

Charter Commission

CITY AND COUNTY OF HONOLULU

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



APRIL 7, 2016 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
Nathan T. Okubo

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

Charter Commission Members Excused/Absent:

Donna Ikeda

Pamela Witty-Oakland

Others Present:

- Ernest Martin, Chair, City Council
- Guy Kaulukukui, Director, Department of Enterprise Services
- Gary Kurokawa, Deputy Director, Department of Budget and Fiscal Services
- Krishna Jayaram, Deputy Corporation Counsel
- Duane Pang, Deputy Corporation Counsel
- 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

Testifiers:

Stanley Chang
Keala Peters Clark

David Enriques
Elliot Van Wie

I. CALL TO ORDER

Roll Call: Rick Tsujimura, Reggie Castanares, Cheryl Soon, Nathan Okubo, Dave Rae, Mike Broderick, Kevin Mulligan.

With a quorum present, Chair Rae called the meeting to order at 3:31 p.m.

II. PERMITTED INTERACTION GROUP REPORT

Report on the Findings and Recommendations by the Permitted Interaction Group established to review proposals relating to Planning pursuant to Hawaii Revised Statutes sec. 92-2.5(b).

Commissioner Soon, Chair of the permitted interaction group (P.I.G.) created on February 19, 2016, to address planning issues reported that the group met 3 times. Included in the meetings were representatives of the Department of Planning and Permitting (DPP) and others. The group combined Proposals 38, 54, and 120, which all dealt with the same subject, to recommend that functional plans be prepared by certain departments to be adopted by the Council. These functional plans are intended to help guide capital improvement program planning and budgeting. Proposal 81 regarding dimensional zoning was returned to the full Commission for a vote due to the subtleties involved in the proposal. Proposals 1, 18, 118, and 123 are recommended for no further consideration.

Commissioner Broderick asked whether, for those proposals which will not be given further consideration, the Commission will be sending something to the affected department for further consideration. Chair Rae announced that at the end of the process, the Commission will draft a report on its work and all these issues will be addressed in the report.

III. DISCUSSION AND ACTION

Deliberation and decision-making on Proposal 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.*

Testimony:

Stanley Chang testified in support of the proposal and noted that the revised draft reflects many of the helpful points raised at the last meeting.

Keala Peters Clark testified that he sacrificed a trip to Camp Erdman to testify in support of this proposal because he felt that it was important.

David Enriques testified in support of Proposal 102 to prove that young people are responsible and care about the community. He also pointed out the circulated ASUH Senate Resolution 22-16 regarding their support for a Youth Commission which passed unanimously, a rare feat.

Discussion:

Commissioner Okubo made a motion to approve Proposal 102. Commission Soon seconded the motion.

In answer to Governor Waihee's question, Deputy Corporation Counsel (DCOR) Duane Pang noted that all boards and Commissions are attached to an executive branch of government and suggested that the Commission attach the proposed Youth Commission to wherever they think it would be most useful. He also suggested that it should not be left for Council's decision because it would conflict with the Mayor's responsibilities of managing the executive branch.

Commissioner Okubo moved to amend the motion to place the Youth Commission under the managing director's office for purposes of administration.

Commissioner Fujimura expressed his concerns regarding implementation, staffing and budgeting and what level of independence the agency will have.

Commissioner Tsujimura raised the issue of fiscal impact and suggested that all proposals have a fiscal note to inform the voters of the fiscal impact of each proposal. He felt that the proposal as written was too broad and could result in fiscal irresponsibility. Governor Waihee felt that it would be difficult to determine a number since it depends on the Council and the budget process, and how the Mayor feels about it.

Commissioner Taniguchi shared the results of her research including previous ordinances for a similar agency and inquired whether this needs to be in the Charter.

Governor Waihee felt that it is the Commission's responsibility to set up the policy framework, and the Mayor's and Council's responsibility to balance their own budgets, and doesn't think the Commission needs to consider budget implications because he felt that everything the Commission does has budget implications.

Commissioner Fujimura raised the issue of the language referring to diversity and suggested a minor amendment to indicate it to be guiding rather than mandatory. Commissioner Okubo made an amended motion to incorporate Commissioner Fujimura's comments regarding the "included but not limited to" to reflect that issue of diversity; to delete the requirement in item number 3 that the Commission "shall" meet at least once a month; item number 4, to replace "shall" with "may employ staff as is necessary; and finally, to add that this Youth Commission be attached to the Managing Director for purposes of administration. Commission Broderick seconded the motion. The amended motion passed with one opposed.

Elliot Van Wie of the Sierra Club Oahu Group testified in support of the motion and suggested that graduate students may be used to staff the agency.

IV. DISCUSSION AND ACTION

Discussion and action relating to the March 31, 2016, letter from Ernest Martin, Chair of the Honolulu City Council, to David Rae, Chair of the Honolulu Charter Commission, regarding a proposed Charter amendment to allocate general fund revenue to support zoo operations.

Ernest Martin, Chair of the City Council testified in support of his proposal and explained the necessity for the proposal.

Commissioner Soon questioned the amount of the recommendation and Chair Martin explained that the amount compares to the Mayor's requested funding for the Honolulu Zoo operations in the budget and clarified that the amount would be in place of general funds. He felt that the dedicated fund would go a long way in meeting the Association of Zoos and Aquariums (AZA) standard to regain the Honolulu Zoo's accreditation and would be the fastest route among the current choices.

Guy Kaulukukui, Director, Department of Enterprise Services (DES), which department includes the Honolulu Zoo, testified that the administration supports this proposal but suggests allocation of one-half of 1%.

Governor Waihee moved that the Commission create a P.I.G. to investigate the pros and cons of dedicating .75% of 1% of the city's general fund revenues annually to support Honolulu Zoo operations including whether other sources of funding are available and if warranted, to recommend an appropriate Charter amendment to address the concerns of the AZA of inconsistent and inadequate funding for the Honolulu Zoo. Commissioner Tsujimura seconded the motion.

Mr. Kaulukukui explained that the reason for the lower amount being suggested is that the funding shouldn't cover 100% of the balance because the balance should be made up

by increased participation from the Zoo Society, sponsorships, new programs, new products, and increased attendance. There should be pressure on the Honolulu Zoo as well as on DES to operate it as a sustainable business.

Gary Kurokawa, Deputy Director of the Department of Budget and Fiscal Services, testified to explain the three other dedicated sources from the general fund and the difference between the amounts in the general fund and real property taxes, noting that the general fund is larger. He also explained that the Honolulu Zoo already has a special fund so this proposed dedicated funding would go to that special fund. Mr. Kurokawa stated that there may be other mechanisms for funding and flexibility in different procedural methods of handling the funding.

The members of the P.I.G. include Commissioner Fujimura as Chair and Commissioners Tsujimura, Taniguchi, and Mulligan as members.

Mr. Kaulukukui clarified that the purpose of the funding was consistency and stability and not so much the level of the funding, it was a method of taking it out of the political cycle.

With no objections, the amended motion was passed.

Commissioner Taniguchi noted that there were three reasons for the lack of accreditation, and consistent financial support was only one of the three. Mr. Kaulukukui explained that they are in the process of addressing the other two, and had made adjustments before the AZA rendered its final decision which was communicated to the AZA last month.

V. ANNOUNCEMENTS

Chair Rae announced that the next meeting will be Thursday, April 14, 2016, 3:30 p.m. Judge Broderick announced that he will be out of state on business and will not be able to attend the meeting.

VI. ADJOURNMENT

With no further business, Chair Rae adjourned the meeting at 4:48 p.m.