

Charter Commission

CITY AND COUNTY OF HONOLULU

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



SUBMISSION AND INFORMATION COMMITTEE COUNCIL COMMITTEE MEETING ROOM HONOLULU HALE July 15, 2016, 1:30 PM

MINUTES

Submission and Information Committee Voting Members Present:

John D. Waihee, III, Chair
Cheryl D. Soon, Vice Chair
Reginald V. Castanares, Jr.
Nathan Okubo (arrived after the start of the meeting)

Submission and Information Committee Non-Voting Members Present:

Kevin Mulligan
Paul Oshiro
Dave Rae

Others Present:

Dawn Spurlin, Deputy Corporation Counsel
Krishna Jayaram, Deputy Corporation Counsel
Kamilla Chan, Deputy Corporation Counsel
John Williamson, Anthology Marketing Group
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: Kevin Mulligan, John Waihee, Cheryl Soon, Paul Oshiro, Dave Rae, Reggie Castanares.

With a quorum present, Governor Waihee called the meeting to order at 1:35 p.m.

Governor Waihee introduced John Williamson, with Anthology Marketing Group, who was hired to assist the Commission in preparing the ballot questions.

Testimony:

None

II. DISCUSSION AND ACTION

Discussion and decision-making on the proposed action plan to acquaint the electorate with the proposed Charter amendments that would include a public education program to inform the electorate of the effects of the adoption of the proposed Charter amendments.

Glen Takahashi, City Clerk, and Kimberly Ribellia, Deputy City Clerk, provided information on voting from the point of view of the City Clerk's Office. Mr. Takahashi discussed the process and deadlines for various events. August 25th is the statutory deadline for the City Clerk's Office to submit the ballot questions to the State Office of Elections. These are the questions that will appear on the ballot along with the translated versions for the questions. The City Clerk's Office must receive these prior to August 25th and will ensure they are sent to the Office of Elections. The general election is on November 8th. Other deadlines include publication in a newspaper of daily circulation 45 days prior to the election, which would be September 24th. September 24th is also the final day to mail absentee ballots for military and overseas residents. The City Clerk's Office requested that educational materials be available by that date for placement on the website. The remainder of absentee voting materials will be mailed out on October 19th, roughly 20 days prior to the election. Educational materials will be in separate mailers; the City Clerk's Office will provide a file of registered voter households, about 300,000 households. He requested that these mailers go out before the ballots to avoid complaints if voters receive the voter information after voting. On October 25th, walk-in voting starts at Honolulu Hale and extra pamphlets would be needed for the State to provide to voters on election day at the polling stations – at least one per voting booth. They will work on the quantity needed and inform the Commission.

Mr. Takahashi explained that the number of votes required for ratification of Charter amendments is a simple majority. Blank, spoiled, and invalid ballots are excluded. "Yes" votes must exceed "no" votes. A 1998 opinion by the Department of the

Corporation Council (COR) on the case Republican Party v. Waihee (1985), discusses the majority vote required for passage, and section 11-151, Hawaii Revised Statutes, describes the calculation of a majority.

Mr. Takahashi discussed the proposal to increase the number of days needed to conduct a special election for a vacancy on the City Council explaining that this change would allow the City Clerk's Office to comply with State law in providing ballots to military and overseas voters. He noted that it is simply a technical amendment needed to change the time line.

Mr. Takahashi's office provided samples of previous ballots which included charter and constitutional questions. Mr. Takahashi and committee members discussed possible layouts. He noted that the final layout will be determined by the State Office of Elections, but that office generally follows the layout sent by the City.

Governor Waihee stated that his goal was to approve an action plan during the current meeting. Then, time permitting, the Committee would consider the list of proposals passed at the last Charter Commission meeting.

Governor Waihee noted that the Committee is not to consider the merits of each proposal, which is the Commission's job. The Committee's task is to look for areas or proposals that may work better together than separately, such as housekeeping proposals that could be combined. Another major Committee task, to assist Mr. Williamson, would be to identify the sponsor for each proposal and have that person write a paragraph to describe the intent of the proposal. This would assist Mr. Williamson in writing a legislative history for each proposal. He then moved to the list of proposals sent to the Committee by the Commission including their sponsors who will be responsible for each supporting paragraph. Commissioners may also solicit the participation of interested testifiers from the community in drafting the paragraph.

Governor Waihee identified the following proposals, short descriptions and their authors and other interested members.

Group Theme I: Preparing the Governing Structure to meet the Challenges of the Future:

1. Proposal 54: Requires functional plans for four executive departments and the Board of Water Supply; Commissioner Soon.
2. Proposal 48/73: Creates a new Office of Climate Change, and Sustainability; Commissioner Soon.
3. Proposal 76A: Transfers responsibility from HART to the Department of Transportation Services; Chair Rae and Commissioners Soon and Mulligan.
4. Proposal C-5: Establishes a Department of Land Management; Chair Rae, Commissioners Soon and Mulligan, and Governor Waihee.

Group Theme II: Setting the Tone for Transparency, Fairness, Increased Public Confidence.

5. Proposal 23: Conforms access to public records to state law; Brian Black, The Civil Beat Law Center for the Public Interest, and Commissioner Soon. Governor Waihee asked COR to review the proposal to see if it is a housekeeping proposal as it contains conformity and technical changes
6. Proposal 39: Requires the Salary Commission to set the salaries of the Ethics Commission attorneys; Chuck Totto, Executive Director of the Ethics Commission and Commissioner Oshiro.
7. Proposal 44: Increases and adds term limits; Commissioner Oshiro.
8. Proposal 48: Includes sustainability, natural resource production, etc., in the powers of the City: Commissioner Soon. Commissioner Soon would like to consider the possibility of combining this proposal with Proposal 73. Chair Rae suggested soliciting comments from Professor Burkett and Commissioner Soon recommended including Brian Black in the discussion.

Governor Waihee again stressed that interested members of the public should be included in the discussions of all of the proposals.

9. Proposals C-1 and C-2: Amends the provisions relating to the Police Chief and Police Commission; Commissioner Mulligan. Commissioner Mulligan said he would solicit comments from Barbara Wong and any others who testified on these proposals.

Group Theme III: Provide Greater Efficiency and Effectiveness in Management of Operations, Responsiveness to Diverse Customer Base, and with Fiscal Responsibility

10. Proposal 29: Provides budget autonomy for the Prosecutor's Office; Commissioner Ikeda.
11. Proposal 40: Establishes reviews of boards and commissions; Commissioner Tsujimura.
12. Proposal 78: Amends the provisions relating to the creation of special funds; Governor Waihee.
13. Proposal 79: Requires COR to review Board of Water Supply and Honolulu Authority for Rapid Transportation (HART) contracts; Managing Director, COR.
14. Proposal 90: Aligns central purchasing with the State Procurement Code; Managing Director. Since this proposal may be in the housekeeping category, Governor Waihee asked COR to look into that possibility.
15. Proposal 116: Provides a process for use of the Clean Water and Natural Lands Fund and establishes an advisory commission for the Fund, Managing Director & Leah Hong, The Trust for Public Land.

16. Proposal C-3: Establishes the Honolulu Zoo Fund; Commissioner Fujimura, Chair Rae, and Commissioners Castanares and Okubo will review this proposal.
17. Proposal C-7: Amends provisions relating to the Grants in Aid Fund; Oversight Permitted Interaction Group and Commissioner Witty-Oakland.
18. Proposal 2: Amends the timing for special elections to meet state law requirements; City Clerk. Commissioner Oshiro and COR (for possible housekeeping measure) will review it.
19. Proposal 3: Amends the eligibility limits for the use of the Affordable Housing Fund; Councilmember Elefante and Commissioner Witty-Oakland.
20. Proposal 77: Amends the duties of certain departments to include small design and construction projects; Managing Director.
21. Proposal 80: Delegates the Mayor's signing authority; Managing Director.
22. Proposals 86 and 87: Increases the number of members on the Fire Commission and amends the Fire Chief's powers, duties and functions; Managing Director.

Group Theme IV: Other (Possible Housekeeping)

23. Proposal 34: Requires publication of the Charter every 10 years; Commissioner Oshiro.
24. Proposal 35: Amends the Reapportionment Commission membership requirements; Commissioner Oshiro.
25. Proposal 36: Establishes deadlines for submittal of Charter proposals to the City Clerk, Commissioner Oshiro.

Governor Waihee suggested that the drafts be ready and sent to staff by Monday. Then the Commissioners can begin to go through the drafts next week.

III. DISCUSSION AND ACTION

Discussion and decision-making on the method and manner of submitting the language of the proposed amendments to the Charter to the public, including the form in which the proposed Charter amendments are submitted to the electorate.

Governor Waihee asked members to determine the structure of the question and to forward those to Mr. Williamson via staff. He also discussed the contents of the educational piece including pro and con information. Governor Waihee mentioned that the proposals can either be considered from a neutral position or telegraph a particular position as some think should be done. He opened up the floor for discussion on that consideration. Chair Rae noted that the last Commission felt that since the Commission voted the questions to the ballot they should be passed. Vice Chair Mulligan shared that view and felt that the Commission has an obligation to advocate for the amendments passed by the Commission. He felt that other parties or interest groups could argue against the proposals. Commissioner Soon felt that a pro and con could be controversial

and noted that the previous Commission included information on the present Charter provision and how the proposal would change that, which she felt would be helpful.

Natalie Iwasa felt that it would be important for people to understand the possible cost to be incurred by some of the proposals which would be helpful information.

Commissioner Mulligan disagreed, noting that many City positions would just be transferred, lowering the costs. He felt there was a responsibility to advocate for the proposals. Governor Waihee noted that, while the information would be helpful, there is no way for the Commission to determine with any certainty the exact fiscal impact. Commissioner Soon felt that the Commission is not set up to provide such expertise. Mr. Williamson felt that it should be done for all proposals or none – including providing pros and cons for each.

Governor Waihee summarized the Committee's goals including that the educational material should contain information on what the present status is and what the change will do. Secondly, all supporting notes for proposals should be written in support of the proposal. Last, there is no acceptable vehicle for determining a fiscal impact on any of the proposals. This consensus will be reported to the full Commission.

IV. DISCUSSION AND ACTION

Discussion and decision-making on any personnel and administrative matters.

John Williamson has been hired as a writer to work with the Commission. The Commission is also looking into the procurement process to secure a public relations firm.

Natalie Iwasa testified that at times it is challenging for people to get information on a timely basis, especially when changes are made to the proposals. People have told her that they have been unable to testify on amendments because the changes are happening so quickly. She requested that information be available on the website as soon as possible. She felt that staff needs another person to help with posting to the website and responding to questions. She specifically noted interest in Proposals C-5, C-3, and 77.

V. EXECUTIVE SESSION

The Committee anticipates convening an Executive Session closed to the public pursuant to Hawaii Revised Statutes sec. 92-4 and sec. 92-5(a)(4) to discuss with Legal Counsel any permitted legal and/or personnel matters that may have arisen during the course of the meeting.

There was no executive session.

VI. ANNOUNCEMENTS

Governor Waihee announced that the meeting would be recessed to Monday, July 18, at 10:00 a.m., in the Council Committee Room at Honolulu Hale.

VII. ADJOURNMENT

With no further business, the meeting was recessed at 2:35 p.m.