

Charter Commission

CITY AND COUNTY OF HONOLULU

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



JUNE 23, 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

Donna Ikeda

Nathan T. Okubo

Cheryl D. Soon

Edlyn S. Taniguchi

R. Brian Tsujimura

John D. Waihee III, Governor

Pamela Witty-Oakland

Charter Commission Members Excused/Absent:

Paul T. Oshiro

Others Present:

Ellen Kitamura, Board of Water Supply

Don Kitaoka, Deputy Corporation Counsel

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:

Brian Black, Executive Director, Civil Beat Law Center for the Public Interest

Barbara Wong, SHOPO representative

I. CALL TO ORDER

Roll Call: Edlyn Taniguchi, Guy Fujimura, Kevin Mulligan, Pam Witty-Oakland, Dave Rae, Nathan Okubo, John Waihee, Cheryl Soon, Michael Broderick, Reggie Castanares, Donna Ikeda, Rick Tsujimura.

With a quorum present, Chair Rae called the meeting to order at 3:46 p.m.

II. PERMITTED INTERACTION GROUP REPORT

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

Testimony:

Chair Rae announced that he would take testimony on items II and III.

Ellen Kitamura, Deputy Manager and Chief Engineer of the Board of Water Supply (BWS), testified that the BWS just received the report and has no comment at this time. However, they will present testimony when the matter comes up for decision-making. Ms. Kitamura distributed a handout to give the Commissioners an idea of what BWS is doing, some of their initiatives, metrics that they have been following, handouts about the water master plan, how they handle main breaks and some of their newsletters.

Governor Waihee reported on the permitted interaction group's (P.I.G.s) findings and recommendations:

Corporation Counsel. The P.I.G. considered following the state process regarding appointment and removal of the Attorney General. However, after extensive discussion, the P.I.G. decided that it may be premature and recommended that Proposal 4 be held.

Special Funds. The P.I.G. felt that the language in the Charter was clear, but given the submitted proposal, they decided to make it very clear that the executive branch power to create special funds cannot be modified except specifically. The amended proposal being recommended leaves the creation of special funds to either branches of government.

Board of Water Supply. The P.I.G. addressed the question of autonomy for the BWS and felt that there should be some oversight with respect to sale of real property and the sale of revenue bonds. They felt that since the sale of revenue bonds affects the credit rating of the City, the Administration and City Council should have a say in it. The third area

concerned rate increases and the recommendation for more public participation and comment by the Administration and council.

Prosecuting Attorney (PA). The recommendation is that the PA's budget, once approved by the City Council is not subject to any withholding.

Grants in Aid. The P.I.G. recommends that Grants in Aid be taken out of the Charter and be handled by auditors.

Commissioner Soon inquired about the form of review of the BWS budget by the City Council. Governor Waihee explained that the P.I.G. felt that it would be up to the Mayor and the City Council to determine that process.

Chair Rae noted that the P.I.G. report was available to the public.

III. PERMITTED INTERACTION GROUP REPORT

Report on the Findings and Recommendations by the Permitted Interaction Group established to review the request by Mayor Kirk Caldwell sent on April 17, 2016, relating to the Grant in Aid Fund pursuant to Hawaii Revised Statutes sec. 92-2.5(b).

See above.

IV. DISCUSSION AND ACTION

Deliberation and decision-making on:

- *Proposal 23 to conform the county public records law to state requirements to ensure greater access to public records;*
- *Proposal 34 to require the publication of a new and updated edition of the Charter at least every 10 years by July 1 of the year following the general election and ending in "6";*
- *Proposal 35 to repeal the requirement that no more than a majority of members of the Reapportionment Commission can be members of the same political party;*
- *Proposal 43 to require that the Salary Commission recommendations go into effect within sixty days if they have a three quarters majority vote;*
- *Proposal 77 to add planning, engineering, design, construction, and installation to the Departments of Design and Construction, Enterprise Services,*

Environmental Services, Facility Maintenance, Transportation Services, Information Technology and Parks and Recreation;

- *Proposal 79 to require contracts for the Board of Water Supply and the Honolulu Authority for Rapid Transit to be approved for form and legality by the Corporation Counsel;*
- *Proposal 87 to increase the number of members on the Fire Commission from five to seven;*
- *Proposal 89 to change the Neighborhood Commission title of “Executive Secretary” to “Executive Director”;*
- *Proposal 90 to:*
 - *Align Central Purchasing with the State Procurement Code; and*
 - *Remove the requirement for an appointed standardization committee;*
- *Proposal 91 to correct the earlier reorganization of the Department of Emergency Management by replacing references to “civil defense” with “emergency management”.*

The Commission anticipates convening an Executive Session closed to the public pursuant to Hawaii Revised Statutes sec. 92-4 and sec 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 this agenda item.

Chair Rae announced that he would take testimony on items IV and V.

Testimony:

Brian Black, Executive Director, Civil Beat Law Center for Public Interest testified that he submitted written testimony in response to the Commission’s request at the June 9th meeting. He noted that Proposal 23 contains a blanket exemption which is inconsistent with state law and the Ethics Commission language regarding redacting individuals’ names. Mr. Black commented on the Commission’s executive sessions which may result in changes to proposals and felt that it was important for the public to know what changes result from those sessions. Chair Rae noted that all modifications will be in open session which will be articulated at that time.

Mr. Black also testified in support of Proposal 48. He confirmed for Governor Waihee that in a conflict between the Charter and state law it would depend on the law.

Barbara Wong, SHOPO representative, testified to confirm their original written testimony and her original oral testimony that there is a role that the Police Department fills in assisting victims and their families in responding to OIP requests. Ms. Wong confirmed that in this situation state law would prevail.

Commissioner Broderick expressed concern that the Commission would not have a complete list of all proposals at the time of the first public meeting. Chair Rae noted that it's a timing issue but the Commission has deadlines to meet and will do its best to make sure the public has as much information as possible.

Chair Rae requested that the Commission go into an executive session pursuant to HRS 92-5(a)(4) to consult with its attorneys relative to the proposals listed under agenda items IV and V. Commissioner Mulligan so moved. Commissioner Broderick seconded the motion. Hearing no objections, the motion passed.

At 4:20 p.m. the Charter Commission dissolved itself into executive session.

At 4:25 p.m. Chair Rae called the meeting back into order.

Commissioner Soon moved that Proposal 23 with amendment proposed by Ms. Wong regarding 92F move forward to the Style Committee. Commissioner Broderick seconded the motion. Hearing no objections, the motion passed.

Governor Waihee moved that Proposals 34, 35 and 43 be moved to the next meeting tentatively set for July 13. The motion was seconded. Hearing no objections, the motion passed.

Governor Waihee moved that the amended form of Proposal 79 be moved on to the next meeting. Commissioner Mulligan seconded the motion. Hearing no objections, the motion passed.

Governor Waihee moved that the amended form of Proposal 87 be moved on to the next meeting. Commissioner Mulligan seconded the motion. Hearing no objections, the motion passed.

Governor Waihee moved that Proposal 89, 90 and 91 be moved on to the next meeting. Commissioner Broderick seconded the motion. Chair Rae, Governor Waihee and a number of other Commissioners noted that they will be voting against these proposals in terms of the ballot. Hearing no objections, the motion passed.

Commissioner Ikeda moved to delete paragraph A from Proposal 86. The motion was seconded. Hearing no objections, the motion passed.

Governor Waihee moved that Proposal 77 be posted on the agenda for the June 30th meeting and the motion was seconded. Hearing no objections, the motion passed.

V. DISCUSSION AND ACTION

Discussion and action on the City agency review and legal review of Proposals 48, 73, 86, and 104, tentatively approved by the Charter Commission on April 29, 2016. The Commission anticipates convening an Executive Session closed to the public pursuant to Hawaii Revised Statutes sec. 92-4 and sec 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.

[see above]

VI. ANNOUNCEMENTS

Chair Rae announced that the next meeting is on June 30, 2016, and that staff will be circulating a draft final meeting calendar. He also noted that a meeting is projected for July 13 as a “pre-final decision” meeting, to evaluate all of the proposals still being worked on.

VII. ADJOURNMENT

With no further business, Chair Rae adjourned the meeting at 4:40 p.m.