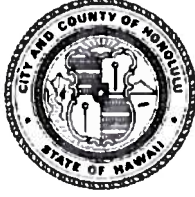


2015-2016
CHARTER COMMISSION
City and County of Honolulu

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

Telephone: 768-5093
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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

MONDAY, MAY 16, 2016
3:30 P.M.
COMMITTEE MEETING ROOM
HONOLULU HALE

AGENDA

I. CALL TO ORDER

Roll Call

II. FOR APPROVAL

Minutes of the meeting of:

- February 19, 2016
- March 17, 2016

III. 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.

IV. PERMITTED INTERACTION GROUP REPORT

Report on the Findings and Recommendations by the Permitted Interaction Group established to review proposals relating to Transportation pursuant to Hawaii Revised Statutes §92-2.5(b). See Attachment 1.

RECEIVED
CITY CLERK
C & C OF HONOLULU
2016 MAY 10 PM 4:24

V. DISCUSSION AND ACTION

Discussion and action relating to the April 27, 2016, letter from Mayor Kirk Caldwell to David Rae, Chair of the Honolulu Charter Commission, and Commission Members regarding the Grants in Aid Funding. See Attachment 2.

VI. DISCUSSION AND ACTION

- a) Discussion and action on the 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; and
- b) Discussion and action on alternative proposals relating to dedicated funding for the Honolulu Zoo.

VII. DISCUSSION AND ACTION

Discussion and action on the 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.

VIII. 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.

IX. ANNOUNCEMENTS

Next meeting date.

X. 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. PROPOSALS RELATING TO TRANSPORTATION
Commission Meeting 5/6/2016

Proposal #	Short Summary of Proposal
10	Terminate Honolulu Authority for Rapid Transit and return full control and authority for the construction of the Rail Project to the Mayor and Council.
13	Require that: <ul style="list-style-type: none">• Honolulu Authority for Rapid Transit Board members meet specific knowledge and professional experience in specified areas; and• Board members ride Honolulu Authority for Rapid Transit once a week on average.
14	Establish a single transit agency for bus, rail, and HandiVan service on Oahu.
45	Require that the budget be submitted to the Council through the Mayor with or without recommendation no less than 120 days prior to the end of the fiscal year.
47	Establish a single entity for transportation operations and maintenance of public transportation.
76	<ul style="list-style-type: none">• Remove operation and maintenance authority from Honolulu Authority for Rapid Transit and the Department of Transportation Services at the time of system acceptance or passenger operations; and• Create a new municipal public transportation entity.
92	Establish a single authority for bus, handi-van, and rail by the time that city funds are needed for operations and maintenance.
93	Establish a Transition Committee to recommend: <ul style="list-style-type: none">• The best governance structure and process to implement a unified transit authority;• How to amend the Charter to reflect that the Mayor and City Council have approval authority over the transit authority's budgets;• Qualifications for members of the transit authority; and• Charter amendments to the Mayor and City Council for approval at the 2016 general election.
94	<ul style="list-style-type: none">• Authorize the City Council to provide additional revenues for Honolulu Authority for Rapid Transit; and• Limit Honolulu Authority for Rapid Transit revenues to capital projects only, removing operating costs for Honolulu Authority for Rapid Transit from the Charter.
95	Allow Honolulu Authority for Rapid Transit to issue any kind of bonds, not just revenue bonds.
140	Establish an independent review board to review 5, 10, 15, 20 year financial projections to determine how rail endangers the City's fiscal health especially in the face of rising Rail costs and their relation to the city's ability to meet its existing financial obligations.
147	Rail full of lies, deceptions, scams, conflicts.

#10. Clifton Masayoshi Hasegawa

To amend the Charter to terminate the semi-autonomy of the Honolulu Rapid Transit Authority (HART) and return full control and authority for the construction of the Rail Project to the City & County of Honolulu - the Mayor and Council. The autonomous Transit Authority continues to challenge the direction of the Mayor and members of the City Council, though reliant on the City & County, HART has taken charge and the direction set by HART is not in harmony with the priorities for the City & County of Honolulu. Honolulu City & County is the specified grant recipient of funds from Federal Transit Authority (FTA). As the recipient of FTA funds and as responsible for Gross Excise Tax (GET) collections the Honolulu City & County Government should have the final decision on all matters relating to the Rail Project. Based on my request for government records, responses from the Mayor, the Chair of the Council and members of the Council, records on the Rail Project are maintained and in the custody and control of HART. As the final decision makers this is a breach of the fiduciary responsibility that rests with the Mayor and Council of the City & County of Honolulu.

#13. Kevin Mulligan

Require that members of the HART Board of Directors possess specific knowledge and professional experience in the following areas: finance, government, personnel, labor relations and public transportation. In addition, during their terms, all board members shall be required to ride HART once a week on average. Board members should have particular expertise to serve effectively on such an important board to exercise meaningful oversight and accountability, not only during construction, but also when the system becomes fully operational.

#14. Kevin Mulligan

Transportation; Single Transit Agency

Establish a single transit agency that would be responsible for providing bus, rail and HandiVan service on Oahu. This would provide Oahu residents with various transportation options connect people with their community, while easing traffic congestion and reducing air pollution—making our Oahu a better place to live. At present, there are two transit agencies serving the City and County of Honolulu, which is inefficient and duplicative.

#45. Paul Oshiro

Section 17-106. Rates, Revenues and Appropriations --

The board shall fix and adjust reasonable rates and charges for the fixed guideway system so that the revenues derived therefrom, in conjunction with revenues received from the general excise and use tax surcharge, from the federal government, and from the revenue-generating properties of the authority, shall be sufficient or as nearly sufficient as possible, to support the fixed guideway system and the authority. The authority shall submit a line-item appropriation request for each of its proposed operating and capital budgets for the ensuing fiscal year to the council through the office of the mayor by December 1st of each year. ~~[The~~ **Not less than one hundred twenty days prior to the end of the fiscal year, the** office of the mayor shall submit the authority's line-item appropriation requests, **with or** without alteration or amendment, **to the council**. The council shall, with or without amendments, approve the authority's appropriation requests.

#47. Cheryl Soon

Create a single entity for governance of public transportation operations and maintenance. Revise the current structure, leadership patterns and resource deployment to better integrate public transportation with other City services by eliminating the semi-autonomous body HART. Place all responsibilities and duties for finance, revenues, fares, subsidies, debt and grant management so that it comes under the direct line of authority with the Transportation Department, Managing Director, Mayor and City Council.

Transition timing would be immediately upon completion of the first segment of rail called the Minimum Operable Segment (MOS) from West O'ahu to Ala Moana. Any O&M contracts under HART would be transferred to the City. Article XVII Public Transit Authority would become null and void.

Further, there would be a Transportation Board of seven members. At least three would be required to demonstrate expertise in transportation operations and/or public finance.

#76. City and County of Honolulu, Office of the Managing Director

Amend the Powers, Duties and Functions, and other relevant provisions, as appropriate, of Article XVII, Public Transit Authority, to remove authority over the operations and maintenance (O&M) of fixed guideway mass transit (rail) from the Honolulu Authority for Rapid Transportation (HART) at the time of system acceptance or passenger operations, whichever occurs first, in whole or in part, including but not limited to the authority of HART to establish fares, fees, and charges for rail, to prepare and adopt annual O&M budgets, to apply for,

receive and accept grants and other assistance to meet O&M expenses, to establish O&M policies after rail is operational, in whole or part, to fix and adjust reasonable rates and charges of the O&M for rail and to submit a line-item appropriation for proposed O&M budget for the ensuing fiscal year.

Propose Charter amendments amending the Powers, Duties and Functions, and other relevant provisions, as appropriate, of Article VI, Executive Branch – Managing Director and Agencies Directly Under the Managing Director, Chapter 17, Department of Transportation Services (DTS), to remove responsibility for public transit from DTS, including but not limited to, removal of the transportation commission's authority to recommend changes to the public transit fare structure.

Propose Charter amendment creating a municipal public transportation entity to manage and be responsible for the operations and maintenance of an intermodal public transit system including, but not limited to, bus, paratransit and rail, with governance details and timing to be proposed by a Committee of qualified appointees of the Mayor and Council, with a ninth member from OMPO.

#92. HART

Pursuant to Section 92 2.5(b) of the Hawaii Revised Statutes, on September 24, 2015, at a duly noticed meeting of the Board of Directors, the Board established a permitted interaction group ("Group") consisting of Donald G. Horner, Ivan Lui, Kwan, Michael Formby, Colleen Hanabusa, and Terrence Lee. The purpose of the Group was to investigate and make a recommendation regarding suggestions for potential amendments to the City and County of Honolulu Charter Commission ("Charter Commission"). The Charter Commission, which was appointed pursuant to Section 15-105 of the Revised Charter of the City & County of Honolulu 1973, as amended ("Charter"), has requested that the Honolulu Authority for Rapid Transportation ("HART") provide it with recommended Charter amendments pertaining to HART.

The Group met on October 13, 2015. The Group discussed possible Charter amendment topics, which included the consolidation of the TheBus, TheHandi-Van, and rail into one entity and the implementation of same, setting forth qualification requirements for members of HART's Board of Directors, clarification of HART's budget process and operational revenues, and HART's financing capacity.

The Group discussed at length the topic of one unified transit entity, separate and aside from existing entities, that would encompass TheBus, TheHandi-Van, and rail. While all members agreed that it was desirable to have one transit entity, there was much discussion regarding when and how the entity would come into existence. There was general agreement that the entity should not be established while the rail project was under construction, due to

concerns about disruption of the project. Members also engaged in a lengthy discussion regarding the type of entity, as well as the responsibilities of the entity.

The Group determined that the appointment of a transitional committee to oversee the formation of a unified transit entity would be desirable. The duties of such a committee were discussed, as was its possible makeup and when the committee would be needed.

1 TheBus, TheHandi Van and rail should be under one authority, separate and aside from existing entities, which will operate and maintain the three transportation modes. The authority is to be established when there is a need for City funds for the operating and maintenance of rail.

#93. HART

See Proposal 92

2. A transition committee should be appointed to recommend the following:

- a. The best governance structure and process for implementation of the unified transit authority, including among other things the operating budget process for the authority.
- b. How the Charter should be amended to reflect that the Mayor and City Council have approval authority over the transit authority's budgets.
- c. Qualifications for members of the transit authority.

The committee shall be comprised of four City Council appointees and four mayoral appointees and a ninth member to be appointed by the other committee members. This committee will make recommendations for appropriate Charter amendments to the mayor and council for approval and submission to the electorate at a general election following 2016.

#94. HART

See Proposal 92

3. Amend Charter Section 17-106 as follows:

Section 17-106. Rates, Revenues and Appropriations -

The board shall fix and adjust reasonable rates and charges for the fixed guideway system so that the revenues derived therefrom, in conjunction with revenues received from the general excise and use tax surcharge, from the federal government, ~~and~~ from the revenue-generating properties of the authority and from other [whatever funds] revenues the council may authorize, shall be sufficient or as nearly sufficient as possible, to support the fixed guideway

system and the authority. The authority shall submit a line-item appropriation request for [each of] its proposed [operating and] capital budgets for the ensuing fiscal year to the council through the office of the mayor by December 1st of each year. The office of the mayor shall submit the authority's line-item appropriation requests without alteration or amendment. The council shall, with or without amendments, approve the authority's appropriation requests. (Reso. 09-252)

#95. HART

See Proposal 92

4. Amend Charter Section 17-103 as follows:

Section 17-103. Powers, Duties, and Functions -

3. The board shall:

(a) Have the authority to issue [revenue] bonds under the name of "Honolulu Authority for Rapid Transportation" in accordance with HRS Chapter 49, subject to council approval.

#140. Anonymous

The City should amend the Charter to establish an independent review board that will analyze the 5, 10, 15, and 20-year financial projections of the City and County of Honolulu. Current spending and future projected spending on the Rail Project endangers the fiscal health of the City and there is no independent review of whether or how the City will be able to meet its existing obligations in the face of rising Rail costs.

#147. Fred Metcalf

HONOLULU CHARTER COMMISSION OCT. 30, 15

RAIL: I AM PRO MASS TRANSIT BUT THIS HAS BEEN LIES, DECEPTIONS, SCAMS, CONFLICTS OF INTERESTS, UNANSWERED QUESTIONS, INCOMPETENCE, NEGLIGENCE, UNPROFESSIONALISM, MASSIVE WASTE, OVERSEERS OVERSEEING OVERSEERS, EVERGROWING HART BUREAUCRACY WITH NO APPARENT IMPROVEMENTS. A BUNCH OF UH ENGINEERING STUDENTS COULD PROBABLY DO IT BETTER AND LOTS CHEAPER. NO TRUST IN HART.

ATTACHMENT 2
OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET ROOM 300 • HONOLULU, HAWAII 96813
PHONE (808) 768-4141 • FAX (808) 768-4242 • INTERNET www.honolulu.gov

KIRK CALDWELL
MAYOR



ROY K. AMEMIYA, JR.
MANAGING DIRECTOR

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

April 27, 2016

The Honorable David W. Rae, Chair
and Members of the 2015-2016 City Charter Commission
Honolulu Hale
530 South King Street, Room 501
Honolulu, Hawaii 96813

Dear Chair Rae and Members:

SUBJECT: Charter Proposal – Grants in Aid (GIA) Fund Amendment

I humbly ask your consideration of an amendment to the Revised Charter of the City and County of Honolulu (RCH) Section 9-205(2) on the Grants in Aid Fund. The amendment will restrict Grants in Aid Funding to one half of one percent of the estimated general fund revenues. This amendment will provide the City and County of Honolulu with greater clarity on the annual amount of the appropriation to the Grants in Aid Fund.

Proposed Amendment:

Section 9-205. Grants in Aid Fund –

2. In adopting each fiscal year's budget and capital program, the council shall appropriate [a minimum of] one-half of one percent of the estimated general fund revenues which shall be deposited into the Grants in Aid Fund.

Your favorable actions on this Charter Commission proposal will be appreciated. Should you have any questions, please contact Roy K. Amemiya, Jr., Managing Director, at 768-6634.

Sincerely,

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

Kirk Caldwell
Mayor