

Charter Commission

CITY AND COUNTY OF HONOLULU

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



JULY 22, 2016
COUNCIL COMMITTEE MEETING ROOM
ROOM 205
HONOLULU HALE

MINUTES

Charter Commission Members Present:

David W. Rae, Chair
Kevin Mulligan, Vice Chair
Nathan T. Okubo
Paul T. Oshiro

Cheryl D. Soon
R. Brian Tsujimura
John D. Waihee III, Governor

Commission Members Excused/Absent:

Judge Michael F. Broderick (Ret.)
Reginald V. Castanares, Jr.
Guy K. Fujimura

Donna Ikeda
Edlyn S. Taniguchi
Pamela Witty-Oakland

Others Present:

Krishna Jayaram, 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:

Katherine Kupukaa

I. CALL TO ORDER

Roll Call: Kevin Mulligan, Dave Rae, Nathan Okubo, John Waihee, Cheryl Soon, Paul Oshiro, Rick Tsujimura.

With a quorum present, Chair Rae called the meeting to order at 3:31 p.m.

Governor Waihee moved that the Commission ratify the retention of John Williamson to assist the Submission and Information Committee in drafting the ballot questions. Commissioner Soon seconded the motion. There was no discussion. Hearing no objection, the motion passed.

Governor Waihee moved that the Commission ratify the issuance of a Request For Proposal seeking assistance with educational outreach, and authorizing the Committee on Submission and Information to retain such assistance. Vice Chair Mulligan seconded the motion. There was no discussion. Hearing no objection, the motion passed.

At 3:34 p.m. the Commission recessed.

At 4:08 p.m. Chair Rae called the meeting back to order.

Testimony:

Katherine Kupukaa testified on several proposals. She testified in opposition to Proposal 44 regarding term limits, Proposal 73 regarding the establishment of an Office of Climate Change, and Proposal 76 regarding the Honolulu Authority for Rapid Transportation (HART); and expressed concern about Proposal C-5 to establish a Land Management Department and Proposal C-3 regarding establishment of the Honolulu Zoo Fund, funded from real property taxes..

II. PRELIMINARY REPORT BY THE SUBMISSIONS AND INFORMATION COMMITTEE

Discussion and action on the preliminary report of the Submission and Information Committee, including the Committee's action plan, that will include but not be limited to discussion of (1) the method and manner of submitting the language of the proposed Charter amendments to the electorate and (2) the public education program to acquaint the electorate with the proposed Charter amendments.

Governor Waihee explained the work of the Committee on Submission and Information and its report to the Commission. He stated that the Committee proposed to create a digest of proposals following the format used by the 2006 Charter Commission. Secondly, the Committee is in the process of creating an educational program to be coordinated by John Williamson and a public relations effort to include a full-page

newspaper report. It will also include the commissioners meeting with the public to discuss the various proposals.

Governor Waihee went through the proposals that will be on the ballot and the commissioners made further amendments to finalize the language. The proposals covered include Proposals 2, 3, 29, 35, 39, 40, and 44 and proposals 48 and 73 which had been combined. Various amendments and edits were made to some of the proposals.

Commissioner Tsujimura again raised the issue of attaching fiscal notes to those proposals that could impact costs for the city. Governor Waihee noted that the Committee considered this request fairly extensively but was unable to obtain a means of acquiring reasonable factual data. He also pointed out that it would be difficult to find agreement on the amount of such costs. Chair Rae stated that a statement that a cost may be incurred might be appropriate. Vice Chair Mulligan noted that the complexity of the issue also includes cost benefits. He pointed out that to look at costs alone is not looking at the entire picture.

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

At 5:06 p.m. Chair Rae called the meeting back to order.

Governor Waihee suggested continuing the discussion of the cost analysis issue at the end of the agenda. There was no opposition to this.

Governor Waihee continued with Proposals 54, 76A, 77, 78, 80, 86, 87, 116, C-1, C-2, and C-3. Commissioner Tsujimura noted that Proposal C-3 does not subject this special fund to exigent circumstances if general revenues should decline for any reason, and would place this fund at a higher priority than public safety issues, about which there was extensive discussion in the permitted interaction group (P.I.G.) and in the P.I.G. report. He emphasized that there is no reference to prioritization and did not think that previous problems in other sections of the Charter should justify another bad policy.

Governor Waihee continued with Proposals C-5, C-7, and a housekeeping proposal.

Chair Rae suggested that the documents be referred to COR for review and referred back to the Committee or the Commission. Governor Waihee clarified that the Committee, after extensive discussion, decided to recommend that the indication of costs should not be included because there was no basis for it. Commissioner Tsujimura expressed his desire to share his concerns but did not want to delay the process and noted the importance of transparency.

Governor Waihee continued with Proposals 80 and 3.

Commissioner Tsujimura moved that financial analysis be included in each proposal. Governor Waihee seconded the motion. There was no further discussion. Hearing one aye and the rest opposed, the motion did not pass.

Commissioner Tsujimura moved that Proposal C-3 specifically reference its preferential treatment by not being subject to the same restrictions as provided in Proposal C-7. Governor Waihee seconded the motion. Vice Chair Mulligan clarified for Commissioner Soon that the previous motion applied to all proposals. There was no further discussion. Hearing one aye and the rest opposed, the motion did not pass.

Commissioner Soon suggested that the Commission in its final report, include a recommendation that the next Commission address the issue of fiscal impact with appropriate staffing. Governor Waihee suggested that it might be appropriate to have such an office in the City government. Chair Rae suggested that it could be done by ordinance or a Charter amendment initiated by the City Council.

III. 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.

IV. ANNOUNCEMENTS

Governor Waihee announced that the Submission and Information Committee will next meet on Tuesday, August 2, 2016, Council Committee Meeting Room.

Chair Rae announced that the Charter Commission meeting that was tentatively scheduled for July 28th, was cancelled. The next meeting will be on Thursday, August 4th, at 1:30 p.m., with a potential recess date of Friday, August 5th.

V. ADJOURNMENT

With no further business, Chair Rae adjourned the meeting at 5:36 p.m.