

Charter Commission

CITY AND COUNTY OF HONOLULU

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



MARCH 24, 2016
3:30 P.M.
COUNCIL COMMITTEE MEETING ROOM
HONOLULU HALE

MINUTES

Charter Commission Members Present:

David W. Rae, Chair
Kevin Mulligan, Vice Chair
Judge Michael F. Broderick
Reginald V. Castanares, Jr.
Guy K. Fujimura
Donna Ikeda

Nathan T. Okubo
Paul T. Oshiro
Cheryl D. Soon
Edlyn S. Taniguchi
R. Brian Tsujimura
John D. Waihee III, Governor

Charter Commission Members Absent/Excused:

Pamela Witty-Oakland

Others Present:

- Manual Neves, Chief, Honolulu Fire Department
- Robert Lee, Chairman, Fire Commission
- Shannon Wood
- Sierra Club Representative
- Mark Ryan
- Stanley Chang
- Kendrick Farm
- Professor Maxine Burkett
- Elliot Van Wie, Sierra Club Oahu
- Cameron Sato
- Christina Kalawahea
- Alyssa Guzman
- Tyra Driver
- Mike Matsuura
- Dave Nagata
- Drake Kuboyama
- Teresa Frick
- Sam Wolf
- Nguyen Fong
- Thomas Dean Baldwin
- Kolten Frazier
- Jeffrey Kim
- Dylan Armstrong
- Ashley Morikami
- Brandon Lee
- Brent Nakano
- Kaniela Ing
- Adrian Tam
- Jordan Matoyer

- Krishna Jayaram, 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

With a quorum present, Chair Rae called the meeting to order at 3:32 p.m.

Roll Call: R. Brian Tsujimura, Donna Ikeda, Reginald V. Castanares, Jr., Judge Michael F. Broderick, Cheryl D. Soon, Nathan T. Okubo, David W. Rae, Kevin Mulligan, Guy K. Fujimura, Edlyn S. Taniguchi, Paul T. Oshiro, Governor John D. Waihee III.

II. DISCUSSION AND ACTION

Deliberation and decision-making on Proposal 116 to amend the Clean Water and Natural Lands Fund to de-politicize the funding and implementation process.

Chair Rae stated that the Managing Director and the Trust for Public Lands have requested that this matter be deferred as they continue to have discussions as directed by the Charter Commission at a previous meeting on this proposal. There were no testifiers.

III. DISCUSSION AND ACTION

Deliberation and decision-making on Proposal 86 to:

- *Amend the description of the powers, duties, and functions of the Fire Chief to better reflect prevention, preparedness, and emergency response; and*
- *Require the Fire Chief to promulgate rules and regulations necessary for organization and internal administration.*

Manual Neves, Chief, Honolulu Fire Department, testified on Proposal 86. He said the new subsection (a) in the proposal will provide a safer community through prevention preparedness and effective emergency response. This is new language to the Charter and is in increasingly more fire department missions across the nation. They feel it should be the first item on the duties and functions of the fire chief. Subsection (b) pertains to documentation of an emergency. The present form has ten categories with 50 to 75 subcategories under each. They felt that most of the categories are unnecessary and recommended that it be limited to firefighting and emergency response. Subsection (c) covers responsibilities that the department already covers, each situation depending on their ability and capability, considering equipment and training. Subsection (d) includes

emergency medical care and public assistance. Subsection (e) has been changed to include all ten categories of emergencies that the department responds to. The intent of subsection (f) was to review construction plans, inspect buildings, occupancies, and premises. Subsection (g) refers to explosions which was not included in the original Charter. Subsection (h) refers to education and was amended to add life safety to reflect more accurately the department's responsibility in this area. Chief Neves requested that subsection (j) be deleted.

Upon questioning, Chief Neves confirmed that his department has a team of 5-6 employees that reviews construction plans in conjunction with the Department of Planning and Permitting (DPP). He also agreed to ask that the department's liaisons to the neighborhood boards explain the recommended Charter amendments at the board meetings.

Robert Lee, President of the Hawaii Fire Fighters Association, testified that the Association is in line with the intent of what the department is trying to do. He referred to his proposal which commissioners had not received.

In the interim, Commissioner Soon asked Managing Director if he concurs with subsection (i) which gives the Chief the authority to appoint the Deputy Fire Chief and private secretaries. The Managing Director concurred. Commissioner Tsujimura then inquired of Art Challacombe of DPP about the occupancy issue, to which Mr. Challacombe responded that DPP does the occupancy inspection.

Chair Rae then stated that while the Commission is waiting for the production of Mr. Lee's proposal, the Commission would move on to the next item on climate change.

IV. DISCUSSION AND ACTION

Deliberation and decision-making on:

- *Proposal No. 73 to create an office for policy framework, leadership, and coordination for climate change and resiliency across all relevant city agencies, other counties, and the State; and*
- *Proposal No. 52 to create a Climate Change Commission attached to the Department of Facility Maintenance to:*
 - *Review the latest science of climate change; and*
 - *Advise the Director on adaptation measures to protect city properties and facilities.*

Shannon Wood testified that she has been working on climate change issues for 14 years, and stressed how important it is for everyone to address the issue.

Dylan Armstrong testified in support of an office on climate change to look at the big picture.

A representative from the Sierra Club testified in support of both Proposals 52 and 72, however, they would like the office to be located in the Managing Director's office.

At this point, Chair Rae acknowledged the work that Professor Maxine Burkett sent to the Commission in response to the Commission's request at the last meeting.

Mark Ryan shared his background and efforts to address climate change and testified in support of the proposals.

Commissioner Soon moved to create an Office of Climate Change and Sustainability to be assigned to the Managing Director, as well as a Commission on Climate Change, and to send this to the Style Committee. The motion was seconded by Commissioner Broderick and passed by unanimous voice vote.

Commissioner Soon noted that the motion includes Professor Burkett's work plus research done on the City of Seattle. Commissioner Broderick raised the issue of prefatory language because he felt it important for the public to understand the extent of the problem and what is at stake. Commissioner Soon felt that such language does not belong in the Charter so it would not go to the Style Committee for drafting. She suggested that since the Submission and Information Committee will be providing the justification for all the proposals, the prefatory comments would be an important component of that and could be considered at that time.

Commissioner Ikeda inquired as to the necessity of having both an Office and a Commission, and felt that the Office is important but doesn't see how a Commission ties into the Office. Commissioner Soon explained the makeup of the Commission and its process, and that the Office and the Commission would have different purposes but would work together. She noted that the Commission will be advisory and the Office is the focus.

The motion was amended to reflect that the Commission will be advisory to the Office as the Office deems appropriate. The motion was passed by unanimous voice vote.

Chair Rae stated that the Commission would now return to hear further testimony on item III. relating to Proposal 86.

Robert Lee testified that the first subsection does not belong in the Charter, and is already in the strategic plan. Subsection (b) should only contain reference to hazardous materials because the Charter should be as simple as possible. Subsection (d) should only refer to "manage" and not "supervise" as it relates to the Chief's duties. He said they agreed with the chief on subsection (e). They strongly recommended that "explosions" be deleted from subsection (f) as it is not within the realm of responsibility of the department. In addition, he said that subsection (g) does not need "and life safety" because the term is restrictive and unnecessary.

Commissioner Castanares inquired whether the Commission and the Department worked on the language together as directed by the Charter Commission at an earlier meeting to which Mr. Lee responded that they were unsuccessful in getting together. Commissioner Castanares noted that the two parties are close in the language. Mr. Lee noted that the Fire Fighters Association's goal is to keep the Charter as simple as possible and to keep out any unnecessary language which could lead to misinterpretations. Various options were discussed on how to handle the differences.

Commissioner Mulligan made a motion to send both proposals to the Style Committee to work out the differences in the language with the participation of both parties, and if not possible, then the proposals will return to the full Commission for reconsideration. The motion was seconded by Commissioner Castanares and passed by unanimous voice vote.

V. DISCUSSION AND ACTION

Deliberation and decision-making on Proposal No. 102 to establish a Youth Commission to, among other things:

- *Involve youth in the policymaking process;*
- *Facilitate pro-youth policies;*
- *Increase youth voter turnout; and*
- *Promote leadership development for the next generation.*

Stanley Chang testified to address the reasons for the need for the Youth Commission which include: there is no other comparable group in the city for disenfranchised young people under the age of 18, the Charter would enable recognition of this group on a level with the neighborhood board system, and they are eager to participate in the process to determine their future. Mr. Chang cited the examples of the San Francisco and Florida Youth Commissions. The San Francisco Youth Commission secured free transit for low income youth under the age of 18, and some of the members have held elected office and become advisors in the mayor's office.

Commissioner Soon expressed concern that the proposed commission would be a very large commission with 15 members.

Kendrick Farm testified in support of a Youth Commission which might help increase voter turnout.

Cameron Sato testified in support of a Youth Commission in order for young people to be more involved in the political system.

Christina Kalawahea testified in support of a Youth Commission to effectively address climate change, and to be a vital mentorship tool and to empower young people to

develop political, fiscal and other professional skills needed to make our island a world leader in sustainability.

Alyssa Guzman testified in support of a Youth Commission to provide young people representation on matters that affect young people.

Tyra Driver testified in support of a Youth Commission to further the youth potential to make government more accessible and inclusive.

Mike Matsuura testified in support of a Youth Commission to increase opportunities for young people to participate in city government.

Dave Nagata testified in support of a Youth Commission to get young people involved in the political process.

Kaniela Ing testified in support of a Youth Commission to get more young people involved in politics to address the issues that affect them.

Drake Kuboyama submitted written testimony and testified in support of a Youth Commission to help the younger generation prepare to run the government.

Teresa Frick testified in support of a Youth Commission in order that issues pertaining to the younger generation are not ignored and can be inspired to be politically involved in the future.

Sam Wolf testified in support of a Youth Commission to give young people representation in government and to be inclusive in the governmental process.

Nguyen Fong testified on behalf of several organizations in support of a Youth Commission to engender civic engagement among the youth to create a pathway for individuals to become outstanding active citizens in their community for the rest of their lives. He felt that a Youth Commission will allow young people to make concerted efforts in identifying and building a network of supporters for key policy issues that affect them.

Thomas Dean Baldwin testified in support of a Youth Commission to bring much needed representation to Honolulu's youth, address systemic problems affecting young people and develop tomorrow's leaders. He also felt that a Youth Commission can shed light on issues that need to be discussed such as a growing defeatist consciousness in young people.

Kolten Frazier who has a degree in psychology and works with children, teens, young adults and senior citizens and currently works at Queen Kaahumanu Elementary School testified in support of a Youth Commission to encourage young people to experience civil engagement during their important years of psychological development between

ages 14 to 24, the formative years for a person's identity, life ideologies and habits that they carry into adulthood.

Jeffrey Kim testified in support of a Youth Commission to give young people an opportunity to participate in the political process and how our government is run.

Dylan Armstrong testified in support of a Youth Commission to further a very important goal of equity, particularly more gender inclusiveness. A Youth Commission will give young people a sense of what their government is by meeting people, by understanding their world in a new way, and giving them a sense of place where they can see themselves providing value to others.

Ashley Morikami testified in support of a Youth Commission because she believes that a youth commission is a way for the youth to have a voice.

Brandon Lee testified in support of a Youth Commission so young people know where to go when they have an issue and to be part of the decision-making process.

Brent Nakano testified in support of a Youth Commission to create an opportunity for young people to make their own future.

Kaniela Ing testified again in support of a Youth Commission to help keep Hawaii's best and brightest young people in Hawaii.

Commissioners questioned Mr. Chang regarding staffing of the office and how it would work.

Adrian Tam testified in support of a Youth Commission to assist in keeping young people in Hawaii.

Elliot Van Wie testified in support of a Youth Commission to give voice to young people who will be the ones most impacted by climate change.

Mark Ryan testified in support of a Youth Commission to help preserve the level of excitement, wonder, and creativity in young people.

Jordan Matoyer testified in support of a Youth Commission to give young people a voice in politics.

Chair Rae returned to Governor Waihee's earlier question regarding whether a line commission can be placed in the legislative branch which was then referred to Corporation Counsel's office. Deputy Corporation Counsel Jayaram responded that they could have an answer to the commission before the proposal goes to Style Committee.

Governor Waihee asked Mr. Chang about the structure of the commission and what he is trying to accomplish. Mr. Chang referred to the San Francisco Youth Commission as

their example since it has been in existence for 20 years. He said they would like this commission to be an advisory group on matters of policy at the legislative branch since the legislative branch is the policy-making branch of government.

Commissioner Tsujimura questioned Mr. Chang on the termination clause of the proposal and whether Mr. Chang thought it was a good idea. Mr. Chang noted that it was copied from the San Francisco Commission, and his group used it as precedent. Commissioner Tsujimura also inquired about the Commission's advisory function and the process which requires the Council to send any matter that primarily affects children and youth to the Commission before it can take any action, which he felt was much broader than advisory. Mr. Chang countered that the Council can still act in whatever way it sees fit at any time. Mr. Chang also compared the process to the neighborhood board's advisory role and noted that during his four years on the Council he doesn't remember any matter that primarily affected children and youth. Commissioner Ikeda then noted that if such is the case, she doesn't see the need for a Youth Commission.

Vice Chair Mulligan inquired about the staffing issue, which he feels is a critical question. Mr. Chang responded that there are two models in operation today. The Council can decide which best fits as it goes through the budget cycle.

Chair Rae noted that the Commission will reconsider this proposal at the next meeting after Corporation Counsel has responded and language modifications have been made by Commissioner Fujimura. Commissioner Fujimura noted that the language needs to be very specific and the proposal needs to be placed in a safe place like the charter.

Governor Waihee then suggested that if the Youth Commission is being placed in the legislative branch of government, it would be exciting to have a youth member on the City Council, not voting on final reading, similar to the student regents on the University of Hawaii Board of Regents. The representative would be a liaison between the City Council and the Youth Commission. Commissioner Tsujimura seconded the proposal, stating that it would accomplish everything that is being discussed here, however, he believes it should be a full voting seat.

Chair Rae noted that this will be on the next meeting's agenda.

VIII. ANNOUNCEMENTS

The next meeting is on April 1, 2016, 3:30 p.m.

IX. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:09 p.m.