

# Charter Commission

CITY AND COUNTY OF HONOLULU

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



## JUNE 2, 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. (arrived 3:37 PM)  
Guy K. Fujimura

Donna Ikeda  
Paul T. Oshiro  
Cheryl D. Soon  
Edlyn S. Taniguchi  
John D. Waihee III, Governor

#### Charter Commission Members Excused/Absent:

Nathan T. Okubo  
R. Brian Tsujimura  
Pamela Witty-Oakland

#### Others Present:

Roy Amemiya, Jr., Managing Director  
Mark Garrity, Deputy Director, Department of Transportation Services  
Cori Shinkawa, Classification and Pay Division, Department of Human Resources  
Dawn Spurlin, 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:

Colleen Hanabusa

I. CALL TO ORDER

*Roll Call: Edlyn Taniguchi, Guy Fujimura, Kevin Mulligan, Dave Rae, John Waihee, Cheryl Soon, Michael Broderick, Paul Oshiro, Donna Ikeda.*

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

II. FOR APPROVAL

*Minutes of the October 28, 2015 meeting  
Minutes of the December 10, 2015 meeting*

Commissioner Broderick moved to approve the minutes of October 28, 2015. Commissioner Mulligan seconded the motion. Upon hearing no objections, the minutes were approved.

Commissioner Broderick moved to approve the minutes of December 10, 2015. Governor Waihee seconded the motion. Upon hearing no objections, the minutes were approved as amended.

III. DISCUSSION AND ACTION

*Discussion and action on the Report on the Findings and Recommendations, including draft Charter amendments, by the Permitted Interaction Group established to review proposals relating to Transportation pursuant to Hawaii Revised Statutes sec.92-2.5(b) and the Department of the Corporation Counsel's proposed revisions to the Transportation Permitted Interaction Group's draft Charter amendments.*

Governor Waihee moved that the proposals made by the interaction group be forwarded to the Style Committee. Commissioner Mulligan moved to amend the motion to adopt the report and the Charter amendments recommended by the Transportation Permitted Interaction Group along with the reservation recommended by the Corporation Counsel and letters to the Charter Commission dated May 27 and June 1, 2016. Commissioner Soon seconded the motion.

Testimony:

Colleen Hanabusa, Chair, Honolulu Authority for Rapid Transportation (HART) Board, speaking in an individual capacity, testified on two matters. First was the resolution passed by the HART Board regarding the responsibility of the intermodal system which was not adopted by the Charter Commission. Second is the restructuring of the

governance structure of HART. She testified in support of the removal of the provision which prohibited the board from interfering in any way with the administrative functions of HART. Ms. Hanabusa expressed her hope that this change will give HART the necessary tools to revamp their rules and to create a structure to enable everyone to work together to push the project forward.

Mark Garrity, Deputy Director, Department of Transportation Services, testified in support of Proposal 76A, suggesting that the transition take place on July 1, 2016, to line up with the fiscal year. He also testified in support of an independent fare review commission, and the effort to increase non-fare revenue by pursuing partnerships and transit-oriented development.

Chair Rae noted the presence of many representatives of the Department of the Corporation Counsel (COR). Commissioner Soon noted the intense preliminary work by COR in creating the current proposal. The Corporation Counsel testified, sharing her recollection of the discussions regarding the selection of the transition date, but has no objection to July 1, 2017.

Commissioner Soon moved to amend the date to July 1, 2017.

Chair Rae asked for a vote on the amended motion. Hearing no objections, the motion passed.

#### IV. DISCUSSION AND ACTION

*Discussion and action on the City agency review and legal review of the proposals tentatively approved by the Charter Commission on April 1, 2016.*

*The Commission anticipates convening an Executive Session closed to the public pursuant to Hawaii Revised Statutes §92-4 and §92-5(a)(4) to consult with its attorneys on questions and issues relating to their legal analysis and recommendations for the Charter proposals identified and described in Attachment 3 of agenda.*

##### Testimony:

Roy Amemiya, Jr., Managing Director, testified that the administration stands on its written testimony and highlighted four of the proposals. He felt that the rest were self-explanatory. He said that the Administration continues to oppose Proposal 42 because they feel that it is justified in the current Charter and agree that service on a neighborhood board provides valuable perspectives when making decisions on the Neighborhood Commission. The Administration also opposes Proposal 43 because they feel that the Salary Commission is not in a position to consider the operating budget in making their salary recommendations.

Cori Shinkawa, Classification and Pay Division, Department of Human Resources, testified that there were situations where the City Council rejected the recommendations of the Salary Commission and other instances where they let it pass but volunteered to not take the increase in pay. Ms. Shinkawa confirmed for Chair Rae that the only option for the Council is to reject the recommendation, approval is automatic and not necessary if there is no rejection. She noted that the impetus behind this proposal is to recognize the importance of attracting the best possible candidates and appointees for city government and to provide additional autonomy to establish appropriate salaries to attract the type of individuals that we would like to manage our city resources. She added that the total cost of salaries recommended is less than one-half of one percent of the city budget.

Mr. Amemiya testified that administration supports Proposal 90 and asked that an additional housekeeping amendment be considered to correct an inadvertent omission by adding subsection six and changing the reference from the Hawaii Revised Statutes to the Revised Ordinances of Honolulu.

Commissioner Oshiro explained that the genesis of the neighborhood board/Neighborhood Commission proposal was to prevent a neighborhood board member from making decisions as a neighborhood board commissioner which will affect his neighborhood board.

Governor Waihee moved that the housekeeping corrections be made. The motion was seconded. However, after some discussion on the process, Dawn Spurlin, Deputy COR suggested that the Commission make the amendment and approve it. COR will review and make any further technical corrections on this and all Charter amendments proposed for the general election ballot.

Governor Waihee moved that staff make any kind of technical and typographical changes that need to be made to provisions that have come before the Commission from the Style Committee, as necessary. The motion was seconded and, hearing no objections, the motion passed.

Commissioners discussed the process and timing of corrections of technical and nonsubstantive errors. Chair Rae noted that all corrections will be noted as they occur and will be approved at the final approval of all proposals.

At 4:20 p.m. Chair Rae called for a motion to resolve into executive session to review those items submitted by the Corporation Counsel. The motion was made and seconded and the Commission went into Executive Session.

At 5:45 p.m. Chair Rae called the meeting back into order.

V. PERMITTED INTERACTION GROUP REPORT

*Report on the Findings and Recommendations by the Permitted Interaction Group established to review proposals relating to Use and Development of City Resources pursuant to Hawaii Revised Statutes §92-2.5(b).*

Chair Rae announced that the Commission would take up item V on the agenda regarding the report by the permitted interaction group established to review proposals relating to use and development of city resources.

Commissioner Soon reported that the group considered the two proposals and heard from the Administration and councilmembers. They found that the city owns hundreds of acres on all parts of the island, but there is no precise number, and they find it difficult and challenging to maintain and protect the land under the current scattered fashion of responsibility. The other issue was how to determine the public interest. Their report mentions the Clean Water and Natural Lands Fund, unilateral agreements, and the concern over the growing of government. They considered questions of adequate and specific experience levels to address the issues, types of property preservation and enhancement opportunities, and the result of doing nothing. The group was especially concerned about losing TOD opportunities which was one of the reasons for the rail project. They studied other similar jurisdictions which could serve as models for a program in Honolulu. The group recommends a new proposal which they feel should be discussed by the Commission and taken out to the public meetings for more input. Commissioner Soon listed some of the powers of the suggested entity, however it does not have zoning power.

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Chair Rae announced that the Commission would return to item IV.

Commissioner Oshiro noted that Proposals 2 and 33 both contain portions of the same charter section and circulated a proposed draft to combine the two proposals. Commissioner Oshiro moved that the amended Proposal 2 be approved and sent to COR. The motion was seconded, and, hearing no objections, the motion passed.

Commissioner Oshiro noted that he prepared an amendment to Proposal 36 regarding the deadline for ballot questions for Charter amendments to be submitted to the Chief Clerk. He read and explained his amendment and moved that it be accepted. The motion was seconded and, hearing no objections, it passed.

Commissioner Oshiro proposed an amendment to the Neighborhood Commission and neighborhood board proposal to eliminate the neighborhood board experience requirement for five members of the Neighborhood Commission and leave it to the discretion of the appointers, and moved that the amendment be accepted. The motion was seconded and, hearing no objections, the motion passed.

Chair Rae suggested that the remaining items in the Managing Director Report be held for future discussion with the administration.

Commissioner Fujimura suggested that a future agenda include any opinion from COR for discussion.

#### VI. ANNOUNCEMENTS

Chair Rae announced that the next meeting is scheduled for June 9, 2016.

#### VII. ADJOURNMENT

With no further business, Chair Rae adjourned the meeting at 6:10 p.m.