

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 21, 2016, 3:30 PM

Originally convened on July 15, 2016, 1:30 PM and

Reconvened on July 18, 2016, 10:00 AM

MINUTES

Submission and Information Committee Members Present:

John D. Waihee III, Chair
Cheryl D. Soon, Vice Chair
Reginald V. Castanares, Jr. (arrived after roll call)
Kevin Mulligan
Nathan Okubo

Submission and Information Committee Member(s) Absent/Excused:

None

Submission and Information Committee Non-Voting Member(s) Present:

Dave Rae
Paul Oshiro

Others Present:

Dawn Spurlin, Deputy Corporation Counsel
Megan Muramatsu, Managing Director's Office
John Williamson, Writer, 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

I. CALL TO ORDER

Roll Call: Kevin Mulligan, Reginald Castanares, John Waihee, Cheryl Soon, Nathan Okubo.

With a quorum present, Governor Waihee called the meeting to order at 3:39 p.m. and announced that this meeting was a continuation of the meeting originally convened on Friday, July 15, 2016, and continued to July 18, 2016.

Deputy Corporation Counsel (DCOR) Dawn Spurlin stated that the Department of the Corporation Counsel (COR) was asked about the 1978 ballot that went to the Hawaii Supreme Court. She noted that she provided the Commissioners with the decision and a summary of the decision in which the Court upheld the ballot but found that some amendments were not properly ratified because information given to the voters was deficient. Specifically, the information did not correspond with the question. Some of the ballot amendments listed as technical were not technical, but were actually substantive questions. Therefore, the Court threw out the amendments that were not properly ratified.

Governor Waihee found the ballot interesting because it was a “yes/no” question which presumed a “yes” answer. That is, if a voter chose not to vote on a question, it was counted as a “yes” because it was assumed that the public was well-informed about the proposals.

Testimony:

There was no testimony

At 3:49 p.m. the Committee recessed.

At 4:00 p.m. Governor Waihee reconvened the meeting.

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.

Governor Waihee summarized the current work of the Committee in formulating the questions to appear on the ballot for each proposal. The next step would be to review proposals for possible combinations. The last task will be a focus on possible approaches to format the ballot.

Mr. Williamson reported that he followed the style set forth in the document he was provided which outlined the four parts of each ballot measure, which included a digest, the ballot question, an explanation of the situation currently, and how the amendment would change the current situation. He noted stylistic differences in the proposals and that he would be working to conform the style of all the proposals, questions, and digests.

Governor Waihee, the Committee, DCOR Spurlin, and others reviewed all of the proposals in numerical order that were referred to the Committee by the Commission at its last meeting. The Commissioners:

1. Considered the language of each proposal including terminology, phrasing, complexity, and intent, among other considerations;
2. Identified possible “housekeeping” measures;
3. Discussed whether or not the proposal rose to Charter level or was something that could be done by the mayor or by ordinance; and
4. Considered the possibility of combining one or more related proposals.

The goal was to keep the questions short, concise, and simple to understand. The proposals reviewed were Proposals 2, 3, 23, 29, 34, 35, 36, 39, 40, 44, 54, 73, 76A, 77, 78, 79, 80, 86, 90, 116, C-1, C-2, C-3, C-5, and C-7.

DCOR Spurlin pointed out that some of the proposals were complex questions – that is two or more questions were contained in one proposal. She said this would make it difficult to vote. Vice Chair Soon continued that if the proposals were broken up into single questions, there would be many more questions. She noted that in the past the questions were short and to the point.

Testimony:

Katherine Kupukaa offered to testify in support or opposition to certain proposals. However, Governor Waihee explained that today’s agenda only allowed for testimony on the preparation of questions and digests for each proposal, and that any testimony in support or opposition may be given at the full Commission meeting the following day.

At 5:17 p.m. the Committee recessed.

At 5:21 p.m. Governor Waihee reconvened the meeting to continue the review of proposals.

At 5:30 p.m. Vice Chair Soon chaired the meeting to consider Proposal 78 which was submitted by Governor Waihee. At 5:31 p.m. Governor Waihee resumed the chairmanship of the meeting to continue the review of proposals.

Vice Chair Soon raised the issue of the process diagrammed on the flow chart. DCOR Spurlin noted that when COR receives all the ballot questions, they will review and apply the standards as discussed in the case to be sure that the questions are not vague, and to insure clarity, but not review substantive issues. She said it was her understanding that after Friday's meeting (July 22, 2016), all the questions would be sent to COR for such review, and that their deadline to finish these reviews is July 29, 2016.

Governor Waihee noted that all proposals will be sent to the Commission for discussion and final review at the next Commission meeting on the next day. Therefore, any proposals which need further editing should be completed before the Commission meeting.

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 raised the issue of the format of the questions and the possibility of "yes or no" questions.

Vice Chair Soon noted that her tally of the final proposals was reduced to 19.

IV. DISCUSSION AND ACTION

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

None

V. EXECUTIVE SESSION

The Committee anticipates convening an Executive Session closed to the public pursuant to Hawaii Revised Statutes §92-4 and §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 recessed the meeting to Friday, July 22, 2016, at 2:00 p.m., in the Council Committee Meeting Room.

VII. ADJOURNMENT

With no further business, Governor Waihee recessed the meeting at 5:57 p.m.