to establish the Inspector General for the entire city as opposed to putting such an office under one department. For Proposal 28 regarding identifying people who are whistleblowers or complainants in abuse cases, she testified that people should remain anonymous to avoid negative consequences.

III. FOR DISCUSSION AND ACTION

Deliberation and decision-making on the adoption of ethics provisions as part of the Charter Commission rules.

The next item on the agenda was the personal ethics provision to be incorporated into the Rules of the Charter Commission. Chair Rae noted that people have seen it. He stated that he would entertain a motion. A motion to adopt the ethics provision was made by Commissioner Mulligan and seconded by Commissioner Soon.

Governor Waihee inquired as to the version being voted on. Chair Rae clarified the version to be voted on included all the comments made by commissioners over the last two meetings.

Commissioner Broderick indicated that he will be voting yes with strong reservations due to the fact that he doesn't think the person who has the conflict of interest should also be the same person who decides how the conflict is resolved.

Chair Rae called for the vote. There was a unanimous voice vote in support of the motion including one aye with strong reservations. Chair Rae then asked that in light of the rule, for future meetings, including preceding meetings, members should feel free to indicate any conflict at the next meeting.

IV. FOR DISCUSSION AND ACTION

Deliberation and decision-making on submitted proposals relating to ethics and the Ethics Commission.

Chair Rae stated his intention was to move, without objection, Proposal 39 regarding the Salary Commission to the ethics discussion because of jurisdictional issues and he would like to have discussion on it at this time.

Commissioner Oshiro commented on Proposal 39, suggesting for discussion purposes that the line in the Charter be deleted as suggested by Mr. Totto. Chair Rae felt that discussion on actual ethics issues would need more time later, in light of the Corporation Counsel's

testimony regarding the effect of the Salary Commission's recommendations having no effect on salaries due to budget constraints. However, it is generally agreed that the Salary Commission does an excellent job. Commissioner Oshiro understands that the Salary Commission sets salaries for elected officials, appointed officials, and understands arguments regarding a change in the process. However, from a policy stand-point, he thinks it may be proper to keep the Salary Commission where it is.

Governor Waihee questioned the process on all the proposals. He suggested that it may be time for a permitted interaction group (P.I.G.), so it can vet the proposals and make a recommendation to the Commission. Chair Rae countered that it might be faster if two commissioners would review certain groups of proposals. Commissioner Broderick said he would be more comfortable with more than two commissioners in the group. Chair Rae clarified that one commissioner can take a lead on an issue and consult with another commissioner. Chair Rae asked the Deputy Corporation Counsel for clarification of a P.I.G. The Deputy Corporation Counsel explained the steps for a P.I.G. Governor Waihee asked if the P.I.G. needs to be on the agenda for its formation. The Deputy Corporation Counsel stated that formation of a P.I.G. should be a specific agenda item so the public has notice. Governor Waihee questioned how much specificity needs to be on the agenda for an action. The Deputy Corporation Counsel suggested that the Commission might want to go into Executive Session. Governor Waihee moved to recess into executive session to seek the advice of counsel. The motion was seconded and passed by all members.

The meeting recessed for Executive Session at 5:03p.m, and was called back to order at 5:34p.m.

Chair Rae explained to the audience the purpose of the Executive Session and noted that the Commission would now return to agenda item IV regarding ethics and the Ethics Commission. A motion was made by Governor Waihee to form a P.I.G. for the Ethics Commission proposals including Proposal #39 with the authority to investigate the issues presented by the Ethics Commission Proposals and corresponding testimony. It was seconded by Commissioner Mulligan. There was a unanimous voice vote in support of the motion. Chair Rae called for volunteers. Vice Chair Mulligan and Commissioners Broderick and Oshiro volunteered for the P.I.G.

V. FOR DISCUSSION AND ACTION

Deliberation and decision-making on submitted proposals relating to the Salary Commission.

Commissioner Oshiro noted that there are three proposals: 43, 62, and 100, regarding autonomy and independence and allowing the Salary Commission to set salaries

commensurate with duties. He noted that a similar proposal was made to the 2005-2006 Charter Commission which was not placed on the ballot. Proposal 43 provides for a threshold differential in which a three-quarter-member vote of the Salary Commission, meaning six of the seven members, would result in the recommendation to be implemented within 60 days, anything less would go through the current process. He supports this proposal. He said in lieu of the foregoing proposal he would withdraw another proposal that he submitted regarding salary ranges. Chair Rae noted that his proposal was similar in that it was intended to remove politics from the salary setting process. Commissioner Oshiro explained that Proposal 43 was different than the one that was voted down by voters in 2006. Commissioner Oshiro believes that the concept in Proposal 43 is also included in Proposals 62 and 100. Commissioner Soon noted that the proposals are different, however Commissioner Oshiro believes that the concept is the same, to create independence on the Salary Commission's decisions on setting salaries. Commissioner Soon asked that the Commission pick one to be sent to the Style Committee. Commissioner Oshiro and Chair Rae both agreed that Proposal 43 should go forward. A motion to that effect was made by Commissioner Oshiro and seconded.

Discussion was held on the motion. Commissioner Soon requested confirmation on which issue is being acted upon. Commissioner Oshiro replied that as the introducer of Proposal 41 and in light of testimony, Proposal 41 need not be considered. He is looking at the concept of 43 as the substance of the motion. Regarding Proposal 39, Chair Rae noted that it will be taken up by the P.I.G. Governor Waihee clarified that the motion is to move 39 to the P.I.G., delete 41, 62, and 100, and pass 43. Chair Rae further clarified that deletion is not total elimination of a Proposal. The motion is to adopt the concepts within Proposal 43 and send it to the Style Committee. Commissioner Oshiro said he supports Proposal 43 which is different than the 2006 proposal and is a good alternative which accomplishes the Commission's agenda. Commissioner Taniguchi was concerned that 60 days could fall within the fiscal year in which the raises were not budgeted. Also, as noted by the Corporation Counsel's and DHR's testimonies, the budget for the following fiscal year may not be able to accommodate raises. Currently, the City Council has so many days to act on the Salary Commission's recommendation, but by the time they act on it, the budget for the next fiscal year has already been adopted. Commissioner Oshiro noted that the proposal only affects those recommendations below the $\frac{3}{4}$ threshold, which is the correct number in the proposal. The commissioners discussed the timing of the Salary Commission's recommendation and its impact on the budget. The motion was rephrased for clarification to state that the motion is to adopt the concepts of Proposal 43 and send it to the Style Committee. The motion was seconded and there was a unanimous voice vote in support of the motion.

VI. FOR DISCUSSION AND ACTION

Deliberation and decision-making on submitted proposals relating to the Fire Department and Commission.

Commissioner Castanares moved that no action be taken on Proposals 27, 37, 86, and 87. Governor Waihee seconded the motion. Commissioner Oshiro concurs with the motion. Chair Rae clarified for the public that the motion to take no action means that the Charter Commission will not change the present provisions on the HFC. There was a unanimous vote in support of the motion.

VII. FOR DISCUSSION AND ACTION

Deliberation and decision-making on submitted proposals relating to the Police Department and Commission.

Chair Rae informed the commissioners that Commissioner Mulligan has prepared a document for review and discussion which is more than a page and a half and recommends a 10-minute recess for the public to review it. The Commission recessed and then was called back to order.

Aaron Hunger testified again on the proposals regarding police powers when there is a disagreement on punishment between the HPC and the Police Chief. Commissioner Mulligan explained that, if the Police Chief does not follow the recommendations of the HPC, the Police Chief would have to state the reasons for this in writing. He explained that the current requirement of written justification for deviation from HPC's recommendation is new and is not currently required. Mr. Hunger cited an example in which officers were not punished by the Police Chief as recommended by the HPC and inquired how a similar situation would be handled here. After a lengthy discussion about this issue, Commissioner Mulligan concluded that it is something that needs further review.

Senator Thielen had questions about three of the proposals that concerned keeping the identities of complainants against police confidential. She wanted to know if the draft was comprehensive, and would it replace all related proposals or will there be more proposals to deal with other issues. Commissioner Mulligan stated that his understanding is that the disclosure is contained in Section 92F-14, Hawaii Revised Statutes (HRS), but he deferred to Corporation Counsel. He thinks it is for the legislature to address, but feels that police officers should be treated the same as any other public employee. He said that the draft is a first attempt to address some of the issues, some of the major concerns, but suggestions to amend it are welcome. Senator Thielen recommended that the Commission add a provision that would authorize HPD to move forward with administrative investigations based on anonymous complaints in cases such as domestic violence, physical violence, misconduct, etc. Senator Thielen went through her list of points that she agrees with and those about which she has various concerns.

Mr. Black testified again to note that his written testimony addresses some of the legal issues brought up by Senator Thielen. He noted that Section 92F-14, HRS, is not a confidentiality statute. It does not require HPD to keep these records confidential. It is an open issue whether the HPD is required to produce the name of a complainant. The Commission could require police disclosure of police disciplinary records, within the Constitutional right to privacy. Chair Rae noted his respect for privacy and his preference to err on the side of caution. He noted the fine line between personal rights protection and due process, and suggested that the testifier submit language to address the concerns raised.

Commissioner Soon noted that there is no limit to HPC terms. She is not aware of any other commission that does not have term limits. Chair Rae shared that he thought there is a general section regarding term limits for all boards and commissions. The Commissioners discussed the necessity of reviewing the general terms and conditions of boards and commissions members. Charter section 13-103 contains term limits for members of boards and commissions. Chair Rae suggested the Commission might address that provision as well as others for term limits.

Commissioner Broderick raised the police issue as most important and feels uncomfortable making any decisions today. He feels a P.I.G. is required in this situation. Commissioner Broderick moved to create such a P.I.G for the Police Commission proposals with the authority to investigate the issues presented by the Police Commission and Police Department Proposals and corresponding testimony, and it was seconded by Governor Waihee. Unanimous voice vote in support of the motion. Members of the P.I.G. are Vice Chair Mulligan and Commissioners Witty Oakland and Fujimura. Members will vote on their own chair.

VIII. DISCUSSION AND ACTION

Discussion of proposed schedule of topics and proposals for consideration and deliberation at future meetings. Decision-making on topics for upcoming meeting.

Chair Rae announced that a tentative calendar has been circulated to commissioners and public which indicates January 25, 2016, as the next meeting date. The calendar will be put on the webpage and be updated as necessary.

Governor Waihee noted that the P.I.G. dealing with ethics might consider the “perception of conflict of interest” as opposed to an actual conflict of interest. Over the years, the concept has been treated as reality and has been used in political contests against opponents. He would like to see some process of immediate resolution to avoid abuse.

Commissioner Soon raised process questions regarding members of subcommittees, in light of new members. The Executive Administrator read the list of names on the Style Committee: Chair Ikeda, Vice-chair Oshiro, and Commissioners Okubo, and Tsujimura.

Commissioner Soon requested clarification on the meeting process for standing committees. Chair Rae confirmed that those committees must be agendaized and comply with the Sunshine Law requirements. The Deputy Corporation Counsel confirmed that the standing committees would also require minutes be taken and drafted.

Commissioners then discussed general timelines for standing committee meetings and the requirements for these meetings.

Commissioner Oshiro suggested that Style Committee is very essential to the process so adequate time should be given to that Committee for meetings and drafting of the minutes and other documents. Chair Rae agreed.

IX. ADJOURNMENT

The meeting adjourned at 6:28 p.m.