

Charter Commission

CITY AND COUNTY OF HONOLULU

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



AUGUST 4, 2016
COUNCIL COMMITTEE MEETING ROOM
ROOM 205
HONOLULU HALE

MINUTES

Charter Commission Members Present:

David W. Rae, Chair
Kevin Mulligan, Vice Chair
Judge Michael F. Broderick
Donna Ikeda
Nathan T. Okubo

Paul T. Oshiro
Cheryl D. Soon
Edlyn S. Taniguchi
R. Brian Tsujimura (left at 4:01pm)
John D. Waihee III, Governor

Commission Members Excused/Absent:

Reginald V. Castanares, Jr.
Guy K. Fujimura
Pamela Witty-Oakland

Others Present:

Krishna Jayaram, Deputy Corporation Counsel
Dana Viola, Deputy Corporation Counsel
Kamilla Chan, Deputy Corporation Counsel
John Williams, Writer, Anthology Marketing Group
Megan Muramatsu, Managing Director's Office
Linda Luli Nakasone Oamilda, Executive Administrator, Honolulu Charter Commission
Mary James, Research Analyst, Honolulu Charter Commission
Norma Reyes, Secretary, Honolulu Charter Commission

Testifiers:

Arvid Youngquist

I. CALL TO ORDER

Roll Call: Edlyn Taniguchi, Kevin Mulligan, Dave Rae, John Waihee, Nathan Okubo, Cheryl Soon, Mike Broderick, Paul Oshiro, Donna Ikeda, Rick Tsujimura.

With a quorum present, Chair Rae called the meeting to order at 3:22 p.m.

II. FOR APPROVAL

Minutes of the meetings of:

- March 4, 2016
- March 8, 2016
- April 1, 2016
- April 7, 2016
- April 14, 2016

Commissioner Tsujimura moved that the minutes of March 4, March 8, April 1, April 7, and April 14, 2016, be approved as circulated, subject to any amendments by staff upon review of the transcripts. Judge Broderick seconded the motion. Hearing no objection, the motion passed unanimously.

Testimony:

Arvid Youngquist testified regarding his concern of Commission favoritism over certain proposals and that questions will appear on the ballot and not be eliminated after all the Commission's hard work. Chair Rae clarified that all proposals are equal before the Commission regardless of how they are numbered.

III. DISCUSSION AND ACTION

Discussion and action on the Committee on Submission and Information's recommended action plan to acquaint the electorate with the proposed Charter amendments; potential recommendations include print campaign, mail campaign, online outreach, media appearances and community informational events, technical assistance with each of the preceding tasks as well as written explanatory information for the proposals (summary of each proposal and a brief narrative explaining the current situation and the situation if a proposal is adopted by the electorate).

Chair Rae explained the new numbers for the 20 proposals which will be placed on the ballot.

Governor Waihee explained the work of the Submission and Information Committee and the work product presently before the Commission. He went through all of the ballot

questions and the digests, and explained the Committee's strategy to educate the voting public. The Commissioners discussed the language and style of the educational piece and the process of distribution.

Commissioner Broderick shared his concern regarding Ballot Question 9, specifically whether the question and the digest would include the reference to one half of one percent and how the public will be able to educate themselves. Commissioner Ikeda shared her concern that the amount specified is a minimum and, therefore, can be increased by the City Council. She was under the assumption that it was one half of one percent and said she felt that the fund itself was bad policy but to leave the amount open is worse. Commissioner Tsujimura also expressed his concern that the question and the digest should both include the language that it is a minimum. Governor Waihee noted that the digest will state that it is a minimum.

Governor Waihee moved to suspend Commission Rule 4 as provided in Rule 13 to allow the Commission to correct errors in Proposals 40 and 60. Judge Broderick seconded the motion. There was no discussion. Hearing no objection, the motion passed unanimously.

Governor Waihee moved that Proposal 40, currently Ballot Question 12, be amended to include the Honolulu Area Rapid Transportation (HART) as one of the boards that would not be subject to periodic review, in accordance with the Commission's original intent. Commissioner Soon seconded the motion.

Commissioner Ikeda questioned the exclusion of the HART board from periodic review. Governor Waihee explained that the Commission felt that there were two semi-autonomous agencies that should be exempt from this requirement. One was the Board of Water Supply and the other was HART. This was the motion that was already passed by the Commission, but the amended language did not make it to the Committee. The Committee took the position that it would not make any substantive amendments to any proposals referred by the Commission to the Committee. In the course of reviewing the referred proposals, the mistake in the language was discovered.

At 4:03 p.m. the Commission recessed.

At 4:17 p.m. Chair Rae called the meeting back to order.

Chair Rae reminded the Commission that the motion to exempt HART from periodic review was presently before the Commission and had been seconded. He called for discussion. Commissioner Ikeda noted for the record that she had concerns about this motion because she does not want to lose the option to review the effectiveness of HART and HART's board. Waiving her attorney-client privilege with the Department of the Corporation Counsel (COR), she shared COR's opinion that, even though HART would be exempt from such review as provided in the Charter, this provision would not preclude the City Council from passing a resolution requiring an audit of HART. However, she explained that she felt that an audit is distinctly different from a periodic review of a

board or commission's function. In conclusion, based on the COR opinion, Commissioner Ikeda stated that she would not oppose the change to the Charter.

Chair Rae called for a show of hands and seeing no objection, the motion passed with 8 ayes and Commissioner Ikeda abstaining.

Governor Waihee moved that all references to the rules and regulations for the organization and internal administration at the fire department in Ballot Question 18 be deleted once again. Judge Broderick seconded the motion. Chair Rae noted that he remembered the discussion by Governor Waihee and Senator Ikeda on how cumbersome trying to make rules and regulations on the administrative functions would be, and was under the impression that the Commission had removed it at that time. Commissioner Ikeda noted that it was removed several times, including in the Style Committee. Chair Rae called for the question and, seeing no objection, the motion passed unanimously.

Governor Waihee moved that the Commission adopt the order of the questions and the language provided to the Commission by the Submission and Information Committee as amended. Commissioner Soon seconded the motion. Commissioner Ikeda raised the issue of an effective date for the various proposals. Chair Rae noted that COR provided an opinion to the Commission regarding that issue. He explained that the opinion stated that some of the proposals included effective dates, such as the effective date for Proposal 76A (HART) and these vary depending on the language in each proposal. He noted that if no effective date was provided the proposal would take effect upon validation. Chair Rae asked for a show of hands and, seeing no objection, the motion passed unanimously.

Governor Waihee moved that the Commission authorize the staff and consultants to correct spelling and punctuation and conform capitalization and style and make similar nonsubstantive changes to the digest questions and the provisions explaining the situation before and after adoption of a proposal. Commissioner Okubo seconded the motion. Chair Rae asked for a voice vote and, hearing no objection, the motion passed unanimously.

Governor Waihee moved that the Commission authorize the use of any method under the procurement code to solicit firms and individuals in the areas of public relations and/or communications to develop and implement an action plan within statutory and other required deadlines to educate and inform the voters of the City and County of Honolulu about the proposed amendments to the City Charter and to authorize Commissioners Mulligan and Okubo to make the selection. Judge Broderick seconded the motion. Governor Waihee explained the necessity of the motion due to the urgency of the situation and the usual delays in government procurement. Commissioner Ikeda suggested that, this being an election year, the Commission should not approve any firm currently working with any of the county candidate campaigns. Governor Waihee noted that the Committee has been very sensitive to this issue, and has avoided any appearance

of political entanglement. Chair Rae called for a voice vote, and hearing no objection, the motion passed unanimously.

At this point, Chair Rae noted that the bulk of the Commission's work has been accomplished. The Submission and Information Committee is responsible to write a report on the Commission's actions and provide any advice that might help the next commission. Judge Broderick noted that it became very clear to him that the digest is of great importance to the public and should be widely distributed.

IV. DISCUSSION AND ACTION

Discussion and action on the Committee on Submission and Information's recommended ballot language for the 27 final proposals; recommendations include the plain English question for each, suggested ordering of questions, and grouping of certain questions.

The Committee on Submission and Information's recommended ballot language was not available at the time this agenda was posted.

V. EXECUTIVE SESSION

The Committee anticipates convening in executive session pursuant to Hawaii Revised Statutes sec. 92-4 and sec. 92-5(a)(4) to consult with its attorneys regarding the Commission's powers, duties, privileges, immunities, and liabilities in connection with the draft plain English questions and written explanatory information for the 27 final proposals.

There was no executive session.

VI. ANNOUNCEMENTS

There were no announcements.

VII. ADJOURNMENT

With no further business, Chair Rae adjourned the meeting at 4:32 p.m.