

2015-2016 HONOLULU CHARTER COMMISSION
CHARTER AMENDMENT PROPOSAL FORM

1. Please provide a brief description of the proposed Charter amendment, the purpose of the proposed Charter amendment, the issue or problem to be addressed by the proposal, and how the proposal would address the issue or problem.

Prohibition of Concurrent Service on the Neighborhood Commission and a Neighborhood Board.

RCH Section 14-102 should be amended to include the language “no person shall concurrently serve on the commission and a neighborhood board” in order to address

(1) the unique situation of the neighborhood commission which oversees 33 subordinate neighborhood boards and their 437 elected members, and (2) conflict of interest situations that have affected at least six recent and present members of the neighborhood commission who have served or continue to serve concurrently on a neighborhood board.

In 2012 the City Council adopted Resolution 12-264 CD1 which urged the appointing authorities (the Mayor and the City Council) to consider a policy to prohibit concurrent service on the Neighborhood Commission and any neighborhood board. This action serves as a further basis for proposing an amendment to RCH Sections 14-102 and 13-119.

The City Council, the Honolulu Ethics Commission, and the Corporation Counsel have all recognized that the criteria for qualification and disqualification of a person to serve on the Neighborhood Commission is established by the Charter (Sections 14-102, 13-103, and 13-119). Therefore, the prohibition of any person from serving concurrently on the Neighborhood Commission and any neighborhood board must be set forth in the Charter through enactment of an amendment.

The principle is to promote ethical conduct (the Charter’s Article XI – Standards of Conduct) and inclusivity, not exclusivity (i.e., more people wearing fewer hats than fewer people wearing more hats). Section 11-101, Declaration of Policy, applies to the Neighborhood Commission members and reads in its entirety:

Elected and appointed officers and employees shall demonstrate by their example the highest standards of ethical conduct, to the end that the public may justifiably have trust and confidence in the integrity of government. They, as agents of public purpose, shall hold their offices or positions for the benefit of the public, shall recognize that the public interest is their primary concern, and shall faithfully discharge the duties of their offices regardless of personal considerations.

In 2008 the Neighborhood Commission extended the same policy to apply to **all** neighborhood board members by the adoption of Section 2-13-104 of the Neighborhood Plan of the City and County of Honolulu.

In recent years, members of the Neighborhood Commission have (1) concurrently served as neighborhood board members (6 commissioners); (2) also concurrently served as the chair of their neighborhood board (3 commissioners at the same time!); and (3) two present

commissioners concurrently serve on the *same* neighborhood board – raising additional Sunshine Law issues (Hawaii Revised Statutes Chapter 92) in the performance of *both* the commission’s and board’s activities!

2. If applicable, list the Charter provision(s) affected by the proposal.

Sections 14-102 and 13-119.

3. If the proposal is based on a provision or provisions in the charter or laws of another jurisdiction, name the jurisdiction and, if possible, attach a copy of each provision or law.

Not applicable.

4. If the proposal is based on any written materials you have, please attach a copy of each with a citation to its source.

Not applicable.

5. Attach the text of the proposed Charter amendment in Ramseyer format.

Section 14-102. Neighborhood Commission –

There shall be a neighborhood commission which shall consist of nine members chosen from the city at large. The mayor shall appoint four members, at least two of whom shall have served on a neighborhood board for at least one full term. The presiding officer of the council, with the approval of the council, shall appoint four members, at least two of whom shall have served on a neighborhood board for at least one full term. The ninth member shall be appointed by the mayor and confirmed by the council. The ninth member shall have served on a neighborhood board for at least one full term. No person shall concurrently serve on the commission and a neighborhood board.

The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment.

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The commission shall act by majority vote of its membership and shall establish its own procedures.

Commission members shall be compensated and reimbursed for their necessary expenses as provided by

ordinance. The council shall appropriate funds to the neighborhood commission necessary for the performance of its official duties.

The terms of members initially appointed shall be for five years, and their successors shall serve for staggered terms of five years in the manner provided in Section 13-103(c) of this charter.

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Also amend RCH Section 13-119 as follows, in order to conform to the proposed amendment set forth above in Section 14-102.

Section 13-119. Dual Offices or Positions –

No person shall hold more than one public office or position under the city, except that city officers and employees shall not be precluded from membership on a neighborhood board; provided that no person shall concurrently serve on the neighborhood commission and a neighborhood board. No city officer or employee shall be a member of the state civil service commission, nor shall any city officer or employee hold a public office or position under the federal or state government which would be inconsistent or incompatible with or would tend to interfere with the duties of the city office or position. The term “public office,” as used in this section of the charter, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief.