

A PROPOSAL TO CREATE PROJECT-REVIEW BOARDS FOR THE CITY'S HIGH-TICKET PUBLIC-WORKS PROJECTS AND TO PROVIDE SAFEGUARDS AGAINST IMPROPERLY CONDUCTED REFERENDA APPROVING SUCH PROJECTS

(1) Since no members of the City Council possess, or are required to possess, expertise in transportation engineering, project management, environmental law, public relations, financial analysis, or the aspects of Hawaiian culture which relate to iwi, it should not attempt to assume the responsibilities of HART. Instead, upon receiving notice from the mayor's office that the city plans to pursue a multibillion-dollar public-works project, the Council shall create a project-review board consisting of at least three members, who shall scrutinize and evaluate the technical, legal, and financial merits and demerits of the proposed project. The board shall not only review the project itself, but shall also gather information relating to all feasible alternatives to the project and shall evaluate the extent to which the alternatives can more cost-effectively accomplish the project's stated objectives. The board will independently evaluate the project, irregardless of any recommendations relating to the project which were either already made, or are expected to be made, by entities which may have a vested interest in that project.

Each member of a project-review board shall be a bona fide expert in one or more of the topics which are germane to the project that the board is to review. Since high-ticket projects are going to vary in nature and may call for expertise in different subject areas, a project-review board's composition will not be fixed but may change over time.

Nominees to a review board shall be proposed by the City Council, which shall vet them and narrow down the list of nominees to an odd-numbered minimum of at least three bona fide experts, who will be paid consultants to the Council (compensation to be determined), and whose names will be submitted to the public for comments prior to their final acceptance by the Council as review-board members.

The duty of these experts will be to assist the Council in determining whether a high-ticket public-works project serves the best interests of the public, rather than the interests of deep-pocketed, politically powerful entities who seek to feed at the public trough. From time to time the Council will review the experts' work. Upon determining that their performance has been satisfactory, the Council will approve their continuation as members of the review board to which they were assigned, until the board's work on that project has been completed.

To decrease the likelihood that a member of the board may be unduly influenced by a proposed project, each member must have no vested interest in it. This means that no member of the board, or his or her spouse, or a member of his or her immediate family, shall be employed by, or otherwise receive monetary or non-monetary compensation from, any entity which may significantly benefit from that project's implementation or its cancellation.

The board's findings shall be reported in writing to the mayor and to the City Council. The City Council will then arrange to have a summary of those findings made available to the public through the print and broadcast media. Those findings and the summary shall also be made directly accessible over the Internet.

(2) No referendum seeking the voters’ approval to proceed with a multibillion-dollar project shall be conducted *unless* the city has provided *full and widespread disclosure* of its anticipated benefits, costs, and disadvantages, as well as *full and widespread disclosure of the pros and cons of all technically and financially feasible alternatives to the project*, at least 10 months in advance of the referendum, so that the voters will be afforded ample opportunity to understand its various aspects and implications.

Furthermore, the public shall be given the opportunity to vote on and thereby approve, not merely the project itself, but also each of those alternatives. No referendum shall limit the public to approving or disapproving only the project itself.

(3) Should members of the public inform the City Council that in conducting a referendum on a project, the city failed to comply with item (2) above, the Council shall confirm or disconfirm such reports. If the Council finds that the reports of non-compliance were justified, the results of that referendum shall be deemed null and void, and a new referendum which fully complies with item (2) above shall be conducted.

DISCUSSION: Governor Cayetano was correct when he said that the rail project is being driven, not by sound engineering, but by money and politics. It is moving “full speed ahead” to becoming the most outrageously costly and appallingly wasteful blunder the city has ever made.

A key element in this blunder was the 2008 referendum on rail, which was *not* preceded by full and timely disclosure of rail’s pros and cons and the merits and demerits of alternatives to rail. Had such disclosure been made by the city, the voters could have rendered an *informed* vote on rail, the result of which would most likely have been disapproval of rail. Unfortunately, that referendum was preceded by a *one-sided* promotional campaign to solicit public support *for* rail, *which the city paid for with millions of taxpayer dollars*. That is to say, *the city used public funds to con the voters*.

That referendum, which resulted in approval of rail by only a slim margin, was knowingly and willfully *rigged* so as to exploit the fact that the Federal Transit Administration would not make federal funds available for construction of rail without a showing that rail is the Locally Preferred Alternative for Honolulu’s mass transit.

Not only did one mayor (Mufi Hannemann) arrange to manipulate the voters into choosing rail as the Locally Preferred Alternative, which thereby enabled “New Starts” funds to build rail to be obtained from the Federal Transit Administration, his two successors in the mayor’s office followed in his footsteps. Meanwhile, the City Council rubber-stamped the rail project and failed to recognize the merits of, and give serious consideration to, Governor Cayetano’s FAST plan, which could have been implemented more rapidly than rail and would have provided more relief from traffic congestion than rail can provide, at far less cost and with far less disruption during its (the FAST plan’s) construction.

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I am unable to submit my proposal in the Ramseyer format, so I am sending you my thoughts in rough-draft form.