

Charter Commission

CITY AND COUNTY OF HONOLULU

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



JULY 13, 2016 COMMITTEE MEETING ROOM 205 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

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

Commission Members Excused/Absent:

None

Others Present:

Roy Amemiya, Jr., Managing Director
Ernest Lau, Manager and Chief Engineer, Board of Water Supply
Dr. Baird Fleming, Director, Honolulu Zoo
Carol Nakamura, Executive Assistant, Office of the Prosecuting Attorney
Donna Leong, Corporation Counsel
Dawn Spurlin, Deputy Corporation Counsel
Krishna Jayaram, Deputy Corporation Counsel
Dana Viola, 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:

Leah Hong
Paul Dyson
Lisa Murayama
Michelle Matson

Mahealani Cypher
Natalie Iwasa
Brian Black
Barbara Wong, SHOPO

I. CALL TO ORDER

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

With a quorum present, Chair Rae called the meeting to order at 2:11 p.m. and announced that Vice Chair Mulligan will co-chair today's meeting.

Testimony:

Leah Hong, State Director, The Trust for Public Land, testified in support of Proposal 114 relating to the Clean Water and Natural Lands Fund.

Paul Dyson, President, Honolulu Zoo Society, testified in support of Proposal C-3. He stated that in 2015 the Society gave the Zoo \$542,000 in cash, and \$930,000 in-kind donations in education programs which are necessary for AZA (Association of Zoos and Aquariums) certification.

Lisa Murayama, Hawaii Alliance of Nonprofit Organizations, testified in support of Proposal C-7 regarding the Grants in Aid Fund and noted that she is in support of "sole source of funds", provided that it does not preclude any other budgetary appropriation for contracting and procurement with nonprofits.

Michelle Matson, Oahu Island Parks Conservancy, testified in support of Proposal C-5 regarding parks and public spaces, and shared some of her concerns regarding the new department including the scope of protection and management of assets, public/private partnerships, development of land management plans, dedication to transit-oriented development, and the definition of "public interest."

Dr. Baird Fleming, Director, Honolulu Zoo, testified in support of Proposal C-3, including the sunset clause, noting that he has been in his position since 2007.

Ernest Lau, Manager and Chief Engineer, Board of Water Supply (BWS), testified that written testimony was submitted on Proposal C-6, and repeated his previous testimony

regarding the word “encumbrances”, revenue bonds, BWS self-sufficiency, the annual independent financial audit by a certified public accountant, and public hearings.

Mahealani Cypher testified in opposition to Proposals 6, 20, and C-6. Commissioner Soon pointed out that Proposals 6 and 20 are no longer being considered.

Natalie Iwasa testified on multiple proposals. She suggested that Proposal 23 should be consistent with state law. She said she supports Proposals 29, 39, 43, 78, 89, C-1, and C-7. She expressed her concern regarding Proposal 76 and the collection of data. She is opposed to or has concerns regarding Proposals 35, 77, 102, 153, C-3, 40, 44, and 116.

Brian Black, Executive Director, The Civil Beat Law Center for the Public Interest, testified that he submitted written testimony in support of Proposals 48, 23, and 73.

Roy Amemiya, Jr., Managing Director, testified on behalf of the administration and shared the administration’s top ten list. Proposal 76 regarding rail operations, Proposal C-5 which would create a Department of Land Management, Proposal 3 regarding the Affordable Housing Fund criteria, Proposal 54 regarding functional plans, Proposal 73 creating an office of sustainability, Proposal 77 clarifying responsibilities for the Department of Design and Construction, Proposal 80 designating signers of documents for the Mayor, Proposal 116 regarding the Clean Water and Natural Lands Fund, Proposals C-3 regarding the Honolulu Zoo Fund, and Proposal C-7 regarding the Grants in Aid Fund.

Mr. Amemiya noted that proposals regarding the police and the Police Commission are not on their list because they felt that it might be premature to make such changes. He also confirmed that the administration is agreeable to the percentage for the Honolulu Zoo Fund and its sunset provision.

Commissioner Fujimura raised the issue in Proposal C-5 of BWS lands and suggested that language may be needed to clarify that control of lands turned over to BWS management will not be taken back by the new department.

Barbara Wong, SHOPO, testified in opposition to Proposals C-1 and C-2. She stated that SHOPO does not feel that an at-will chief is in the best interests of the community or the Police Department’s employees. She testified that C-2 is unnecessary at this time.

Carol Nakamura, Executive Assistant to the Prosecuting Attorney, testified in support of Proposal 29 which gives the Prosecutor’s Office budget autonomy. She further pointed out that, as an elected official, the Prosecutor needs to be independent to be effective in implementing the Department’s programs and priorities.

At 3:07 p.m. the Commission recessed.

At 3:16 p.m. Chair Rae called the meeting back to order.

Governor Waihee explained the work of the Committee on Submission and Information and how they divided the proposals into four thematic groupings. The first group concerned governance structure to meet the challenges of the future. The second group was to establish a tone of transparency, fairness and increased public confidence. The third group was to promote and provide greater efficiency and effectiveness in the management of operations and to be responsive to the consumer base. The last group consisted of housekeeping measures.

Vice Chair Mulligan moved that the Commission enter into executive session. Governor Waihee seconded the motion. Hearing no objections, the motion passed and the Commission recessed into executive session at 3:19 p.m.

At 4:02 p.m. Chair Rae called the meeting back to order.

II. DISCUSSION AND ACTION

Deliberation and decision-making on proposals still under consideration as of July 7, 2016:

Commissioner Soon started with Proposal 54 and informed the Commission that the proposal had been amended and explained the amendments which were made to address issues raised by the Department of the Corporation Counsel (COR), the Managing Director, and BWS, and the reasons for adopting or not adopting the recommendations.

Commissioner Soon moved that the proposal be adopted as amended and moved to the Submission and Information Committee. Governor Waihee seconded the motion. With three objections, the motion passed.

Governor Waihee moved that Proposal 73 to create an Office of Climate Change, Sustainability and Resiliency be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. With two objections, the motion passed.

Governor Waihee moved that Proposal 76A regarding a multimodal transit agency be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Governor Waihee noted that the proposal may be broken into various parts by the Submission and Information Committee. He also announced that Commissioner Mulligan had been added to the Committee as a voting member. Seeing no objections, the motion passed.

Governor Waihee moved that Proposal 102 to create a Youth Commission be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Governor Waihee pointed out a mistake in the proposal write-up

which will be corrected to state that the Youth Commission will be attached to the Managing Director's office. Commissioner Okubo reiterated his support of this proposal. Chair Rae disclosed that he will not be voting in favor of this proposal. He would prefer not adding another cost for the government. He explained that the Mayor or City Council could create an advisory committee, avoiding the cost of a new commission. Commissioner Fujimura explained his change in support due to his belief that commissions should be evaluated on a periodic basis and preferred not to create something that will never be changed. Governor Waihee withdrew his motion and Commissioner Broderick withdrew his second. Chair Rae announced that this proposal would be moved to the end of the agenda.

Governor Waihee moved that Proposal C-5 Version 1 be adopted and moved to the Submission and Information Committee. The motion was seconded. Commissioner Soon explained the amendments proposed by COR in Version 1. Commissioner Ikeda noted that she will be voting against this proposal primarily because it can be done administratively and it is her policy not to support proposals that can be accomplished without amending the Charter. Commissioner Broderick called for the question and Chair Rae stated that a roll call vote would be taken due to the significance of the proposal. Vice Chair Mulligan called the roll.

AYE: BRODERICK, MULLIGAN, OSHIRO, RAE, SOON, TSUJIMURA,
WAIHEE, WITTY-OAKLAND-8

NO: CASTANARES, FUJIMURA, IKEDA, OKUBO, TANIGUCHI-5

Chair Rae announced that Proposal C-5 Version 1 would move forward to the Submission and Information Committee.

Governor Waihee moved that Proposal 23 regarding county public records be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Seeing no objections, the motion passed.

Governor Waihee moved that Proposal 39 regarding Ethics Commission attorney salaries be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Commissioner Oshiro moved to amend the proposal by deleting the cap of the division head of COR and to include the cap for the first deputy of COR whose salary is set by the Salary Commission. Governor Waihee seconded the motion. Seeing no objections, the motion to amend passed. Voting on the main motion, seeing no objections, the motion passed.

At 4:24 p.m. the Commission recessed.

At 4:25 p.m. Chair Rae reconvened the meeting.

Governor Waihee moved that Proposal 43 regarding Salary Commission recommendations be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Commissioner Oshiro noted that he introduced the proposal, and although he feels it has merit, he suggested that it be deferred. Governor Waihee suggested that a vote be taken since it can still be voted down. Chair Rae announced that he would be voting yes. Commissioner Broderick called for the question. Seeing 12 objections, the proposal did not move forward.

Governor Waihee moved that Proposal 42 regarding concurrent service by Neighborhood Board members be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Commissioner Broderick noted that he will be voting no on this because he does not think it rises to the level of a Charter question. Commissioner Ikeda noted that she supports this proposal because it makes sense. Commissioner Broderick called for the question. The motion failed and the proposal did not move forward.

Governor Waihee moved that Proposal 44 regarding term limits for elected officials be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Commissioner Broderick noted that he would be voting no on this proposal because he thinks that term limits should remain the same to promote new ideas.

At 4:28 p.m. the Commission recessed.

At 4:29 p.m. Chair Rae called the meeting back to order.

Commissioner Ikeda noted that this proposal permits those currently in elected positions to serve up to three full terms which provides institutional knowledge and a good understanding of the workings, the issues, and the potential of affecting large projects like the rail. Chair Rae agreed. Commissioner Fujimura noted that this will put a term limit on the Prosecuting Attorney who currently has none. Chair Rae stated that a roll call vote would be taken due to the significance of the proposal. Vice Chair Mulligan called the roll.

AYE: CASTANARES, FUJIMURA, IKEDA, MULLIGAN, OKUBO, OSHIRO,
RAE, SOON, TANIGUCHI, WAIHEE-10

NO: BRODERICK, TSUJIMURA, WITTY-OAKLAND-3

Chair Rae announced that Proposal 44 would move forward to the Submission and Information Committee.

Governor Waihee moved that Proposal 48 regarding sustainability be adopted. Commissioner Broderick seconded the motion. With one objection, the motion passed.

Vice Chair Mulligan noted that Proposal 104 was put on the agenda in error.

Governor Waihee moved that Proposal 153 regarding gifts from lobbyists be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Chair Rae announced that he will be recusing himself from the vote. Commissioner Oshiro disclosed that he is a registered city lobbyist and shared that he thought this proposal can be addressed outside of the Charter by ordinance which would provide an opportunity for comprehensive research, vetting, and a thorough review of the matter and for systematically developing pertinent regulatory enhancements or recommendations appropriate for an ordinance.

Governor Waihee spoke in opposition to the proposal stating that after being amended the proposal is too broad. He felt that in amending the proposal to try to clarify a problem, the proposal became more unworkable.

Commissioner Broderick spoke in support of the proposal because he felt that the voters are disillusioned and this provision will help assist in regaining the trust of the voters.

Commissioner Fujimura agreed with Governor Waihee that the Commission tried to clarify the application of the law and ended up with a prohibition which was not the intent or the reason for the proposal. He felt that the current Charter language is appropriate.

Commissioner Ikeda spoke in support of the proposal and noted that the strong language will prevent errors going forward.

Chair Rae stated that a roll call vote would be taken due to the significance of the proposal. Vice Chair Mulligan called the roll.

AYE: BRODERICK, IKEDA, MULLIGAN, SOON, TANIGUCHI, WITTY-
OAKLAND -6

NO: CASTANARES, FUJIMURA, OKUBO, TSUJIMURA, WAIHEE -5

ABSTAIN: RAE-1

RECUSED: OSHIRO-1

Vice Chair Mulligan reported that there were six ayes. Chair Rae announced that Proposal 153 would not move forward to the Submission and Information Committee. Commissioner Ikeda raised the issue of how the abstention and recusal votes are counted. Vice Chair Mulligan noted that under the Committee's rules the proposal needed seven votes to pass but received only six ayes.

Governor Waihee moved that Proposal C-1 regarding the Police Commission powers be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Vice Chair Mulligan commented that the Police Commission needs this additional power to exercise citizen control over the Police Department. Seeing no objections, the motion passed.

Governor Waihee moved that Proposal C-2 be adopted and moved to the Submission and Information Committee. Vice Chair Mulligan seconded the motion. Governor Waihee moved to amend the proposal as submitted and circulated a draft from COR. Commissioner Broderick seconded the motion. Hearing no objections, the amendment passed. Chair Rae called for the vote on the main motion. Seeing no objections, the motion passed.

Governor Waihee moved that Proposal 29 regarding the Prosecuting Attorney's budget autonomy be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Hearing no objections, the motion passed.

Governor Waihee moved that Proposal 40 regarding the sunset and review of boards and commissions be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Commissioner Witty-Oakland requested confirmation that the version being voted on includes the five-year limit.

At 4:50 p.m. the Commission recessed.

At 4:53 p.m. Chair Rae called the meeting back to order.

Commissioner Witty-Oakland moved to amend Proposal 40 to require that reviews be done at five-year intervals. Commissioner Oshiro seconded the motion. Commissioner Soon noted that she will be voting against the amendment because, while she sees the value in periodically reviewing the boards and commissions, she felt that every five years would be burdensome. She also noted that the initial proposal provides no process. Chair Rae agreed that five years is burdensome and noted that he too would vote against the amendment. He stated that "on a regular interval" is enough to give the City Council and Mayor guidance to create the process through ordinance. Commissioner Castanares agreed with Chair Rae. Commissioner Broderick called for the question. In voting on the amendment, there were three ayes. The amendment did not pass. In voting on the main motion, there were two objections and the motion passed.

Governor Waihee moved that Proposal 78 regarding special funds be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Commissioner Tsujimura noted his support for the proposal. Governor Waihee called for the question. Seeing no objections, the motion passed.

Governor Waihee moved that Proposal 79 regarding approval of contracts for BWS and the Honolulu Area Rapid Transportation (HART) be moved to the Submission and Information Committee. Commissioner Broderick seconded the motion, and with no objection, the motion passed.

Governor Waihee moved that Proposal 90 regarding procurement be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. With only two objections, by Chair Rae and Commissioner Taniguchi, the motion passed.

Governor Waihee moved that Proposal 116 be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Commissioner Okubo recused himself based on recent representation of public lands. With one recusal, and no objections, the motion passed.

Governor Waihee moved that Proposal C-3 regarding the Honolulu Zoo Fund be adopted and moved to the Submission and Information Committee. Commissioner Oshiro seconded the motion and moved to amend the proposal. The amendment included a sunset provision tied to the Honolulu Zoo's accreditation which included two components in addition to the funding issue. Commissioner Oshiro explained that the amendment would ensure that funding is in place and it would compel the Honolulu Zoo to expeditiously address the other two components needed for accreditation. Commissioner Broderick seconded the motion to amend Proposal C-3.

Commissioner Soon noted that the wording is awkward and Commissioner Oshiro clarified that the intent is, if on June 30, 2023, the Zoo is not accredited, the Zoo Fund would be repealed. Commissioner Castanares felt that the fund should not continue until the last day of June 2023. He felt that if the Zoo doesn't get accreditation by 2018, there would be no reason to have the Fund. Commissioners discussed the Fund cycle and the timing of accreditation.

To clarify various issues, the discussion on Proposal C-3 was moved to the end of the calendar.

Governor Waihee moved that Proposal C-6 regarding BWS' revenue bonds be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion.

Commissioner Tsujimura moved to amend the proposal based upon the submittal by the Corporation Council concerning paragraphs (e) and (f). Commissioner Broderick seconded the motion to amend Proposal C-6.

At 5:10 p.m. the Commission recessed.

At 5:12 p.m. Chair Rae called the meeting back to order.

Chair Rae moved the discussion of Proposal C-6 to the end of the calendar.

Governor Waihee moved that Proposal C-7 regarding grants in aid be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion.

Governor Waihee moved to amend the proposal in accordance with language provided by COR to amend the first paragraph of Section 9-205.1 by adding new language that was circulated. Commissioner Broderick seconded the motion to amend Proposal C-7. Commissioner Fujimura clarified that there is no prohibition for the City Council to add funds and Governor Waihee noted that there is no cap. Commissioner Witty-Oakland expressed her concern about a cap and the inability to use the funds anywhere else in the event of a fiscal crisis and suggested that the funds lapse after one year if not used. Governor Waihee noted that the Commission voted on that issue to delete all of the advantages, but the vote was lost. The Corporation Counsel clarified that Section. 9-205 provides the City Council with that latitude but the Mayor has no such latitude.

Commissioner Castanares called for the question. Hearing no objection, the motion to amend passed.

Commissioner Ikeda noted that she will be voting no on this proposal. She explained that she has no objections to grants in aid and nonprofits but objects to the formulation of a Grant in Aid Fund which would take half a percent off the top of the general fund which could last in perpetuity and she felt that this is bad policy. She further noted that in essence voting for this is the same as a tax increase because the money for this fund is taken right off the top of the general fund which reduces the money available for all the rest of the City's needs. Commissioner Ikeda explained that if what is left in the general fund is inadequate, the only alternative is to raise taxes. Her other problem with this process is that the general fund contains a number of user funds which cannot be used except as designated. Governor Waihee agreed with Commissioner Ikeda but noted that he will support the proposal. His first choice was to eliminate the fund but, since that option no longer exists and the current language was not acceptable, his only option was to support this measure to amend the current language.

In voting on the main motion to adopt the proposal as amended, Chair Rae stated that a roll call vote would be taken. Vice Chair Mulligan called the roll.

AYE: BRODERICK, CASTANARES, FUJIMURA, MULLIGAN, OKUBO,
OSHIRO, RAE, SOON, TANIGUCHI, TSUJIMURA, WAIHEE, WITTY-
OAKLAND – 12

NO: IKEDA – 1

Vice Chair Mulligan reported that there were 12 ayes and one no. Chair Rae announced that Proposal C-7 was adopted as amended and moved forward to the Submission and Information Committee.

Governor Waihee moved that Proposal 2 regarding the timing of special elections be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion.

Commissioner Oshiro moved to make a nonsubstantive amendment to Proposal 2 as circulated. The amendment was accepted as a friendly amendment to the basic motion. Seeing no objections, the amended proposal passed.

Governor Waihee moved that Proposal 3 regarding the affordable housing fund be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. There was no discussion. With no objections, the proposal passed.

Governor Waihee moved that Proposal 77 regarding executive department duties be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Governor Waihee corrected his motion to move Proposal 77, as amended with the language provided by COR and circulated, be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the corrected motion. Commissioner Ikeda noted that it is still not clear to her that this proposal is necessary.

At 5:26 p.m. the Commission recessed.

At 5:27 p.m. Chair Rae called the meeting back to order and announced that Proposal 77 would be deferred to the end of the agenda.

Governor Waihee moved that Proposal 80 regarding authorized signers for the Mayor be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. There was no discussion. Hearing no objection, the motion passed.

Governor Waihee moved that Proposal 82 regarding the sewer CIPs (capital improvement projects) be adopted and moved to the Submission and Information Committee. Chair Rae noted that the contents of the proposal had been addressed and therefore, further discussion was not necessary.

Governor Waihee moved that Proposal 86 regarding the fire chief be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the

motion. There was no discussion and Commissioner Tsujimura called for the question. Seeing no objections, the motion passed.

Governor Waihee moved that Proposal 87 regarding the fire commission be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. There was no discussion. Hearing no objection, the motion passed.

Governor Waihee moved that Proposal 89 changing the title of the person heading the Neighborhood Commission be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Vice Chair Mulligan stated that he will vote no because this does not rise to the level of Charter amendment. Commissioner Broderick, Governor Waihee, Commissioners Tsujimura, Soon, and Fujimura agreed with Vice Chair Mulligan. With only one vote in favor of the motion, the motion failed to pass.

Governor Waihee moved that Proposal 34 regarding publication of the Charter be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. There was no discussion. With no objections, the motion passed.

Governor Waihee moved that Proposal 35 regarding the Apportionment Commission be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Commissioner Broderick said he did not see a compelling reason for this proposal. Commissioner Tsujimura was in support of the proposal only because the election is nonpartisan. Commissioner Oshiro agreed with Commissioner Tsujimura. With one objection, the motion passed.

Governor Waihee moved that Proposal 36 regarding the time by which Charter proposals must be submitted to the City Clerk be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Commissioner Oshiro explained that this is to provide adequate time for the City Clerk's Office to comply with state law. Commissioner Broderick called for the question. Hearing no objection, the motion passed.

Governor Waihee moved that Proposal 91 regarding a language correction for emergency management be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Vice Chair Mulligan stated that this can be done by the Mayor and does not rise to the level of a Charter amendment and therefore, he will be voting no. Governor Waihee and Commissioner Oshiro agreed with Vice Chair Mulligan. . Commissioner Broderick called for the question. With one vote for the motion and 12 objections, the motion did not pass.

Governor Waihee moved that Proposal 102 regarding the establishment of a Youth Commission be adopted and moved to the Submission and Information Committee.

Commissioner Broderick seconded the motion. There was no discussion. Governor Waihee called for the question on Proposal 102. Chair Rae stated that a roll call vote would be taken. Vice Chair Mulligan called the roll.

AYE: BRODERICK, MULLIGAN, OKUBO, OSHIRO, SOON, WAIHEE – 6

NO: CASTANARES, FUJIMURA, IKEDA, RAE, TANIGUCHI, TSUJIMURA,
WITTY-OAKLAND – 7

Vice Chair Mulligan reported that there were only 6 ayes and 7 dissents. Chair Rae announced that the motion was defeated.

At 5:37 p.m. the Commission recessed.

At 5:40 p.m. Chair Rae called the meeting back to order.

Governor Waihee moved that Proposal 88 regarding the Board of Water Supply be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Governor Waihee shared his thought that if this proposal is adopted, it will create more ambiguity in the situation and he said he would be voting against the proposal. With only one vote in favor of the motion, it did not pass.

Governor Waihee announced that Proposal 81 regarding dimensional zoning variance criteria was listed in the agenda but was not passed by the Commission and therefore, will not be considered by the Submission and Information Committee.

Governor Waihee moved that Proposal C-3 regarding establishment of a Honolulu Zoo Fund as amended by Commissioner Oshiro be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Commissioner Oshiro moved to make further clarifying amendments. Commissioner Broderick seconded the motion. Hearing no objections, the motion to amend passed.

Commissioner Ikeda reiterated her reasons for voting against special funds which she considers to be tantamount to voting for a tax increase, and feels that it is bad policy to set up funds like this. Commissioner Tsujimura agreed with Commissioner Ikeda and declared that he has a particular problem in setting up a special fund which insulates it from the nature and the fragility of the general fund and the political process that goes into making a budget. This would essentially put the zoo ahead of public safety, including police, firefighters, and emergency medical workers, all things funded by the general fund, and therefore he said he would be voting no. Commissioner Taniguchi stated that she will be voting no because she feels that it is bad public policy and thinks that it is up to the elected officials to determine the priorities through the budget process. Commissioner Okubo noted that he is in strong support of this proposal and thinks that it is important for the voters to decide.

Chair Rae stated that a roll call vote would be taken. Vice Chair Mulligan called the roll.

AYE: BRODERICK, CASTANARES, FUJIMURA, MULLIGAN, OKUBO,
OSHIRO, RAE, SOON, WAIHEE – 9

NO: IKEDA, TANIGUCHI, TSUJIMURA, WITTY-OAKLAND – 4

With 9 ayes and 4 dissents, Chair Rae announced that the motion passed.

Governor Waihee moved that Proposal C-6, which would require BWS to seek Council approval before issuing revenue bonds, be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. It was noted that Commissioner Tsujimura previously read all the amendments into the record and the current corrected language is before the commissioners. Governor Waihee called for the question.

Commissioner Soon stated that she will be voting against this proposal because she felt that there was no problem that needs correcting. Vice Chair Mulligan also stated that he would be voting against this proposal because it contains many unnecessary provisions and agrees with Commissioner Soon's concern. Commissioner Broderick noted that he would be voting against this proposal because not only did members of the public not complain about BWS, there was testimony lauding BWS, which he felt was rare. Commissioner Okubo stated that he would also be voting against this proposal as he doesn't feel it is necessary at this time. Commissioner Tsujimura noted that he was the author of the proposal and would be voting against it. Commissioner Taniguchi stated for the record that Governor Ige recently said that the State Constitution requires that water be managed as a public trust. She said she felt that in 2011 BWS violated that trust in the manner in which it adopted multiyear rate increases and, prior to that, working to amend the Hawaii Revised Statutes regarding the revenue bonds. The board itself referred to Resolution 08-176, FD1, which asked the board to report to the City Council before any bonds are issued. However, since that resolution, there were two bond issues in 2012 and 2015, neither of which was reported, and she does not feel that the board conducted itself in a way that promotes the public trust.

Commissioner Tsujimura moved that the proposal be amended as noted previously. Governor Waihee seconded the motion. There was no discussion. Hearing no objection, the motion passed.

Governor Waihee moved that Proposal C-6 as amended be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Chair Rae stated that a roll call vote would be taken. Vice Chair Mulligan called the roll.

AYE: FUJIMURA, IKEDA, TANIGUCHI, WAIHEE – 4

NO: BRODERICK, CASTANARES, MULLIGAN, OKUBO, OSHIRO, RAE,
SOON, TSUJIMURA, WITTY-OAKLAND – 9

There are 4 ayes and 9 dissents. Chair Rae announced that the motion did not pass.

Governor Waihee moved that Proposal 77 as amended regarding functions of various executive departments be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Chair Rae noted that he would vote in favor of this proposal due to the clarifications in the amendments.

Governor Waihee restated his motion to amend Proposal 77 as set forth in the amendment presented to commissioners by COR. Commissioner Broderick seconded the motion. Vice Chair Mulligan called for the question. There was no discussion. Seeing no objection, the motion to amend passed.

Governor Waihee moved that Proposal 77 as amended be adopted and moved to the Submission and Information Committee. Commissioner Broderick seconded the motion. Commissioner Tsujimura called for the question. Chair Rae stated that a roll call vote would be taken. Vice Chair Mulligan called the roll.

AYE: BRODERICK, MULLIGAN, OKUBO, OSHIRO, RAE, SOON,
TSUJIMURA, WAIHEE, WITTY-OAKLAND – 9

NO: CASTANARES, FUJIMURA, IKEDA, TANIGUCHI, - 4

Vice Chair Mulligan reported that there are 9 ayes and 4 dissents. Chair Rae announced that the motion passed.

III. ANNOUNCEMENTS

Governor Waihee announced that the Submission and Information Committee will meet on Friday, July 15, 2016, at 1:30 p.m., in the Council Committee Meeting Room.

IV. ADJOURNMENT

With no further business, Chair Rae adjourned the meeting at 6:01 p.m.