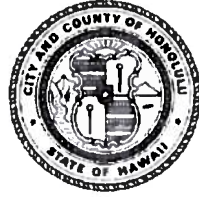


2015-2016
CHARTER COMMISSION
City and County of Honolulu

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

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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, JUNE 17, 2016
3:30 P.M.
COMMITTEE MEETING ROOM 205
HONOLULU HALE

AGENDA

I. CALL TO ORDER

Roll Call

II. DISCUSSION AND ACTION

Deliberation and decision-making on the Report of the Style Committee meeting of May 16, 2016. See Attachments 1 and 2.

III. 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 Use and Development of City Resources pursuant to Hawaii Revised Statutes §92-2.5(b). See Attachment 3.

IV. DISCUSSION AND ACTION

Deliberation and decision-making on 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 4.

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V. DISCUSSION AND ACTION

Deliberation and decision-making on Proposal No. 80 to allow delegation of Mayor's authority to sign documents requiring execution by the City unless otherwise provided by charter, ordinance or resolution. See Attachment 5.

VI. DISCUSSION AND ACTION

Discussion and action on the City agency review and legal review of Proposals 48, 73, 86, and 104 tentatively approved by the Charter Commission on April 29, 2016. See Attachment 6.

The Commission anticipates convening an Executive Session closed to the public pursuant to Hawaii Revised Statutes §92-4 and §92-5(a)(4) to consult with its attorneys on questions and issues relating to their legal analysis and recommendations for the Charter proposals identified and described in Attachment 6.

VII. EXECUTIVE SESSION

The Commission anticipates going into Executive Session pursuant to Hawaii Revised Statutes §92-4 and §92-5(a)(4) to consult in a closed meeting with the attorneys for the Commission on questions and issues pertaining to Hawaii Revised Statutes §92-7 and related Office of Information Practices opinions regarding Sunshine Law agenda requirements.

VIII. ANNOUNCEMENTS

Next meeting date.

IX. 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 or comments may be submitted online at the Charter Commission website: <http://www.honoluluchartercommission.org>.

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>

OLELO

The meeting will be telecast live on Olelo. For more information see: <http://www.olelo.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.

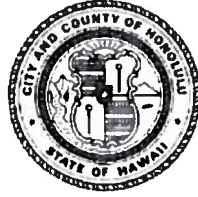
ATTACHMENT 1

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June 2, 2016

Committee on Style Report 3
Re: Proposals No. 39, 54, 120, C-1, and C-2.

Chair David Rae,

Your Committee on Style, to which was referred Proposals No. 39, 54, 120, C-1, and C-2, begs leave to report as follows:

Your Committee:

1. Amended the language relating to salaries for attorneys working for the Ethics Commission in Proposal 39 by:
 - a) Moving the term "comparable" from modifying "salaries" to modifying "attorneys" in the new language added to the second paragraph; and
 - b) Fixing a typographical error.
2. Amended the language in Proposal C-1, relating to the removal of the Chief of Police by the Police Commission, by:
 - a) Allowing the removal or suspension of the Chief of Police by the Police Commission for any reason;
 - b) Removing the phrase "for the sole purpose" in the draft Proposal for section 6-1603, 2(d); and
 - c) Clarifying that the prerequisites for removal also apply to suspensions.
3. Amended the language in Proposal C-2, extending the powers of the Police Commission, by
 - a) Clarifying the authority of the Police Commission to issue subpoenas and require the attendance of witnesses and production of evidence; and
 - b) Replacing "must" with "shall" in subsection (e).

June 17, 2016, Charter Commission Meeting

ATTACHMENT 1

4. Deferred Proposals 54 and 120 to the next Style meeting.

The proposals as amended by the Committee on Style 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. 39, 54, C-1, and C-2, 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,

Donna Ikeda, Chair

ATTACHMENT 2

#39 Paul Oshiro; amended by the Commission; amended by Style Committee

Section 11-107. Ethics Commission --

There shall be within the department of the corporation counsel for administrative purposes only an ethics commission which shall consist of seven members. The commission shall be governed by the provisions of Section 13-103 of this charter. In accordance with the prohibition in Article XIV of the Constitution of the State of Hawaii, the members of the ethics commission shall be prohibited from taking an active part in political management or in political campaigns.

The commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. Such staff and consultations may include attorneys who may advise the commission independently of the department of the corporation counsel. All staff positions shall be exempt from the provisions of Chapter 11 of Article VI of this charter, but such staff positions, except the position of executive director and staff attorneys, shall be included in the position classification plan. The executive director shall be an attorney qualified to practice law in the State of Hawaii. The salary of the executive director shall be [fixed by ordinance] set by the ethics commission within an excluded managerial compensation plan applicable to city and county employees. The salary of staff attorneys shall be set by the ethics commission; provided that salaries of staff attorneys shall not be more than salaries of comparable attorneys in the department of corporation counsel.

The commission is authorized to hold hearings and to conduct investigations concerning the application of this article of the charter and shall have the powers provided in Section 13-114 of this charter.

The commission may, on its own initiative, render advisory opinions with respect to this article of the charter. An advisory opinion shall be rendered pursuant to a written request of any elected or appointed officer or employee concerned and may be rendered pursuant to the request of any person. The commission shall publish its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of the persons involved.

The commission may impose civil fines established by ordinance against elected and appointed officers and employees of the city with significant discretionary or fiscal power as determined by ordinance, found by the commission to have violated the standards of conduct established by this article of the charter or by ordinance. The commission shall recommend appropriate disciplinary action against officers and employees found to have violated the standards of conduct established by this article of the charter or by ordinance. The appointing authority shall promptly notify the commission of the action taken on the recommendation.

#C-1 As amended by Style Committee May 16, 2016

Section 6-1603. Chief of Police

- The Chief of Police shall serve at the pleasure of the City and shall not attain any property interest in the position of Chief of Police. The Police Commission may remove the Chief of Police at any time prior to the expiration of a five-year appointment.¹
- Change the criteria in Section 3. Remove the term “Gross or continuous maladministration” as a cause sufficient for removal.
- Replace with criteria from Missouri Revised Statutes: The Chief of Police can be terminated or suspended for any of the following reasons, including but not limited to:
 1. The chief has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer;
 2. The chief has caused a material fact to be misrepresented for any improper or unlawful purpose;
 3. The chief is unable to perform his or her duties with reasonable competence or reasonable safety because of a mental condition, including alcohol or substance abuse.
 4. The chief has acted in a manner for the sole purpose of furthering his or her self-interest or in a manner inconsistent with the interest of the public or the chief’s governing body.²

This would give the Police Commission the authority to suspend the Chief of Police.

Section 6-1603. Chief of Police —

1. The chief of police shall be appointed by the police commission for a term of five years. The chief shall serve at the pleasure of the police commission and shall not attain any property interest in the position of chief of police. The police commission may remove or suspend the chief of police at any time prior to the expiration of the five year appointment. The chief shall have had a minimum of five years of training and experience in law enforcement work, at least three years of which shall have been in a responsible administrative capacity. The chief shall not serve beyond the expiration of a term unless appointed again by the police commission. If desiring to do so, the police commission may appoint an incumbent chief to a new term without first engaging in an applicant solicitation and selection process.

2. Before the expiration of a term to which appointed, the chief may be removed or suspended by the police commission ~~[only for cause]~~ for any reason. Such reasons may include but are not limited to:

¹ Based upon Los Angeles City Charter Sec. 575 – Appointment and Removal of the Chief of Police with modifications

² Missouri Revised Statutes – Section 84.490.1

- a) The chief has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer;
- b) The chief has caused a material fact to be misrepresented for any improper or unlawful purpose;
- c) The chief is unable to perform his or her duties with reasonable competence or reasonable safety because of a mental condition, including alcohol or substance abuse.
- d) The chief has acted in a manner for of furthering his or her self-interest or in a manner inconsistent with the interest of the public or the chief's governing body.

As prerequisites to removal or suspension, the chief shall be given a written statement of the [charge] reasons for removal or suspension and an opportunity for a hearing before the police commission.

~~3. [Gross or continuous maladministration shall be a cause sufficient for removal of the chief. Before removing the chief for such cause, the commission shall give the chief written notice of and a reasonable period to cure the gross or continuous maladministration. If the gross or continuous maladministration is not cured to the commission's satisfaction within the period given, the commission may proceed to remove the chief in accordance with subsection 2.]~~

This subsection shall not be construed as:

- ~~(a) Making gross or continuous maladministration the only cause sufficient for removal of a chief; or~~
- ~~(b) Requiring the commission to give the notice and opportunity for cure specified under this subsection when removing a chief for a cause other than gross or continuous maladministration.~~
- ~~(c) Requiring the commission to give the notice and opportunity for cure specified under this subsection when removing a chief for a cause other than gross or continuous maladministration.]~~

#C-2 As Amended by Style Committee May 16, 2016.

Section 6-1606. Powers, Duties and Functions (of Police Commission)

- Amending Section (d) by giving the Police Commission the power to subpoena and require the production of evidence pertinent to the investigation and administer oaths to such witnesses to the extent permissible by law.³ The Police Commission can make recommendations concerning allegations of officer misconduct to the Chief of Police and the Chief must respond to the Police Commission with his or her decision on the recommendation in writing. *Currently, the Chief is not required to respond to the Police Commission concerning their recommendations.*

³ City of Long Beach California City Charter – Citizen Police Complaint Commission

- The Police Commission investigations should provide an objective analysis of complaints filed by citizens to ensure compliance with policy and procedure, best practices and the law.⁴

Section 6-1606. Powers, Duties and Functions --

The police commission shall:

- (a) Adopt such rules as it may consider necessary for the conduct of its business and review rules and regulations for the administration of the department.
- (b) Review the annual budget prepared by the chief of police and may make recommendations thereon to the mayor.
- (c) Submit an annual report to the mayor and the city council.
- (d) Receive, consider and investigate charges brought by the public against the conduct of the department or any of its members.
- (e) The police commission may issue subpoenas and require the attendance of witnesses and the production of evidence pertinent to the investigation and administer oaths to such witnesses to the extent permissible by law. ~~and~~
- (f) Submit a written report of its findings to the chief of police. If the chief of police disagrees with the findings of the police commission, the chief shall submit the reasons in writing to the police commission. A summary of the charges filed and their disposition shall be included in the annual report of the commission.
- (g) Review and, if deemed necessary, make recommendations on the five-year plan and any update of goals and objectives for the police department which is submitted by the chief of police. The commission shall not have the power to approve, modify, or reject the plan or any update.
- (h) Compare at least annually the actual achievements of the police department against the goals and objectives in the five-year plan or latest update submitted by the chief.
- (i) Evaluate at least annually the performance of duties by the chief of police.

Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department.

⁴ Fresno Office of Independent Review

ATTACHMENT 3

**Report of the
Permitted Interaction Group
on Proposals Relating to the
Use and Development of City Resources
June 2, 2016**

Members:

Cheryl Soon, Chair

Reginald Castanares

Kevin Mulligan

Nathan Okubo

ATTACHMENT 3

REPORT OF THE

USE AND DEVELOPMENT OF CITY RESOURCES PERMITTED INTERACTION GROUP

The Honolulu Charter Review Commission formed a Permitted Interaction Group on March 17, 2016 for the purpose of investigating proposals for the use and development of city resources. This report describes the investigations undertaken and respectfully provides recommendations for discussion and consideration by the Charter Commission.

Members: Cheryl Soon, Reggie Castanares, Kevin Mulligan, Nathan Okubo

Background

Two proposals formed the initial basis for investigation.

- Proposal 51 (Soon) would add duties to the Department of Enterprise Services to provide authority to negotiate with non-City entities to use City land and facilities in intergovernmental and private agreements including but not limited to air rights, joint development and management of services. The objective was to create a climate of stimulation and vibrancy in and around public spaces.
- Proposal 61 (Rae) would create a new department to initiate, negotiate, and implement partnerships with other governmental entities, NGOs or private parties that address areas of municipal need. Examples include joint development of city owned property including parks, municipal buildings and areas around transit stations; negotiation of adjacent properties for common amenities, intergovernmental partnerships, public private partnerships, programs for climate change adaptation, sustainability initiatives, functional plans, jobs and economic development, affordable housing, prevention of homelessness. Includes a Partnership “Enterprise Funds; Climate Change Council; and any Advisory Committee deemed valuable.

Administration testified in support of Proposal 51, but asked that it be a new department (approach taken in Proposal 61) rather than assignment to Department of Enterprise Services. Written testimonies cautioned against using a “PLDC” style approach, although this was not defined.

Discussion and Consultation

The City & County owns hundreds of acres of land in all parts of the island. It can be challenging to keep up with the protection and maintenance of these lands to ensure their upkeep. Responsibilities now fall in a scattered fashion among multiple parties with uneven expertise and resources. Too often, protection occurs only after damage and misuse is called to the attention of city officials.

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Furthermore, there is a need to ensure that the public interest for these lands is identified, advocated and protected. At times the public interest will be to protect the natural state of the environment. At other times, the public interest may be to ensure open public spaces in an otherwise crowded city. Still more, at times, the public interest may be to work with others on a use that enhances said property through development and revenue generation. No one definition of public interest pertains to all city owned properties.

Whether the protection of the public interest includes preservation, maintenance, and/or development there is a need for a unit that is dedicated to preserving and enhancing city lands that is endowed with the dedicated expertise and resources that are now lacking.

A review of Proposals 51 and 61 finds that both proposals are rooted in the same value of proper use and protection of city lands for the public benefit. Due to the complexity of these proposals an effort was made to see whether they could be melded into a single proposal for consideration. The “melded proposal” looked at having a new Department of Land Preservation and Enhancement with the following key features:

- Three divisions: Land Management & Development; Community Benefits & Stimulus; and TOD/Joint Development.
- The new Land Preservation and Enhancement Department would consolidate land management functions of the City that are now distributed among multiple agencies.
- It would reduce silos and create efficiency by bringing together various parts of transactions in a coordinated fashion.
- It would centralize expertise for land management and disposition.
- It would clarify roles between the executive and legislative branches, leaving all final disposition decisions to the Council.
- All activities would remain subject to environmental laws. Public consultation would be required.
- Revenue generation would come from creating value from City-owned properties and dispersal of such revenues would be the purview of Council through the General Fund.

The Mayor’s office and Councilmembers were consulted. Also, environmental interests and developer interests were queried as to their reaction to said proposal.

The Mayor’s office reported that land management responsibilities are not clearly located in any single department, and risk falling between the cracks. Without greater coordination and a wider expertise, it is difficult to manage land, negotiate land deals and even to identify or control illegal activities (such as dumping, cockfights, squatting).

As an example, last year the Council placed money in the budget to purchase lands for a park at Turtle Bay. To accomplish this required coordination and negotiation by the Mayor’s office, advice from bond counsel through BFS, survey work through DDC, vendor opportunity analysis from DES, user requirements from Parks, conservation easement analysis from COR, and the determination of impacts on existing Unilateral Agreements (UA) from DPP.

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With the exception of bond counsel advice, all of these skill sets could be lodged in the newly proposed entity for Central Land Services. They could be done more quickly, efficiently, and with a focus on the city interest.

Land transactions (including acquisition, lease, license, permit, sale or concession) are complex and as the Turtle Bay example shows, can go through several agencies in step wise fashion, which takes time and is difficult for private parties to navigate. Examples of expertise desired are: local real estate knowledge, appraisal, land title research, land inventory, investment analysis, and especially negotiation skills. Examples of how these skills and expertise would be used include:

- Negotiations of city interests under the Clean Water and Natural Land Fund
- Identification of and Negotiations for community benefits under Unilateral Agreements.
- Opportunities for partnership to develop homeless facilities or affordable housing beyond the current grant system
- Opportunities to improve city parks or offices through public private partnerships (3P)
- City/State partnerships to jointly develop sites that would enhance transit ridership.

The Mayor's office offered alternate language for a new department to manage, develop, and dispose of land assets of the City.

Councilmembers contacted concerns regarding creation of a new department. The Mayor may already have the discretion, without a charter amendment to consolidate these activities as a single Office within the Mayor's Office, similar to Office of Economic Development. Formation of an entirely new department might be pre-mature, too big a leap and could start first as an Office. A major concern is the growing of government by forming a new department. Finally, there was a concern that the types of skills required were not appropriate to a civil service type position, and were better administered through a personal services contract.

Further Investigation

The PIG discussed these important questions:

- 1) How could Property Preservation and Management of city owned lands be improved?

With regards to property management, it was found that positions with explicit real property management are needed. Training in modern management practices is required, and dedicated manpower is need for this function. Land preservation and management would benefit from a single point of responsibility rather than dispersed to staff who have multiple and diverse responsibilities.

ATTACHMENT 3

At the state level, land management functions are primarily handled by one agency on behalf of others, and that agency is DLNR. DOE and DHHL, which have their independent decision-making Boards, handle their own land functions. But there is no single land entity in the City. The Department of Facility Management is responsible for buildings, not land.

If no changes are made, the status quo will continue. Preservation and management issues would be addressed not as they first arise, but rather when problems arise to an extent that they demand attention, coming to attention because of the media or concerned citizens.

- 2) What types of Property Preservation and Enhancement opportunities are likely to emerge in the next several years and how would city interests be identified and incorporated?

With regards to Property Enhancement, development and making improvements are now a function of the agency owning the facility. Any proposals for development or alternate use of the asset come through the normal capital budget process, planning and project proposals. Design and construction is assigned to Department of Design and Construction (DDC) and there is little partnering with private developers as a partner.

The types of roles and responsibilities needed by a preservation/enhancement entity include:

- Understanding land preservation, protection from invasive species, and erosion control
- Understanding land management techniques whether due to damage by weather, feral animals, or illegal uses by humans
- Understanding cultural sites and protection mechanisms
- Identify potential areas for city lands that may have revenue generation potential and identify the city interest thereof
- Land assembly and Site Control
- Land trusts and partnerships for land protection
- The ability to target investments and make sure investments respond to market cycles and conditions
- Leverage city resources to align with programs of others
- Loan guarantees and access to capital
- Direct development participation in projects
- Limited acquisition and banking of property

If no changes are made, land may be damaged and not restored and opportunities to make investments in lands either because of their legacy or cultural value, would continue to come through and be managed by someone in the Mayor's office. There would be limited expertise built up or continuity of ensuring City interests.

ATTACHMENT 3

3) What would happen if we do nothing? How would things be handled?

The PIG was particularly concerned about Transit Oriented Development, and the extent to which the City could or should be a more active player in raising revenues from City lands to help defray mounting costs of the transit system. The current TOD function resides in DPP and so far has focused on station area TOD planning, regulation, and encouraging catalytic projects by others.

The PIG concern was how to build on this effort and best position the city to be a partner in TOD on city owned parcels. It was felt that the enhancement/development function is diametrically different than the land use regulation function conducted by DPP and was unlikely to emerge from that location.

Other cities are showing the way. This means Honolulu can conduct peer learning and information sharing. Research was done for other transit properties and we find in most instances that there is a robust revenue generating TOD program in place. Other rail properties have staff capacity with real estate expertise, and investment and revenue sharing models. A sampling of programs includes:

- Metro Rail and City of Seattle takes as their focus that for TOD to happen, the City must Cultivate (infrastructure, developing partnerships, leveraging resources), Catalyze (tax incentives for providing amenities), and Grow (invest in equity, infrastructure, and services for higher densities). Their strategic action plan looks for creating partnerships, investing in catalytic projects. Strong community, agency and PPP are fostered.
- Metro Light Rail and the City of Minneapolis sought to foster innovation through a TOD Manager who is a matchmaker between developers and property owners and to recruit development to areas where it would not have occurred otherwise or happened as soon, and to pursue land acquisition to create TOD opportunities.
- Metro Rail and the City of Denver has a TOD Strategic Plan focused on specific station areas and an inter-department project advisory team to align efforts. They align city departments to catalyze TOD projects through City actions. They have created an affordable housing TOD Acquisition Fund, the first in the Country.
- Portland MAX and Portland Development Commission conducts urban renewal and economic development through TIF. They also have a Commercial Property Development Loan Program, a tax abatement program and Development Charge Waiver Program for one-time incentives.
- San Francisco BART stewards its assets to contribute to ongoing financial viability of the transit system through various value capture strategies and TOD and through land use policies that will generate more ridership. They leverage their property for equity investment and to generate long term revenue. Focus on partnerships and soliciting proposals for their District-owned properties.

The PIG is concerned that Honolulu's TOD activity, lodged in DPP and focused on regulation may not be properly poised or have sufficient real estate expertise to become a

ATTACHMENT 3

pro-active force to create and facilitate TOD activity, public benefits, and any resulting revenues. While TOD was sold as a prime reason for having rail, the nexus between the planning and revenue generation to help build or operate and maintain the rail project appears to be limited so far.

The PIG finds that if nothing changes, Honolulu may not fully benefit from land opportunity around the transit system. The question for the Charter Commission to consider is, to what extent is this a structural issue that can be addressed through a charter change? If this need is only seen as government bloat will it become an opportunity lost?

Whether to form a department, an office or a division to handle land preservation and enhancement, there needs to be transition steps. There will be costs, but they need not be onerous or place unnecessary burden on the City & County. In forming a department, the Administration working with the Council and others would define its structure, prepare job descriptions, detail responsibilities by division, write protocols and administrative rules and procedures. The Administration under its authorities would re-organize positions and resources from other departments (for example, leasing and commercial space management from BFS, real estate appraisal from DFM, land management from BWS, DPR and BFS, and possible TOD from DPP). A fully functioning department would take about three years to be in place.

The PIG considered whether the land functions should be lodged in the Mayor's office, an existing, or a new agency. These are big picture questions. We are mindful that this Charter Commission has not shied away from big issues as they affect the entire citizenry of Honolulu.

Recommendation

The latest proposed language submitted by the Mayor's office and amended by the PIG is attached to this Permitted Interaction Group Report. Although this Permitted Action Group does not make any recommendation as to whether the Commission should adopt the latest proposal language, we recommend that over the next two months the Commission continue to seek further input from the Administration, Council and the public. We recommend that the Commission call this subject out on the Agenda for the upcoming cycle of public meetings out in the community.

If a version of the protection and enhancement of city resources proposal can be crafted that is acceptable to the politicians and the public alike, this could have a significant long term benefit to the City for years to come. If the elected officials and public are not ready for this step, then we recommend that there be a study conducted of how the development function is undertaken in other cities, and in particular in other rail cities and that the community at large engage in a broad and thoughtful discussion of how the city should meet its vision for the future, and how to capture benefits derived from nearby real estate back into the city.

ATTACHMENT 3

The Commission should continue its discussion following input received during the public meetings and then decide whether to put it before the voters in the latest amended version submitted by the Mayor's office, modified, or not at all.

ATTACHMENT 3

(NEW)

ARTICLE VI, CHAPTER 18 DEPARTMENT OF LAND PRESERVATION AND ENHANCEMENT

Section 6-1801. Organization --

There shall be a department of land preservation and enhancement headed by a director of land preservation and enhancement who is appointed by and may be removed by the mayor.

Section 6-1802. Powers, Duties and Functions –

The director of central land services shall:

- (a) Protect, develop, and manage the land assets of the city;
- (b) Prepare and maintain a perpetual inventory of all lands owned, leased, rented or controlled by the city;
- (c) Consult with city user agencies on appropriate use or non-use of city land assets;
- (d) Practice stewardship and conservation of valued assets;
- (e) Manage land assets while transitioning any developed parcels to the appropriate city agency;
- (f) Receive and review development proposals on city lands and develop property as directed by the mayor and council;
- (g) Dispose of lands and built property through lease, license, permit, concession, or sale upon consent and approval of the council
- (h) Negotiate with others as to the joint use of city land and property upon consent and approval of the council
- (i) Negotiate public private partnerships on behalf of the city to formulate agreements, including but not limited to Clean Water Fund, transit oriented development, unilateral and bi-lateral agreements, and other discretionary land use agreements and prepare for council consent and approval.

Section 6-1803. Public Consultation

Conduct public consultation to help identify what is the public interest for city owned property. Before making recommendations to the council for land disposal or joint development of city lands the department shall conduct a public meeting in the district where the land activity would occur.

Section 6-1804. Compliance with Environmental Laws

All licenses, sales, and land use agreements whose term that involve city property and land shall be in compliance with the environmental laws of the State of Hawaii.

ATTACHMENT 4

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 5

PROPOSAL 80

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

Expand to allow delegation of Mayor's authority to sign documents requiring execution by the City unless otherwise provided by charter, ordinance or resolution.

Section 5-103. Powers, Duties and Functions –

The mayor shall be the chief executive officer of the city. The mayor shall have the power to:

(h) Sign, or designate the managing director, director of an executive department or agency, or other officer to sign, instruments requiring execution by the city, except those which the director of budget and fiscal services or other officer is authorized to sign by this charter, ordinance or resolution.

ATTACHMENT 6

PROPOSAL 48 Submitter: Cheryl Soon

Amend the language pertaining to the use of City Powers to add that powers shall be used to further a culture of sustainability and resource protection. Also, underscore that inclusiveness, transparency, and participation by the citizenry is a fundamental principle of conduct.

Article II, Section 2-102 Purposes

Incorporates sustainability concepts from the UN Commission on Sustainability as well as the Hawai'i Sustainability and Aloha Challenge.

All City powers shall be used to serve and advance the general welfare, safety and aspirations of its inhabitants in a sustainable manner and protecting natural resources for present and future generations. All powers are to be used in a transparent manner, be inclusive and encourage full participation in by the citizenry in the process of governance.

AMENDED 4/29/16 – unanimous vote:

All City powers shall be used to serve and advance the general welfare, safety and aspirations of its inhabitants in a sustainable manner and practicing stewardship of natural resources for present and future generations. All powers are to be used in a transparent manner, be inclusive and encourage full participation in by the citizenry in the process of governance.

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 policies 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 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 104
Submitter: Lynne Matusow

Men seem to have the upper hand when it comes to service on boards and commissions. I propose that there be a charter amendment which provides equal representation on all appointed boards and commissions of men and women. The provisions which state the number of members will have to be amended to provide that on even member boards, there shall be an equal representation of men and women, and on odd member boards there shall be a deviation of no more than one.

I was disturbed when one of the most important commissions for the county, the Reapportionment Commission, was composed of eight men and one woman. The Charter Commission, which will be changing the face of our Honolulu home, has ten men and three women.

In addition, as all elections in the City and County are non-partisan, all references to party membership in the Charter should be deleted. They are a vestige of another time.