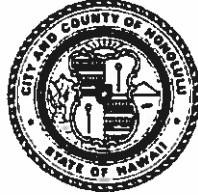


2015-2016
CHARTER COMMISSION
City and County of Honolulu

Honolulu Hale
530 South King Street, Room 501
Honolulu, Hawaii 96813

Telephone: 768-5093
Email: cclcharter@honolulu.gov

Web Site:
honoluluchartercommission.org



MEMBERS

David W. Rae, Chair
Kevin Mulligan, Vice Chair
Judge Michael F. Broderick (Ret.)
Reginald V. Castanares, Jr.
Guy K. Fujimura
Donna Ikeda
Nathan T. Okubo
Paul T. Oshiro
Cheryl D. Soon
Edlyn S. Taniguchi
R. Brian Tsujimura
Governor John D. Waihee III
Pamela Witty-Oakland

MEETING NOTICE

FRIDAY, APRIL 29, 2016
3:30 P.M.
COMMITTEE MEETING ROOM
HONOLULU HALE

AGENDA

I. CALL TO ORDER

Roll Call

II. FOR APPROVAL

Minutes of the:

- November 24, 2015, meeting.
- March 23, 2016, meeting.

III. DISCUSSION AND ACTION

Deliberation and decision-making on the Report of the Style Committee meeting of April 14, 2016. See Attachment 1.

IV. DISCUSSION AND ACTION

Deliberation and decision-making on submitted Proposal No. 81 to establish a dimensional zoning variance, with criteria based on practical difficulties, rather than relying on unnecessary hardship as the exclusive grounds for granting a variance to the Land Use Ordinance. See Attachment 2.

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V. DISCUSSION AND ACTION

Deliberation and decision-making on submitted Proposal No. 153 to provide a clear standard of conduct provision in the ethics language about gifts from lobbyists. See Attachment 3.

VI. PERMITTED INTERACTION GROUP REPORT

Report on the Findings and Recommendations by the Permitted Interaction Group established to review proposals relating to Open Government/Citizen Participation pursuant to Hawaii Revised Statutes §92-2.5(b). Copies of the Report will be available at the meeting.
See Attachment 4.

VII. PERMITTED INTERACTION GROUP REPORT

Report on the Findings and Recommendations by the Permitted Interaction Group established to review proposals relating to Housing pursuant to Hawaii Revised Statutes §92-2.5(b). Copies of the Report will be available at the meeting.
See Attachment 5.

VIII. PERMITTED INTERACTION GROUP REPORT

Report on the Findings and Recommendations by the Permitted Interaction Group established to review the request by Council Chair Ernest Martin sent on March 31, 2016, relating to funding for the Honolulu Zoo pursuant to Hawaii Revised Statutes §92-2.5(b). Copies of the Report will be available at the meeting.
See Attachment 6.

IX. DISCUSSION AND ACTION

Deliberation and decision-making on submitted Proposals No. 48, 80, and 104, deferred by the Style Committee. See Attachment 7.

X. ANNOUNCEMENTS

Next meeting date.

XI. ADJOURNMENT

WHERE TO FIND CHARTER PROPOSALS

All proposals are posted in PDF format on the Charter Commission website at <http://www.honoluluchartercommission.org/submitted-proposals>. Hard copies are available for review at the Charter Commission office.

TESTIFIER REGISTRATION

Persons wishing to testify are requested to register as follows:

- a. By 12:00 noon of the day of the meeting, emailing to cclcharter@honolulu.gov your name, phone number, and the agenda item; or
- b. By filling out the registration form in person.

Persons who have not registered to testify will be given an opportunity to testify on an item following oral testimonies by the registered testifiers.

Each testifier shall not have anyone else read the testifier's statement. Each testifier is limited to three minutes per agenda item.

WRITTEN STATEMENT

Written testimony may be emailed by 12:00 noon of the day of the meeting to cclcharter@honolulu.gov for distribution at the meeting to the members of the Charter Commission.

If submitted, written testimony, including the testifier's address, email address, and phone number, may be posted and available to the public on the Honolulu Charter Commission website <http://www.honoluluchartercommission.org>

ASSISTANCE

If you require auxiliary aids or services (i.e., ASL or foreign language interpreter, or wheelchair accessibility) to participate in the Charter Commission meetings, please call 768-5093 or send an email to cclcharter@honolulu.gov at least three working days prior to the meeting for arrangements. Prompt requests will help ensure the availability of services and reasonable accommodations.

ATTACHMENT 1

2015-2016
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NONVOTING MEMBERS
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April 29, 2016

Committee on Style Report 2
Re: Proposals No. 86, 52, 73

Chair David Rae,

Your Committee on Style, to which was referred Proposals No. 86, 52, and 73, begs leave to report as follows:

Your Committee:

1. Amended the language relating to the powers, duties, and functions of the Fire Chief in Proposal 86 by combining suggested language provided by the Fire Chief and the Hawaii Fire Fighters Association to more closely reflect the role of the Fire Chief; and
2. Amended the new language in Proposal 73, incorporating language from Proposal 52, to, among other things, establish an Office of Climate Change and Sustainability under the Managing Director's Office and mandate the Office to convene a Climate Change Commission at least twice annually to gather science and information on climate change.

Both of the proposals as amended by the Committee on Style, including Notes, are contained in the Attachment.

As affirmed by the record of votes of the members of the Committee in Style, your Committee has approved Proposals No. 86 and 73 as amended, and is returning them to the full Commission for further consideration.

Respectfully submitted on behalf of the
members of the Committee on Style,

A handwritten signature in black ink, appearing to read "Donna Ikeda", is written over a horizontal line.

Donna Ikeda, Chair

ATTACHMENT 1

ATTACHMENT FOR THE STYLE COMMITTEE REPORT #2 2015-2016 Honolulu Charter Commission

PROPOSAL 86 TEXT

Submitter: City and County of Honolulu, Office of Managing Director

Section 6-1004 Powers, Duties and Functions –

The fire chief shall:

- (a) Provide for a safer community through fire prevention and preparedness; and effective emergency response.
- (b) Perform fire fighting and [rescue] emergency response work [in order] to save lives, property and the environment from fires.
- (c) Respond to [emergencies arising on hazardous terrain and on the sea and] hazardous materials incidents.
- (d) Provide emergency medical care.
- (e) Train, equip, maintain and [supervise a force of] manage fire fighting and [rescue] emergency response personnel.
- (f) [Monitor the construction and occupancy standards of buildings] Review construction plans and inspect buildings, occupancies and premises for the purposes of fire prevention.
- (g) Investigate the origin, cause and circumstances of fires and explosions.
- (h) Provide educational programs related to fire prevention.
- (i) Appoint the deputy fire chief and the private secretaries to the fire chief and the deputy fire chief.
- (j) Perform such other duties as may be required by law.

PROPOSAL 86 NOTES:

Combined suggested amendments presented by the Fire Chief and the Honolulu Fire Fighters Association.

ATTACHMENT 1

PROPOSAL 73

Submitter: Professor Maxine Burkett

Section 6-107. Office of Climate Change and Sustainability –

There shall be an office of climate change and sustainability headed by an executive for climate change and sustainability who shall be appointed and may be removed by the mayor. The executive for climate change and sustainability shall:

- (a) Seek local information from scientists and track climate change science and potential impacts on city facilities.
- (b) Coordinate actions and polices of departments within the city to:
 - (1) Increase community preparedness.
 - (2) Protect economic activity.
 - (3) Protect the coastal areas and beaches.
 - (4) Develop resilient infrastructure in response to the effects from climate changes.
- (c) Develop or coordinate city policies and programs that will improve environmental performance of city operations and advance environmental priorities.
- (d) Integrate sustainable and environmental values into city plans, programs and policies.
- (e) Report to the mayor and council regarding overall performance in meeting sustainability and environmental targets and objectives.
- (f) Coordinate with federal and state agencies regarding climate change, sustainability and the environment.
- (g) Convene a Climate Change Commission consisting of five members with expertise in climate change in Hawai'i, which Commission shall meet no less than twice annually for the purpose of gathering the latest science and information on climate change effects in the city and providing advice as is deemed appropriate to the executive for climate change and sustainability, the mayor, council and executive departments of the city.

*PROPOSAL 73 NOTES:
Combined Proposals 54 and 73.*

ATTACHMENT 2

PROPOSAL 81

Proposer: City and County of Honolulu, Office of the Managing Director

Establish a dimensional zoning variance, with criteria based on practical difficulties, rather than relying on unnecessary hardship as the exclusive grounds for granting a variance to the Land Use Ordinance. Current applicable Charter provisions only provide for the “hardship” criteria, which is typically (i.e., in most U.S. municipalities) applicable only to use-type zoning variances. Traditionally, dimensional/bulk variances are reviewed on the basis of practical difficulties tests. Establishing a dimensional variance, including the appropriate criteria needed for the Director of the Department of Planning and Permitting (DPP) to determine whether practical difficulty exists for non-use variance requests, will provide a more appropriate mechanism for the consideration of the majority of zoning variance requests received by the DPP.

Section 6-1517. Zoning Variances

The director shall hear and determine petitions for varying the application of the zoning code with respect to a specific parcel of land and may grant such a variance upon: (a) the ground of unnecessary hardship for use variances if the record shows that (1) the applicant would be deprived of the reasonable use of such land or building if the provisions of the zoning code were strictly applicable; (2) the request of the applicant is due to unique circumstances and not the general conditions in the neighborhood, so that the reasonableness of the neighborhood zoning is not drawn into question; and (3) the request, if approved, will not alter the essential character of the neighborhood nor be contrary to the intent and purpose of the zoning ordinance[.]³⁰; or (b) the ground of practical difficulties for non-use or dimensional variances if the record shows that (1) the applicant proposes to use the property in a reasonable manner permitted by the zoning code; (2) the applicant’s plight is due to circumstances unique to the property not created by the applicant; and (3) the variance will not alter the neighborhood’s essential character or be injurious to the public health, safety and general welfare of the community. Prior to the granting of any variance, the director shall hold a public hearing thereon. The director shall specify the particular evidence which supports the granting of a variance.

ATTACHMENT 3
PROPOSAL 153
Proposer: Donna Ikeda

Amend Article XI: Standards of Conduct. Section 11-102.1. (a) Conflicts of Interest

The current language uses the standard "it can reasonably be inferred that the gift is intended to influence...". This language is overly broad and when it is used in conjunction with the definition of a lobbyist, can and has been used by the Ethics Commission to determine that ANY gift from a lobbyist, regardless of its value, is a violation of law. I do not believe that prohibiting all gifts from lobbyists is the intent of Section 11-102. and so I propose that Section 11-102.1 (a) be amended to establish a clear standard of conduct.

Article XI: Section 11-102.1 (a)

1. No elected or appointed officer or employee shall:

Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances [in which it can reasonably be inferred that the gift is] which are intended to influence the officer or employee in the performance of such person's official duties and which benefit the elected or appointed officer or employee personally, affect the financial interests of their family, or involve individuals or organizations with which the elected or appointed officer or employee has some past, present or future connection away from their official duties.

**ATTACHMENT 4: PROPOSALS RELATING TO OPEN GOVERNMENT/CITIZEN
PARTICIPATION
Charter Commission Meeting 4/29/16**

Proposal #	Short Summary of Proposal
19	Reduce the number of Neighborhood Boards to one per Council District.
23	Conform the county public records law to state requirements to ensure greater access to public records.
24	Require boards and commissions to have an internet presence and use electronic communications to distribute board information to: <ul style="list-style-type: none">• Provide ready access to information;• Reduce barriers to and encourage public engagement with government;• Build trust in government; and• Encourage a paperless government.
25	Require city agencies to: <ul style="list-style-type: none">• Assist the public in getting public records; and• Make the process more efficient.
26	Prohibit charging for copies of public records when obtaining copies is in the public interest.
30	<ul style="list-style-type: none">• Limit Neighborhood Boards' advisory rules to City and County matters; and• Consider abolishing the Neighborhood Boards by reviewing participation and other factors.
40	Provide for the sunset of every board and commission and review the necessity of every board and commission at least every five years.
59	Open the Municipal Library at least one day a week.
99	<ul style="list-style-type: none">• Increase the number of elected officials in city government; and• Increase government accountability by making more positions elected, such as the City Auditor, the Corporation Counsel, the Board of Water Supply and the Director of the Board of Water Supply, the Board and Executive Director of the Honolulu Authority for Rail Transit, the Fire Commission, the Police Commission, the Parks Commission, and the Transportation Commission.
113	<ul style="list-style-type: none">• Elect members of Neighborhood Boards in the same cycle as council members of each district; and• Require nomination papers with at least 40 signatures of voters registered in the district.
123	<ul style="list-style-type: none">• Require the Charter Commission to:<ul style="list-style-type: none">○ Specify the purpose of Charter amendments or revision; and○ Use metrics to measure past performance of amendments or revision; and• Require the City Auditor to report annually to the City Council on the results and findings of a yearly examination of the performance metrics and progress toward the stated goal of the amendments or revision.
125	Add: <ul style="list-style-type: none">• Historical citations;• Case note annotations; and• Tables of disposition to the City Charter.
126	Make various amendments to Article XIV on Boards and Commissions to address significant issues regarding the relationship between the Executive Secretary and the Neighborhood Commission; their respective roles, powers, duties, and functions; and the organization of the neighborhood system.
129	Confer civil service status on Neighborhood Commission staff except for the Executive Secretary.
147	Allow public access to Ethics Commission rulings, decisions and reasoning.
150	Require live Olelo telecasts for all Charter Commission meetings. Consider using the latest technology and teleconferencing.

#19. Donna Ikeda

Reduce the number of neighborhood boards to one per council district. This proposal may make the boards larger but it will ultimately give them more clout. It would also cut down on the time that the police, fire and other departments need to currently spend going to numerous neighborhood board meetings. It will also reduce the cost of running the Neighborhood Board Commission since less staff would be needed to service the boards.

#23. Civil Beat

The Proposed Amendment conforms the Charter's language regarding public records to State law and removes redundant language.

a. Access to public records cannot be limited to citizens. The Uniform Information Practices Act (Modified), HRS ch. 92F (UIPA), provides:

"Except as provided in section 92F-13, each agency upon request by *any person* shall make government records available for inspection and copying during regular business hours" HRS § 92F-11(b) (emphasis added).

b. The Chief of Police and the Prosecuting Attorney do not have absolute discretion to withhold records maintained by the police department or office of the prosecuting attorney, respectively. As reflected in the UIPA citation above, the only exceptions to State law are provided by section 92F-13. *E.g.*, OIP Op. No. 98-01 at 5 n.4 (public records under the UIPA cannot be made confidential by charter or ordinance); OIP Op. No. 95-14 at 6-7.

c. The disclosure provision for traffic accident records is redundant of and cannot contradict HRS § 291C-20.

#24. Civil Beat

The Proposed Amendment requires City boards and commissions to maintain an Internet presence and use electronic communications to distribute board information. As reflected for example in the 2005–2006 Charter Commission proposal 12(g), modern society relies on electronic communications, including the Internet, to obtain timely information. *See* RCH Supp. §§ 13-106, 13-124 (public hearing notices must be distributed by an electronic medium). City boards and commissions, however, do not consistently nor effectively use technology to communicate with the public.

a. Some boards have websites with information useful to the public. *E.g.*, Salary Commission at <http://www.honolulu.gov/council/bc/ccl-salarycommission.html> (posting Charter description of commission, identifying commissioners, posting agendas and minutes, and providing contact information). Other boards have no Internet presence at all, *e.g.*, the Planning Commission.

b. Agendas for boards without websites may be accessible through other sources, such as the City Clerk's unwieldy PDFs of meeting notices. *See* <http://www4.honolulu.gov/docushare/dsweb/View/Collection-1873> (compiling, for example, City meeting notices for all City boards and commissions from January–April 2015 in a single 200+ MB file with over 1100 pages that required more than 10 minutes to access). But burying information in obscure or difficult to access locations discourages public participation in government. Basic information about a specific board or commission, including contact information, agendas, and minutes, should not be hard to find.

- c. Some boards maintain e-mail distribution lists to notify interested members of the public regarding upcoming meetings. But the Police Commission for example insists on sending meeting notices by postal mail. *See* November 10, 2014 Letter from G. Gilmartin to D. Purcell.
- d. Providing ready access to information regarding a board (*e.g.*, contact information, agendas, minutes) reduces barriers to and encourages public engagement with and trust in government. Boards serve a critical role in developing City policy, but must remain accountable to the public. There is no accountability—and consequently less trust in the policies—if the public cannot learn basic information about boards without substantial investment of time and effort.
- e. Electronic distribution also minimizes resources needed to respond to common requests for such basic information and further encourages paperless government.

#25. Civil Beat

The Proposed Amendment would require that City agencies assist individuals seeking access to public records. Requesters confront numerous obstacles when asking for public records. Many of those obstacles can be alleviated if City agencies provide requesters with information about how the agency maintains its records and discuss with requesters the most efficient (and thus less costly) way to obtain requested records. Perpetuating obstacles to accessing public records discourages individuals from participating in government and fosters unnecessary suspicion of government among the electorate. The City benefits from more engaged and informed citizens.

a. Each City agency must publicize contact information, including an e-mail address, for making a record request. Requesters frequently do not know where to send a request for public records. Agency silence regarding the appropriate contact forces requesters to waste hours searching for possible contacts and risk sending a request to the wrong person, significantly delaying access.

b. Each City agency must assist requesters in making targeted and efficient requests for records. Agencies have exclusive knowledge of how government records are maintained and the best way to obtain specific information. Agencies, however, frequently deny access or estimate excessively high fees for records without ever explaining to the requester how a request could be reframed to avoid undue burden on the agency and unnecessary cost to the requester.

#26. Civil Beat

The Proposed Amendment would prohibit City agencies from charging fees for records when disclosure of the requested information is in the public interest. The City benefits from an informed citizenry; that cannot happen if only the wealthy are given access government information. State law permits agencies to charge \$10/hour to search for records and \$20/hour to review and redact records; total charges are reduced by \$60 if disclosure is in the public interest. Although State law permits agencies to charge fees, it does not require that agencies charge any fees.

City agencies have used high fee estimates to deter requesters from publicly distributing records. This amendment would provide a waiver of fees for a narrow group of requesters who satisfy the public interest standard, which requires the requester to widely disseminate the information to the general public.

a. The standard for public interest requests is well established. Under State law, a request is made in the public interest when:

- i. The requested record pertains to the operation or activities of an agency;
- ii. The record is not readily available in the public domain; and
- iii. The requester has the primary intention and the actual ability to widely disseminate information from the government record to the general public at large. HAR § 2-71-32(b). A requester does not satisfy this standard if the agency already published the relevant information, if the requester does not plan to publish the information, or if the requester does not have the ability to widely distribute the information.

b. Waiving fees for public interest requests will not unduly burden City agencies. State law permits agencies to mitigate any undue burden of a request. If a request requires significant effort to review voluminous records, the agency may review documents over time (disclosing records once a month) to avoid interfering with the agency's other duties. HAR § 2-71-15(b).

#30. Terrence Aratani

Neighborhood Boards were established to provide community input to city government officials. Over the years, interest in these boards have dwindled where several boards do not have a sufficient number of members to even make a quorum. Another problem has been that through interpretation, the boards have expanded their advisory role to voice concerns directly related to pure state issues. As a creation of the City and County of Honolulu, the boards should have been restricted to city and county matters only. Boards have also directly interfered with private matters and one board was sued.

It seems that only a few individuals take advantage of these boards and most residents do not even bother unless there is an issue directly related to their neighborhood or community. In lieu of these boards, it might be more fiscally responsible for the city council members to determine when issues need to be addressed and hold town meetings. I request the Charter Commission to research board membership numbers in relation to having a quorum, voting results, and actual nonmember participation to determine that these boards should be abolished. The research should also consider the individuals who are voted to the boards. I believe some have mental issues, like there was one board member who claimed he was a law enforcement professional but admitted his police application was rejected, but since he always wanted to be a police officer, that was his profession.

I believe it is a waste of resources to have police and fire officials, who are required to attend, provide reports, many times giving common sense reports like, "turn pot handles away from the front of the stove", "Now that school is in session, remind students not to speed", "do not use lit candles near Christmas trees" and many, many more. If board members do not have common sense, they should not be providing advice to others.

#40. Tsujimura

To create a sunset provision for all boards and commissions in the City and County of Honolulu.

The Counsel shall, no less than every five years, review the necessity of every board and commission of the City and County of Honolulu. Each evaluation shall include the amount budgeted for the board and commission, the staff time allocated to the board and commission, the number of decisions made, the impact if such board or commission were sunsetted, the overall

necessity of the board and commission, and any other relevant issue specific to that board or commission.

The Counsel shall issue a public report no later than January preceding the November election, following the review. There shall be a ballot issue included in the November election which shall ask the voters separately, whether each and every board or commission reviewed shall be retained. The ballot issue shall include the cost of each board and commission. If a board and commission does not receive more than fifty percent of the votes cast said board or commission shall be summarily terminated before January 1st of the subsequent year following said election.

The review by the Counsel of the boards and commissions may be done in two phases with the board or commissions with the largest budgets in the first phase and the smaller budgeted boards and commissions in the second phase.

#59. Joyce Salmon

The Municipal Library needs to be more open to the public. It should be open at least one day a week for people to use the actual documents. Electronic copies of all documents will be helpful, but that will take years to complete. Even when complete, seeing the actual documents will be important at times. These documents belong to the public and they should be able to see them. In addition, the library should have a librarian trained in the organization and use of government documents - a highly specialized field - on staff to help the public.

Chapter 4 - Department of Customer Services

Section 6-402. Duties and Functions --

(b) Fulfill the research and information needs of the city and her residents , coordinate a city government records management program, and supervise the city archive of documents and materials with a trained librarian on staff. that must be open to the public at least one day of every week.

#99. Ryan Akamine

Increase the number of elected officials in city government to make it more accountable. Hawaii may have the fewest elected offices per population of any state in the country. In California, school boards, community college boards, treasurers, controllers, and many other offices are elected. Here, various boards and positions can be elected to increase accountability. For example: the City Auditor, the Corporation Counsel, the Board of Water Supply and the BWS Director, the HART board and Executive Director, the Police Commission, the Fire Commission, the Parks Commission, and the Transportation Commission.

#113. David Mitchell

Members of the neighborhood board shall be elected in a general election concurrent with the city councilor of their neighborhood. Their term shall be the same as the city councilor and will be elected in the same manner as the city councilor. In order to appear on the ballot they shall submit nomination papers with no less than 40 registered voters from their district (neighborhood-as designated by the current neighborhood districts)

#123. APA

REQUIRE THE USE OF METRICS TO ASSESS CHARTER AMENDMENTS

The proposal calls for the use of performance “metrics” to measure the need and impact of Charter amendments and, over time, the activity and performance of that amendment. Currently there is no basis for determining the merits of Charter amendments and when passed, no set of metrics are in place to measure the performance and effectiveness of the amendment in accomplishing the intended goal(s) of the amendment. The use of metrics to measure the effectiveness of public policy enhances accountability, enables evaluation of progress, and assists in decision-making. It enables lawmakers to communicate what is important by what is measured. This focus and information will more likely help the city to reach its goals. Typical quantifiable metrics in determining performance and effectiveness include, but are not limited to, safety, time, cost, resources, scope, quality and actions in the attainment of goals or policies.

Section 15-105. Mandatory Review

“(4) The commission shall publish, not less than forty-five days before any election at which charter amendments or a revised charter are submitted, at least once in a daily newspaper of general circulation within the city, a brief digest of the amendments or revised charter including the establishment of a reasonable set of metrics to measure performance of said amendment or revised charter in attaining a stated public goal or policy and a notice to the electorate that copies of the amendments, metrics or revised charter are available at the office of the city clerk.”

Section 15-108. Amendment Audit – The city auditor with the appropriate assistance from available city departments will examine the established performance metrics for said charter amendment or revised charter and annually report to the appropriate legislative body the results and findings of said examination with a statement of determination about the performance and progress towards attaining the stated goal(s) of said amendment or revised charter.

#125. Tom Heinrich

Technical, Non-Substantive Amendments to Provide Improved Annotations:

- (1) Addition of historical citations to be located at the end of each section;
- (2) Updating of case note annotations; and
- (3) Addition of tables of disposition to be located after the text of the charter.

The publication of the Revised Charter of the City & County of Honolulu 1973 (2000 edition) was a tremendous improvement over the 1994 edition with its new spiral binding, bright yellow cover, and additional historical and case note annotations.

Further improvements to and completeness of the annotations included in the next edition of the Revised Charter (which should be prepared and published after the electorate determines in the 2016 general election what revisions or amendments are to be adopted) would be very useful.

The addition of historical citations (annotations indicating the legislative and election history of adoption, amendments, and respective effective dates) for each and every section would greatly aid clarity and research. E.g., see the format of the Hawaii Revised Statutes Annotated (HRSA); the Preface, Abbreviations and Symbols, and User’s Guide at HRSA Volume 1, pages v – xiii; and especially the Constitution of the State of Hawaii at HRSA Volume 15, pages 127 - 330.

Updating of the case note annotations would be very useful and consistent with the statement in the RCH 1973 (2000 edition) Foreword that “[f]uture editions of the Charter may reflect a more extensive and refined annotative effort.”

The addition of tables of disposition setting forth relevant reference information (chronological source identification and placement in RCH, revision rearrangement listings, etc.) would also be very useful. The tables of disposition would be placed after the charter text and before the index. E.g., see Table I, Disposition of Resolutions 1984-1992 published in RCH 1973 (1994 edition) at page 118; Table I, Disposition of Resolutions 2002 published in the RCH 2003 Supplement; and HRSA Volume 15, pages 387 – 967.

#126 Tom Heinrich

Make various amendments to Article XIV "Neighborhoods and Neighborhood Boards" and Section 13-119.

The proposed amendments set forth below in item 5 are intended to address significant issues regarding the relationship between the executive secretary and the neighborhood commission; their respective roles, powers, duties, and functions; and the organization of the neighborhood system - which involves:

- (1) the legislative branch (city council, city clerk, and city auditor);
- (2) executive branch (mayor, managing director, department of budget and fiscal services, and department of the corporation counsel);
- (3) neighborhood commission;
- (4) executive secretary! administrator of the neighborhood system;
- (5) neighborhood commission office staff;
- (6) 33 neighborhood boards and their 437 elected members; and
- (7) the public.

More information will be submitted separately to provide point specific explanation of the various proposed amendments. Briefly:

(A) The amendment of RCH Section 14-101 to include the language "serve as community forums" is to recognize the important role that the neighborhood system has come to fulfill since its creation by Charter amendment adopted by the electorate in 1972.

(B) The amendment of RCH Section 14-102 (proposed to be renumbered 14-103) to include the language "no person shall concurrently serve on the commission and a neighborhood board" is to address (1) the unique situation of the neighborhood commission which oversees 33 subordinate neighborhood boards and their 437 elected members, and (2) conflicts of interest of several presently serving commissioners who concurrently serve 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 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).

(C) The amendment of RCH Section 14-103(c) (proposed to be renumbered 14-104(c)) by deleting "upon their request" is to improve the proactive role of the neighborhood commission in serving all of the people of the City and County of Honolulu. There remain 3 of 36 neighborhood

districts that have not formed neighborhood boards; a policy goal is that the entire geographic area of Oahu is represented by inclusion in established and active neighborhood board districts.

(D) The title of the "executive secretary" position is changed to "executive director" in recognition that the position serves the neighborhood system as a whole, not just the neighborhood commission, and for consistency as this is the only position in the City presently using the term executive secretary for the agency head.

(E) The addition of new Section 14-102 and amendment of Section 14-103 (proposed to be renumbered 14-104) is to provide greater direction concerning the organization of the neighborhood system/department and the respective powers, duties, and functions of the executive secretary/administrator (proposed "executive director") and the neighborhood commission. This is consistent with:

(1) the Charter's listing the powers, duties, and functions of department directors, agency heads, boards, and commissions (e.g., Sections 6-102, 6-203, 6-302, 6-402, 6-503, 6-603, 6-702, 6-803, 6-903, 6-1004, 6-1006, 6-1105(2), 6-1110(2), 6-1202, 6-1303, 6-1403, 6-1503, 6-1506, 6-1604, 6-1606, 6-1703, 6-1705, 7-103, 7-105, 7-106, 8-104); and

(2) the Neighborhood Commission's adoption in 2008 of a comprehensive overhaul of its Rules and Procedures, and the Neighborhood Plan of the City & County of Honolulu -- Honolulu Administrative Rules Title 2, Office of the Managing Director, Subtitle 2, Neighborhood Commission, Chapter 11 and Chapters 12 to 20 respectively. See especially Sections 2-11-201 (General powers, duties, and functions of the commission) and 2-13-102 (General powers, duties, and functions of the boards). Adopted by the electorate in 1996, Section 14-105 formally established the executive secretary position, but the Charter has never identified the powers, duties, and functions of the head of the Neighborhood Commission Office. The only guidance is provided at the administrative rules level by Section 2-11-107 of the Rules and Procedures of the Neighborhood Commission, adopted in 2008, which reads in its entirety:

"The executive secretary reports to the managing director, and serves as administrator for the commission and the commission office."

#129. Tom Heinrich

Place the employee positions, other than the Executive Secretary position, for the Neighborhood Commission (Article XIV) within the civil service system.

Due to the immediate termination of a majority of the staff, the 2005 and 2013 transitions to the new City Administrations under Mayor Hannemann and Mayor Caldwell were particularly difficult for the operations of the Neighborhood Commission Office (NCO), the conduct of the 2005 and 2013 Neighborhood Board System elections, and the (lack of) quality of services provided to the 33 neighborhood boards, their 444 elected members, and the public. All of the NCO staff positions are patronage positions appointed by the mayor, not otherwise filled by the executive secretary or the 9-member Neighborhood Commission. A requisite level of professionalism, expertise, continuity, and esprit de corps is strongly needed in the NCO.

Accordingly, part (1) of Question No. 1 of the proposed City Charter Amendments for the 2004 general election made this proposal. Also included, however, as part (2) of Question No. 1 was the proposal that civil service status be conferred on the qualified incumbents occupying those employee positions without necessity of examination. I strongly believe that the presentation on the 2004 general election ballot of these two separate issues in the form of a single compound question led to the overwhelming rejection of Question No. 1 by the electorate, while Questions No. 2, 3, and 4 were duly adopted.

I do not propose that a transition provision be provided for the present NCO employees as was proposed in Question No. 1.

#147. Fred Metcalf

HONOLULU CHARTER COMMISSION OCT. 30, 15

GOV'T SECRECY: TOO MUCH SECRECY. TOO MANY GOV'T PEOPLE, MAYOR INCLUDED, TREAT GOV'T AS THOUGH IT IS THEIR OWN PRIVATE BUSINESS AND WE WHO PAY FOR IT ALL ARE TREATED AS THOUGH WE ARE NOTHING BUT PAY-TO-WORK EMPLOYEES, ARE NOT TO ASK QUESTIONS, JUST SHUT UP AND DO AS WE ARE TOLD.

COMMUNICATIONS: TOO MANY TIMES OVER THE DECADES WHEN I HAVE CALLED IN WITH QUESTIONS, I HAVE BEEN GIVEN A NUMBER TO CALL AND THEN BOUNCED FROM ONE DEP'T TO ANOTHER, ONE OFFICE TO ANOTHER, ONE PERSON TO ANOTHER, AND END UP IN SOMEONE'S VOICE MAIL THAT DOSEN'T [sic] RETURN CALLS, OR, GIVEN THE NUMBER THAT I STARTED WITH; A COMPLETE CIRCLE. I OFTEN GET THE FEELING THAT THIS IS DELIBERATELY DONE TO AVOID HAVING TO DEAL WITH THE QUESTION OR PROBLEM, NEWS PEOPLE THAT I KNOW SAY IT OFTEN HAPPENS TO THEM.

[Bolding added.]

#150. Alvin Wong

All Charter Commission meetings should be telecasted live on 'Olelo so all the outer island taxpayers can see and hear what is happening in real time. With all the latest technology, teleconferences could also be possible.

ATTACHMENT 5: PROPOSALS RELATING TO HOUSING
Charter Commission Meeting 4/29/16

Proposal #	Short Summary of Proposal
3	Increase the availability of the Affordable Housing Fund by: <ul style="list-style-type: none">• Allowing it to be used for persons earning 60% or less of median household income (rather than just 40%);• Allow mixed use and mixed income projects; and Limit the time required for the housing to remain affordable to 60 years.
11	Re-establish a housing agency to provide and develop affordable housing, and implement the City and County of Honolulu's housing policies.
66	<ul style="list-style-type: none">• Consolidate all housing functions into one department; and• Rename the Department of Community Services to the Department of Housing and Community Services which can emphasize:<ul style="list-style-type: none">○ Affordable housing;○ Senior housing;○ Special needs housing; and○ Homelessness.
96	Allow the Affordable Housing Fund to be used for operating expenses in addition to capital expenses.
109	Create a Residential Rent Stabilization and Arbitration Board as an emergency measure to address Honolulu's housing crisis by limiting rent increases and reasons for eviction and to be funded through newly created rental unit fees.
121	<ul style="list-style-type: none">• Expand the duties of the Department of Community Services to centralize housing functions;• Eliminate the Mayor's Office of Housing; and• Rename the Department the Department of Housing and Neighborhood Services.
122	Change the period of affordability for use of the Affordable Housing Fund to 60 years versus in perpetuity.
124	Change the Department of Community Services to the Department of Housing and Community Services with the central responsibility of housing concerns in the context of community development.
143	Change the Mayor's Office of Housing into a department.

#3. Brandon Elefante, Councilmember

The Honolulu City Council adopted Resolution 15-165, CD-1, on July 7, 2015. This resolution requests that the Charter Commission process an amendment to the City Charter amending Section 9-204(3). This amendment changes the parameters of the use of money in the Affordable Housing Fund so that the money can be used for persons earning sixty percent or less of median household income (AMI) in the area, and allows mixed-use, mixed-income projects. The changes also requires that the housing remain affordable for sixty years. The current language is too restrictive, and the fund is not being drawn down for its intended purposes. The change to sixty percent AMI will allow these funds to be used for projects that also use the state's Low Income Housing Tax Credits and other low-income housing credits, and the change to a sixty-year term of affordability will allow project to potentially proceed on state lands which could not be encumbered "in perpetuity." These changes will allow partnerships with the state and private developers who build low-income units and also allow mixed-income projects to include low-income units. It will allow the fund to be expended for low-income units as originally proposed and intended. It updates the parameters for the use of the fund monies to meet current low-income housing development possibilities and address financing constraints.

#11. Kevin Mulligan

The City and County of Honolulu eliminated its Housing Department in the late 1990s. There was an assumption that the private sector could provide a sufficient amount of affordable housing. That has not occurred and there is a serious shortage of affordable housing on Oahu, which contributes to homelessness. Consequently, the City and County should re-establish a housing agency. The new housing agency should have as its stated purposes: 1) provide and develop affordable housing; 2) avert homelessness; 3) and implement the City and County of Honolulu's housing policies.

This would be a new charter provision. It could go in Article VI - Executive Branch - Managing Director and Agencies Directly Under the Managing Director.

#66. Ron Menor, Councilmember

The proposal is to rename the Department of Community Services to the Department of Housing & Community Services. The purpose would be to consolidate all housing functions of the City & County of Honolulu into one department. It would work to answer the major complaint of housing advocates which is that currently there is no central department within the City for people to turn to for help regarding housing issues. The establishment of an executive department focused on housing will ensure that agencies of the state and federal governments, private organizations, nonprofit groups, community organizations, and individuals will have a City department with which they may partner to address issues regarding affordable housing, senior housing, special needs housing, and homelessness.

#96. Ryan Akamine

Allow the Affordable Housing Fund to be used for operating expenses in addition to capital expenses, which is all it currently allows. For many years, not a single dollar had been spent out of the fund because acquisitions and new construction are too controversial, time consuming, and require resources beyond what the Mayor's office has available. If the AHF could be used for operating expenses, it could immediately go to vouchers to pay for rental apartments for homeless people and truly move the needle on homelessness. Because it receives over \$1 million per year in new revenue, it could potentially get as many as 100 homeless families into apartments each year. It could also be redefined to permit its use for mental health services and other needs that would help the homeless. Putting these funds to use, instead of gathering dust in a bank, could be the single easiest and most direct way to house the homeless.

#109. Anon

Establish a Honolulu Residential Rent Stabilization and Arbitration Board ("Rent Board"). This Board will have authority analogous to the San Francisco Rent Board. This would serve as an emergency measure to help address Honolulu's housing crisis. Honolulu needs to do this in order to safeguard tenants from excessive rent increases and, at the same time, to assure landlords fair and adequate rents consistent with Federal law. Among other things, the Board will have the authority to place limits on the amount of rent increases which can be charged by the landlord and on the reasons for evicting a tenant. The Board would be completely funded through the collection of newly created rental unit fees.

The Rent Board will have the authority to: promulgate Rules and Regulations to effectuate the purposes of the Charter Amendment; hire staff, including administrative law judges; and conduct rental arbitration hearings, mediations and investigatory hearings on Reports of Alleged Wrongful Rent Increases.

#121. APA

EXPAND DEPARTMENT OF COMMUNITY SERVICES TO INCLUDE HOUSING

This proposal expands the authority of the Department of Community Services and renames it the Department of Housing and Neighborhood Services. This proposal also eliminates the Mayor's Office of Housing.

The City and County's Department of Housing was dismantled in 1998 as a result of the Ewa Villages Scandal. The Department's duties were distributed primarily to the Department of Community Services (DCS). Other duties were assigned to the Department of Planning and Permitting (DPP), Department of Facility Maintenance (DFM), and Budget and Fiscal Services (BFS). Construction of new affordable housing became primarily the responsibility of the private and non-profit sectors.

The cost of housing continues to escalate and Honolulu is plagued by homelessness and overcrowding. The Mayor's Office of Housing, DCS, and DPP – while doing their best to respond diligently and creatively to housing needs – have discussed a less fragmented solution. In 2014, the Mayor's Office of Housing, DCS, BFS, and DPP introduced a jointly prepared report titled "Housing Oahu: Islandwide Housing Strategy" to the City Council. The Strategy

called for the creation of an entity to manage housing on behalf of the City, along with other recommended actions.

This proposed Charter amendment recommends concentrating all city housing-related functions within DCS, and renaming DCS the "Department of Housing and Neighborhood Services". This proposal also recommends eliminating the Mayor's Office of Housing and transferring its duties to the proposed "Department of Housing and Neighborhood Services". The expanded Department will serve as the focal point for affordable housing and homelessness concerns and coordinate housing programs with human services.

The Counties of Kaua'i, Maui and Hawai'i all have departments or agencies similar to the Housing and Neighborhood Services proposed hereby.

[Section 6-106. Office of Housing -- There shall be an office of housing headed by an executive for housing who shall be appointed and may be removed by the mayor. The executive for housing shall have had a minimum of three years experience in the administration of affordable housing programs or projects or programs for low-income, homeless or special needs populations. The executive for housing shall:

- (a) Oversee, coordinate and direct the development, preparation and implementation of plans and programs relating to affordable housing, senior housing, special needs housing, and homelessness, for the benefit of the people of the city.
- (b) Oversee, coordinate and direct the activities and functions of the city relating to affordable housing, senior housing, homelessness, and special needs housing.
- (c) Coordinate city activities and programs relating to affordable housing, senior housing, homelessness, and special needs housing with those of the state and federal governments and those of public or private housing organizations within the state.]

CHAPTER 3 - DEPARTMENT OF [COMMUNITY SERVICES] HOUSING AND NEIGHBORHOOD SERVICES

Section 6-301. Organization -- There shall be a [department of community services] department of housing and neighborhood services which shall consist of a director of [community services] housing and neighborhood services, who shall be appointed and may be removed by the mayor, and the necessary staff.

Section 6-302. Powers, Duties and Functions -- The director of [community services] housing and neighborhood services, shall:

- (a) Develop and administer projects, programs and plans of action for human resources and human services programs.
- (b) Develop and administer projects, programs and plans of action designed to achieve sound [community development] neighborhood services, provided that such projects, programs and plans of action conform to and implement the general plan and development plans.
- (c) Act as the local public officer for the purpose of implementing federally-aided and state-aided human resources, human services, housing, urban renewal and community development programs.
- (d) Oversee, coordinate and direct the development, preparation and implementation of long-range functional plans and programs in support of the production and maintenance of affordable housing for the benefit of the people of the city.

(e) Develop and maintain affordable housing with government resources, and support the production of affordable housing by private and non-profit developers.

#122. APA

REVISE THE AFFORDABLE HOUSING FUND

The charter specifies how the Affordable Housing Fund (AHF) may be used to provide and maintain affordable housing and requires the “the housing remain affordable in perpetuity”. In order to allow the Affordable Housing Fund money to achieve the Fund’s purposes, an amendment is needed to remove the “in perpetuity” requirement as too few government or private funders are willing to partner with the City to accept a contribution from the Fund to a particular project. The time period does not recognize that conditions may change and need to be reassessed over time. Without the ability to loan or grant the AHF money to an affordable housing development, a project would have to be funded 100% by the AHF which is infeasible.

Section 9-204.3, Revised Charter of the City and County of Honolulu 1973

3. Moneys in the Affordable Housing Fund shall be used to provide and maintain affordable housing for persons earning less than fifty percent of the median household income in the city for the following purposes: provision and expansion of affordable housing and suitable living environments principally for persons of low and moderate income through land acquisition, development, construction, and maintenance of affordable housing for sale or for rental, provided that the housing remains affordable [in perpetuity] for at least sixty years.

#124. Carolyn Weygan-Hildebrand

Proposed Amendment:

Change the Department of Community Services to Department of Community Services and Housing or Department of Housing and Community Services. Central to the Department's responsibility will be housing concerns in the context of community development.

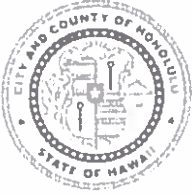
With the seriousness of housing and homelessness issues in the City, the lack of Department akin to what other cities have will simply worsen and not improve the situation. Since the Kahapea corruption situation of the 1990s, the City government folks have lost the political will and professional leadership to tackle housing through a real Department of Housing setting.

The oversight business of any planning activity related to housing development should be under the Department of Planning and Permitting. So the Department of Housing and Community Services should be working closely with the Department of Planning and Permitting on planning matters. Planning processes that require community participation and public comments should be overseen by a commission or advisory body and not left to City staff who are in planning positions but are not professional educated as such nor trained in the APA code of ethics re: community processes.

#143. John Doe

Stop kicking the homeless to the curb. Help the homeless get affordable housing. It's shameful that the Aloha State has no aloha with the city doing is sweeps, All its doing is moving the homeless from one location to another and confiscating their belongings. We need real affordable housing. Find real solutions. Change the office of housing into a housing department with powers to make things happen and make sure that the department has caring and talented staff with.....??..... knowledge to provide affordable housing to those who need help.

ATTACHMENT 6



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March 31, 2016

Mr. David Rae, Chair
City Charter Commission
530 South King St., Room 501
Honolulu, Hawaii 96813

Dear Mr. Rae */ALLEN DOLE,*

It is with the utmost urgency that I write to propose an amendment to the Honolulu City Charter regarding the Honolulu Zoo. I sincerely apologize for the lateness of this request, but the announcement that the zoo has lost its accreditation from the Association of Zoos and Aquariums (AZA) occurred on Tuesday, March 28. The stated reason was a lack of a consistent and adequate source of funding.

Regrettably, the inability of the City Administration to develop and implement a long-term plan has led to this result, despite warnings from previous Zoo Director Manuel Mollinedo that a lack of funding commitment by the City threatened the zoo's accreditation before his departure in 2015.

The zoo consistently ranks as among the top five most visited places by both residents and visitors each year. This is a serious setback to the zoo's reputation and frankly is an embarrassment to the people of the City and County of Honolulu. The attraction would become far less attractive if it results in the return of a number of exotic animals because they cannot be loaned to an unaccredited zoo.

The AZA is correct in that the City has an unfortunate track record of boosting the zoo's budget when accreditation is at stake, but returning to meager funding once the threat subsides. Neither the administration nor the nonprofit Honolulu Zoo Society has publicly recognized the problem and taken steps for a long-term plan of action.

There was a time during the tenure of former Mayor Mufi Hannemann when the zoo embarked on a path of improvement. In collaboration with the City Council, there was the establishment of the Keiki Zoo, a veterinary clinic and learning center and construction began on a new elephant exhibit. It was never easy to find the money, but both the Administration and Council agreed that maintaining and improving the zoo was a necessary function of the City.

Subsequent Administrations have placed the zoo on a lower priority. This Council recently passed an ordinance, sponsored by Councilmembers Trevor Ozawa and Kimberly Pine,

David Rae, Chair
Charter Commission
Honolulu Zoo Amendment (Proposed)
Page 2

to create a Zoo Sponsorship Program designed to raise more private sector support for the zoo. They urged the Administration to expedite implementation of the program to demonstrate the City's commitment to the future of the zoo. It may have helped stave off a loss of accreditation.

It must fall to the voters of the City and County of Honolulu to decide the zoo's future. I propose to amend the Honolulu City Charter to dedicate 0.75 of 1 percent of the City's general fund revenues annually to support zoo operations. If a majority of voters approve, this would clearly show that the people believe the zoo to be a core function of the City and provide the means for a consistent source of funding.

The current dysfunctional leadership – five directors in six years – unstable funding, and ineffective private support must undergo an overhaul. The Honolulu Zoo is too important to the community as an educational facility, a revenue-generating attraction, and 42-acre expanse of much-needed open space in congested Waikiki.

Again, I apologize for the lateness of this request but I am hopeful that this letter arrives in time for discussion at the Charter Commission's meeting on April 1.

My deepest mahalo for your consideration of this request.

Respectfully,



Ernest Y. Martin, Chair and Presiding Officer
Honolulu City Council

ATTACHMENT 7.
PROPOSALS DEFERRED BY STYLE COMMITTEE
Charter Commission Meeting April 29, 2019

Proposal #	Short Summary of Proposal
48	<ul style="list-style-type: none">• Amend powers of the City to include sustainability and resource protection; and• Emphasize that inclusiveness, transparency, and participation by the citizenry is a fundamental principle of conduct.
80	Allow the Mayor to delegate the signing of documents.
104	<ul style="list-style-type: none">• Provide for equal female/male representation on boards; and• Delete Charter references to parties since all City and County elections are nonpartisan.