Charter Commission

CITY AND COUNTY OF HONOLULU

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

APRIL 14, 2016
COUNCIL COMMITTEE MEETING ROOM
HONOLULU HALE

MINUTES

Charter Commission Members Present:

David W. Rae, Chair
Kevin Mulligan, Vice Chair
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
Pamela Witty-Oakland

Charter Commission Member(s) Excused/Absent:

Judge Michael F. Broderick (Ret.)

Others Present:

- Roy Amemiya, Jr., Managing Director
- George Atta, Director, Department of Planning and Permitting
- Ellen Kitamura, Deputy Manager, Board of Water Supply
- Chuck Totto, Executive Director, Ethics Commission
- Kamilla Chan 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:
Natalie Iwasa

I. CALL TO ORDER

Roll Call: Edlyn Taniguchi, Guy Fujimura, Kevin Mulligan, Dave Rae, Nathan Okubo, Pam Witty-Oakland, Cheryl Soon, Paul Oshiro, Donna Ikeda, Rick Tsujimura

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

II. FOR APPROVAL

Minutes of the October 15, 2015 meeting
Minutes of the March 24, 2016 meeting

Commissioner Tsujimura moved to approve the minutes of October 15, 2015, and March 24, 2016. Commissioner Soon seconded the motion. Upon hearing no objections, the minutes were approved.

III. DISCUSSION AND ACTION

Deliberation and decision-making on the 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).

Testimony:

George Atta, Director, Department of Planning and Permitting (DPP) and Ellen Kitamura, Deputy Manager, Board of Water Supply (BWS), both testified on the recommendations regarding planning.

Mr. Atta testified that they are generally in support of the amendments, but do have some issues that need to be clarified, such as the Functional Plans. One specifically is the Drainage Flooding Master Plan with jurisdiction issues.

Ms. Kitamura testified that BWS suggests that the proposed revision identified in Honolulu Charter section 7-103 be moved to section 7-105. She explained that section 7-103 relates to the department and section 7-105 relates to the board. BWS feels that moving it to fall under the powers, duties, and functions of the board would ensure the development and implementation of the water functional plan to be adopted by the Board and would also require a public hearing. It would then ensure that if there is a change in management within the Department or change in members of the Board, the plan having been adopted by the Board would still exist as a policy.

Commissioner Soon questioned Mr. Atta about the management of the drainage plan. Mr. Atta explained that it was not clear that the functional plans were only for management of City facilities, in which case, he has no problem with the plan.

Commissioner Tsujimura questioned the sections that Ms. Kitamura referred to. Commissioner Soon confirmed that the amended language has been circulated and confirms to the BWS' suggested change.

Natalie Iwasa testified in opposition to Proposal 81 because she needs to know how many properties are impacted by this amendment.

Mr. Atta testified that in the three years that he has been in his position, there have been only minor variances. Mr. Atta gave examples of variances then moved into dimensional and shoreline setback variances.

Chair Rae advised the Commission that Corporation Counsel has advised that this particular proposal was not on the agenda to be acted on and recommended that it be postponed for further discussion on a posted agenda.

Deputy Corporation Counsel Chan recommended that the Commission stick to the agenda item which is the Permitted Interaction Group (P.I.G.) Report. She said that individual proposals must be put on an agenda for discussion. She clarified that, to the extent that the proposal is part of the P.I.G. Report, discussion is permitted.

Vice-chair Mulligan requested that Mr. Atta, when he returns to testify on Proposal 81 at the next meeting, be prepared to share how other jurisdictions handle dimensional variances.

Commissioner Soon moved to amend the P.I.G. Report:
1. Page 2, Item I: Proposal 38 should be deleted, it is listed in Item III.
2. Functional Plan: Replacement language for inadvertent inclusion of Department of Facilities Management (DFM) language was distributed

Governor Waihee seconded the motion. Hearing no objections, the motion passed.

Commissioner Tsujimura noted that the BWS amendment was not included in the previous motion.

Commissioner Soon moved that the language distributed regarding Article 9 be incorporated in the P.I.G. Report. Governor Waihee seconded the motion. Hearing no objections, the motion passed.

Commissioner Soon moved that the items under Item I in the P.I.G. Report and the P.I.G. Report which was previously referred to as Proposals 54 and 120, and which now would add functional plan language to the departments of environmental services, facilities maintenance, parks and recreation, planning and permitting, transportation services, and the board of water supply, all be sent to the Style Committee. Commissioner Okubo seconded the motion. Hearing no objections, the motion passed.

In response to Commissioner Soon's inquiry as to the process, Chair Rae explained that those proposals which the P.I.G. recommended for no further action do not need a motion.

IV. DISCUSSION AND ACTION

Deliberation and decision-making on submitted proposals relating to Terms of Office.

Testimony:

Natalie Iwasa testified in opposition to Proposal 21 and expressed her concern on Proposal 44 regarding Neighborhood Boards which she felt would create more vacancies.

Governor Waihee explained that as the author of the proposal his rationale for extending it to all county offices was that if terms limits are fair for anybody, they are fair across the board. He said that the idea of term limits is to bring in new ideas and fresh blood.

Commissioner Tsujimura suggested a review of the Neighborhood Board provisions and to consider whether actual face to face meetings are necessary, and the frequency. He suggested a blog site where all Commissioners could comment publicly.

Chair Rae noted that there is a P.I.G. to review the Neighborhood Board process and structure.

Roy Amemiya, Jr., Managing Director, reiterated the city administration's position in support of Proposal 44 calling for three consecutive terms as opposed to two. He noted the learning curve for these elected officers and felt that a third term is a good thing. Mr. Amemiya concurred with Ms. Iwasa on the term limits regarding the Neighborhood Boards.

Discussion:

Commissioner Oshiro moved that Proposal 44 be referred to the Style Committee with the deletion of the Neighborhood Board term limit. Commissioner Mulligan seconded the motion.

Commissioner Oshiro, the author of the proposal, shared the Chair's concern for term limits for all elected city officials including Neighborhood Boards. However, in light of the testimony and the Commission's P.I.G. reviewing Neighborhood Boards, he was willing to support the amendment to delete Neighborhood Boards.

Commissioner Witty-Oakland reported on relevant data gathered by the Neighborhood board P.I.G. She reported that there are 437 Neighborhood Board seats. In 2007, there were 526 candidates for 437 seats. In 2015, there were 611 candidates. She added that, in terms of tenure, 62% have been members for less than five years, and 32% for more than five years.

Commissioner Tsujimura inquired whether the Commission is considering Corporation Counsel's opinion regarding the applicability to sitting elected officials. He noted that while he has not read the opinion yet, he wanted to raise the issue because he felt that it should be reflected somewhere. He confirmed that he is not requesting an amendment.

Chair Rae noted that the Style Committee can post an executive session on the posting of their next agenda to discuss the issue with Corporation Counsel.

Governor Waihee felt that Corporation Counsel's opinion was well-written and that when changes such as this are made, they start from the point of passage. He cited the example of the 1978 State Constitutional Convention which passed a similar restriction and recommended that it be discussed before the proposal is sent to the Style Committee.

Commissioner Oshiro moved to amend the motion to make this proposal prospective. Governor Waihee seconded the motion. Upon hearing no objection, the motion passed.

V. DISCUSSION AND ACTION

Deliberation and decision-making on submitted proposal No. 39 to authorize the Salary Commission to set salary ranges for attorneys who work for the Ethics Commission which would set their actual salaries.

Testimony:

Chuck Totto, Executive Director and Legal Counsel, Ethics Commission, testified noting that there are two different approaches to fixing the current problem and he thinks that either will work.

Discussion:

Commissioner Oshiro explained that the members of the P.I.G. felt that it would not be appropriate to have the Salary Commission set the salaries for executive directors of boards and commissions. Therefore, as a policy, the P.I.G. proposed that the salary be set by the Ethics Commission within certain ranges as recommended by the Department of Human Resources. Commissioner Oshiro moved that the revised Proposal 39 be referred to the Style Committee. Commissioner Mulligan seconded the motion. Upon hearing no objection, the motion passed.

VI. DISCUSSION AND ACTION

Deliberation and decision-making on submitted proposal No. 153 to provide a clear standard of conduct provision in the ethics language about gifts from lobbyists.

There was no testimony. This item was deferred.

VII. ANNOUNCEMENTS

Chair Rae announced that the meeting scheduled for April 21, 2016, was cancelled. The next set of meetings will be announced.

VIII. ADJOURNMENT

With no further business, Vice Chair Mulligan adjourned the meeting at 4:22 p.m.