

Charter Commission

CITY AND COUNTY OF HONOLULU

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



JUNE 9, 2016 COUNCIL COMMITTEE MEETING ROOM HONOLULU HALE

MINUTES

Charter Commission Members Present:

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
John D. Waihee III, Governor
Pamela Witty-Oakland

Charter Commission Members Excused/Absent:

David W. Rae, Chair
Donna Ikeda
R. Brian Tsujimura

Others Present:

Roy Amemiya, Jr., Managing Director
Sean Hamamoto, Executive Secretary, Neighborhood Commission Office
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:

Lynn Matusow
Richard Deconti
Barbara Armentrout
Charles Carole

S.J. Melendrez
Linn Matusow
Sean Hamamoto
Ann Freed
Patricia Bakeman
Sylvia Young
Natalie Iwasa
Robin McDonald
Ted Ralston
Tom Heinrich
Flora Obayashi
Valerie Dion
Robert Finley
Larry Varay
Ursula Rutherford
Charles Prentiss
Jim Crocket
Eileen Hilton
Kim Tomei
Levani Lipton
Jack De Feo
Brian Black
Judy Fujimoto
Ann Tau Yee Joyer
Susan Lynch
Lee Stack

I. CALL TO ORDER

Roll Call: Edlyn Taniguchi, Guy Fujimura, Pam Witty-Oakland, Kevin Mulligan, Nathan Okubo, John Waihee, Michael Broderick, Paul Oshiro.

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

II. FOR APPROVAL

Minutes of the September 24, 2015, meeting

Commissioner Broderick moved to approve the minutes of September 24, 2015.
Governor Waihee seconded the motion. Upon hearing no objections, the minutes were approved

III. DISCUSSION AND ACTION

Discussion and action on Proposal 116 relating to the Clean Water and Natural Lands Fund.

Vice Chair Mulligan announced that the Commission was advised by the Managing Director that a compromise has been reached with the Trust for Public Lands.

Testimony:

Roy K. Amemiya, Jr., Managing Director, introduced Lea Hong, Executive Administrator for the Trust for Public Lands. Ms. Hong testified in support of the revised proposal.

Mr. Amemiya outlined some of the changes, including vetting by the Administration before going to the advisory committee - which is the opposite of the present process - and selection of the committee members.

Lynn Matusow testified in opposition to the one-minute time limit, as opposed to other meetings which had three-minute limits. She felt that the change in time limit was meant to stifle public participation, citizen participation and open government for this meeting.

Discussion:

Vice Chair Mulligan explained the history of Proposal 116 and called for a motion to accept the amendments. Commissioner Okubo? Moved to accept the amendments and send the proposal to the Style Committee. Governor Waihee seconded the motion. Hearing no objections, motion passed.

Commissioner Broderick then explained the rationale for the speaker time limit which was based on the 300+ testimonies received on this issue and the Commission's desire to give more people an opportunity to present testimony without having to wait for hours to do so. Commissioners then discussed changing the time limit for testifiers. Commissioner Mulligan moved that the time limit be changed to two minutes. Hearing no objections, the motion passed.

IV. DISCUSSION AND ACTION

Discussion and action on the Findings and Recommendations by the Permitted Interaction Group established to review proposals relating to Open Government/Citizen Participation pursuant to Hawaii Revised Statutes sec. 92-2.5(b).

Testimony:

Richard Deconti testified in opposition to cutting the budget of the Neighborhood Boards. He felt that the boards give people a chance to meet directly with those who govern.

Barbara Armentrout testified that she is a member of Neighborhood Board 5 and opposes the proposed cut to the neighborhood board budget. She felt that it is a community-based system that was created to ensure that people have a voice in their community and the ability to get things done for their community.

Charles Carole represented the League of Women Voters and testified against abolishing the neighborhood board system.

Ann Freed testified that she sent in written testimony in opposition to the proposal to make the board smaller.

S. J. Melendrez testified that she submitted written testimony, is on Neighborhood Board 35 and is opposed to reducing neighborhood boards in Proposal 19. She testified that Proposal 30 is inappropriate and is opposed to it.

Lynn Matusow testified that she submitted written testimony and is opposed to anything that changes the neighborhood boards.

Sean Hamamoto, Executive Secretary for the Neighborhood Commission Office, testified that he submitted written testimony and highlighted a few points regarding technology. He requested that the Charter Commission not take action to eliminate the neighborhood board system.

Sylvia Young, Neighborhood Board 12, testified in opposition to everything proposed regarding neighborhood boards, except the change in title from executive secretary to executive director. She also suggested that elections be changed to even years to be added to the regular elections ballot and that the executive secretary be selected by the neighborhood commission rather than the mayor.

Natalie Iwasa testified that she submitted written testimony and that she is opposed to the elimination of the neighborhood board system. She felt that the review should be done by the City Council and Administration independently.

(Ms.) Robin McDonald testified in opposition to Proposals 19, 30, 40, 113, and 126.

Ted Ralston submitted written testimony and testified in opposition to abolishing the neighborhood boards and replacing them with electronic media. Electronic media should be used instead to enhance the boards.

Tom Heinrich testified he is in support of increased use of electronic media to increase accessibility throughout City government and should be treated separately. He is opposed to the elimination of the neighborhood boards. Upon questioning by Commissioner Soon, Mr. Heinrich explained that the neighborhood plan took eleven years to be revised, but not all the revisions are responsive or an improvement to the system. However, these issues do not rise to Charter level. He felt that the responsibility of the board is informed communication between the community and elected and appointed officials, but had no answer as to how to measure the effectiveness of the agency.

Flora Obayashi, Kahaluu Neighborhood Board, testified to report the results of her Board's discussion. The Board opposes the recommendation to put the proposed question on the ballot, and requested that the Commission reject the permitted interaction group's (P.I.G.'s) recommendation. They believe the system to be a valuable source of information and public opinion which provides a forum for public participation and should remain to build community consensus.

Valerie Dion submitted written testimony and testified in opposition to the proposal.

Roger Finley submitted written testimony and testified in opposition to the proposed changes to the system. He shared his experiences as Neighborhood Commission and Neighborhood Board member.

Larry Varay, Chair of the Pearl City Neighborhood Board, testified on behalf of his Board in opposition to Proposal 30.

Governor Waihee inquired whether there was any testifier in favor of the proposal. There were none.

Ursula Rutherford testified in opposition to abolish neighborhood boards. She felt that it provides an informal venue for citizens to raise questions for elected officials.

Charles Prentiss submitted written testimony and testified from his written testimony reciting the history of the system. He urged the Commission to defer the proposal and limit the number of neighborhood boards.

Jim Crocket testified in opposition to eliminating neighborhood boards and in support of face-to-face interactions.

Governor Waihee noted the written testimony of Michael Galiher who felt that the neighborhood board is dominated by lifetime members. Mr. Galiher clarified that he is a resident of Kailua and does not have any issues with any board members.

Eileen Hilton, President of the Windward Coalition, testified in opposition to the eradication of the neighborhood boards.

Kim Tomei testified in opposition to the abolishment or reduction of neighborhood boards. She stated that the meeting gives you an opportunity to look people in the eye and evaluate whether or not the person is someone you can trust.

Levani Lipton testified in opposition to the proposal because he is concerned about the silencing of voices and felt that neighborhood boards promote civic engagement.

Jack De Feo testified in opposition to the proposal. He explained that he felt the system is the foundation of a free and open society without which there is no democracy. He noted that he submitted written testimony

Commissioner Soon noted that she has been opposed from the start but as a point of clarification, said that this proposal would be put before the voters which is the most democratic form of decision-making.

Brian Black, Executive Director, Civil Beat Law Center for the Public Interest, testified that the Law Center submitted several proposals to advocate for transparency. He felt that the issue of tone was important and focused on Proposal 23 regarding the current public records provision in the Charter, and is opposed to the exception for the Prosecuting Attorney.

Judy Fujimoto testified that she is aware of people who are in support of the proposal and would have liked to hear from them. She feels that the nonpartisan aspect of the system gives members a safe and level playing field to hear honest expressions from the community.

Ann Tau Yee Joyer (?) testified in support of neighborhood boards.

Susan Lynch testified in opposition to the proposal, as her board helped her and her husband who is completely disabled.

Lee Stack testified in support of neighborhood boards.

Discussion:

Commissioner Broderick noted that he was a member of the P.I.G. that made the recommendations, but based on the written and verbal testimony, he has been educated about the value of the neighborhood boards and will be voting no. However, before voting, he addressed the television accusation that the Commission's motives are to facilitate the targeted effort by the construction industry and others who have said the Commission's motives are a blatant attempt to cut the public out of participating in

government. He firmly stated that he has not seen or heard anything to suggest or imply that those were the motives of any Charter Commission member.

Commissioner Fujimura pointed out that the question is whether to place the question on the ballot to go before the public. He reviewed the various types of testimony and believes that after hearing the verbal testimony of where the boards have been effective, the question rises to the point that it should be placed before the voters. He noted the contrast in action with the Youth Commission.

Commissioner Witty-Oakland explained the approach of the P.I.G. and the data considered by the P.I.G.. Her position is that if the system is as valuable as the testifiers claim, then democracy requires that the voters decide.

Commissioner Soon felt that putting the question before the voters would create unnecessary pain and would not improve the situation regardless of the outcome. She noted that if there is a motion, she would be voting against it.

Vice Chair Mulligan noted that he shares Commissioner Soon's sentiments. He noted that there are a limited number of questions that can be placed on the ballot and he has serious concerns regarding this proposal's effect on other proposals of considerable importance, and he is not willing to take that risk.

Governor Waihee noted that he was the supervisor of the group that created an idea called neighborhood boards over 40 years ago. While he is glad to see that people still relate to it, he is also concerned that it still remains relevant. He felt that it may be time to start the discussion, but premature to put it on the ballot.

Commissioner Fujimura agreed with Governor Waihee's remarks and noted from the testimony that where the boards work, there was a lot of participation. He also noted that part of the testimony seemed to indicate that fixes are possible without a major Charter amendment.

Vice Chair Mulligan also agreed with Governor Waihee's remarks and noted that it is the responsibility of the Commission to engage in questions, including controversial ones, as an indication of democracy, but it does not mean that the Commission is not listening to the community.

Commissioner Witty-Oakland moved that the Commission vote on whether or not to put on the ballot the question: "Should the city increase city participation in the decisions of government through the use of electronic communication such as television, internet and email and eliminate the neighborhood board system?" The motion was seconded by Vice Chair Mulligan. Commissioner Witty-Oakland voted AYE. Vice Chair Mulligan, Governor Waihee, and Commissioners Broderick, Fujimura, Okubo, Oshiro, Soon, and Taniguchi voted NO. The motion did not pass.

Proposals 24 and 40

Commissioner Witty-Oakland noted that the P.I.G. framed the question for the City Council to review the boards and commissions, however, as suggested by Ms. Iwasa that the Mayor and City Council conduct the review, she would like the Commission to review the issue.

Governor Waihee noted that at the state level, the Legislative Auditor reviews the boards and commissions and makes recommendations to the Legislature. He suggested that the proposal be phrased so that the provision is in accordance with law or in accordance with an ordinance passed by the City Council. Commissioners then discussed the options on the language and how much specificity is necessary for the Style Committee to do its job. Commissioner Witty-Oakland clarified that the idea was to have something similar to what the state has where there is a continuous review on a five-year basis. Commissioner Fujimura moved that a review process to evaluate the effectiveness of boards and commissions every five years be established by ordinance. Commissioner Witty-Oakland seconded the motion. Hearing no objections, the motion passed.

Commissioner Soon requested a discussion on the issue of transparency in Proposal 23 as raised by Mr. Black. Mr. Black explained the difference between the state process from the OIP mandate, which the city follows. He noted that the Charter reads that books are open and creates broad exceptions which would not comply with OIP, and state law overrides these exceptions. He said that Proposal 23 is an effort to align the Charter with state law. He used the Ethics Commission as an example of a Charter provision which conflicts with state law. Vice Chair Mulligan noted that there are sections in the Charter that are out of date which need a general cleanup. Governor Waihee noted that the issue was raised in the early meetings where a general cleanup Charter amendment was proposed. It was suggested that Chair Rae confer with the Administration and the Corporation Counsel regarding the placement of this question on the next possible agenda. Mr. Black was invited to send testimony pointing out the specific order of proposals which should be considered.

V. EXECUTIVE SESSION

An executive session was called pursuant to Hawaii Revised Statutes sec. 92-4 and sec. 94-5(a) to consult in a closed meeting with the attorneys for the Commission on questions and issues pertaining to Hawaii Revised Statutes sec. 92-7 and related Office of Information Practices opinions regarding Sunshine Law agenda requirements.

Vice Chair Mulligan noted that in light of the lateness of the hour, the expressed interest of certain Commissioners, and the fact that this item is on the agenda for June 17th, it will be deferred to the next meeting.

VI. ANNOUNCEMENTS

Vice Chair Mulligan announced that the next meeting is scheduled for June 17, 2016, and public outreach meetings scheduled for late June and early July.

VII. ADJOURNMENT

With no further business, Vice Chair Mulligan adjourned the meeting at 6:24 p.m.