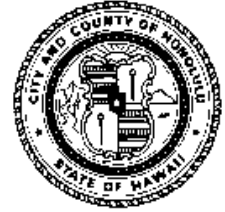


Charter Commission

CITY AND COUNTY OF HONOLULU

Honolulu Hale • 530 South King Street • Honolulu, Hawaii 96813



FRIDAY, JULY 31, 2015
3:00 P.M.
COMMITTEE MEETING ROOM
HONOLULU HALE

MINUTES

Charter Commission Members Present:

Jesse K. Souki, Chair
Judge Michael F. Broderick
Guy K. Fujimura
Donna Ikeda
Kevin Mulligan
Nathan T. Okubo
Paul T. Oshiro
Cheryl D. Soon
Edlyn S. Taniguchi
John D. Waihee III, Governor

Charter Commission Members Absent/Excused:

David W. Rae, Vice Chair
Reginald V. Castanares, Jr.
R. Brian Tsujimura

Others Present:

Krishna Jayaram, Deputy Corporation Counsel, Department of the Corporation Counsel
Linda Luli Nakasone Oamilda, Executive Administrator, Honolulu Charter Commission
Mary James, Research Analyst, Honolulu Charter Commission

I. CALL TO ORDER

Roll Call

With a quorum present, Chair Jesse Souki called the meeting to order at 3:09 p.m.

II. BRIEFING ON PLANNING AND ENGINEERING FUNCTIONS BY THE EXECUTIVE BRANCH

Chair Souki explained that under section 15-105, of the Revised Charter of the City and County of Honolulu the Charter Commission is required to study and review the operation of the government of the City under the current charter every ten years. The Commission has invited departments, agencies, and offices of the City to a series of public meetings to present how they operate under the Charter and to discuss potential Charter amendments or revisions that may improve City government operations.

Chair Souki announced that presentations will be provided by the Department of Planning and Permitting (DPP), the Department of Design and Construction (DDC), the Department of Transportation Services (DTS), the Department of Environmental Services (ENV), the Department of Facility Maintenance (DFM), and the Transit-oriented Development (TOD) Program. As discussed at the last two meetings, because of the probable length of the discussion, it was anticipated that today's meeting would be recessed and reconvened on Tuesday at 3:00 p.m. for the presentations by Honolulu Authority for Rapid Transit (HART) and the Board of Water Supply (BWS).

Chair Souki introduced the Director of Planning and Permitting.

Department of Planning and Permitting

Director George Atta introduced Arthur Challacombe, the Deputy Director, and they provided an overview of DPP. DPP is a regulatory agency that administers all the land development codes for the City. It has a wide range of regulatory review functions as a result of the City reorganization of 1998.

These can be summarized into five areas:

- Visioning, Planning and Policy Development including the:
 - General Plan
 - Development Plan
 - Special District
 - Transit-Oriented Development
 - Functional Plans
- Drafting and Amending Land Use Development Regulations and Codes
- Permitting, including issuance of:
 - Land use permits

- Site development permits
- Subdivision permits
- Building permits
- Monitoring, Inspections, and Enforcement of:
 - Compliance to zoning and development regulations
 - Permit conditions and requirements
- Boards and Commissions, including the:
 - Planning Commission
 - Zoning Board of Appeals
 - Building Boards of Appeals

DPP is split into five divisions and one office:

- Building Division
- Planning Division
- Land Use Permits Division
- Site Development Division
- Transit-oriented Development Division
- Customer Service Office

DPP's written presentation can be found online at honolulu charter commission.org.

Following the presentation, Chair Souki asked if any of the Commissioners had questions for the Director.

Commissioner Mulligan asked about the 1998 reorganization resulting in the consolidation of functions and how well it's working. He asked if the planning and permitting functions are compatible or if combining them compromises planning because of the permitting and land use regulation functions of DPP. The Director responded that permitting and planning are compatible, but staffing was reduced in the 1998 reorganization from 40-plus to 20-plus. It resulted in the loss of focus in the planning functions. In the Director's opinion, if the planning function were separate, it would have better focus. The focus on the planning function depends on the Mayor. If the Mayor is a strong advocate of the planning function, it'll be highlighted. Therefore, the planning function is more stable when joined with permitting but then the regulatory side can pull resources away from planning. However, having the planning function connected to permitting may also strengthen it. An increase in staff would be as important as trying to separate planning away from permitting.

Governor Waihee asked how consolidating all planning functions as opposed to separating them out into the various departments works. He cited the Parks and Recreation Department (DPR) as an example. The Director explained that all of the planning functions weren't consolidated into DPP. For example, some of the planning functions for DPR went to DDC so not all went to DPP. The Deputy Director explained that in the early 1990's, there was a division dedicated to park's design,

construction and planning. But reorganization moved the function to DDC, which is essentially an engineering and facility manager. Eventually, parks planning was phased out and all the planners transferred out. Currently, there is a void in long-range parks planning. That work is done in development plans and general plans but more staff would increase the relation between the planning and permitting functions of DDC. Governor Waihee asked for clarification of which would be better – consolidation or more decentralization. The Director noted that the Cabinet has discussed the loss of planning and design and whether DPR should have a planning and design branch. He felt that some of the line agencies should have their own planning abilities because DPP doesn't have the staff to do site-specific planning. Governor Waihee asked DPP to discuss decentralization.

Commissioner Soon asked if the Planning Commission was still needed or if it was out-of-date. The Director said that he hadn't come to a conclusion about this. The Planning Commission does such things as the Special Use Permits (SUPs), but the Honolulu Planning Commission doesn't have the same authority as some of the Neighbor Island Planning Commissions because they do final decisions on the SUPs, etc. Commissioner Soon asked if SUPs could be done by the Department. The Director affirmed this.

Director Soon asked when planning was placed in the Mayor's Office in part to have a relationship to the CIP, the master planning of the city to lay out where sewers and roads, etc., would go. The original configuration had an entire function ascribed to the Planning Department to convene all the Departments and to hash out the issues having to do with CIP. She asked if this were no longer necessary. She asked if this function is done in a different way. The Director responded that the function is still theoretically there. There is a public facilities map and all CIP items are supposed to go through the public facilities map. In the 80's when that map was created, that was the purpose of that map. In the beginning it played a more important role in directing and prioritizing CIPs. Over time that function has dwindled so now it's more of a check list to make sure that it's eligible rather than using it as a tool for prioritizing and directing growth. He said he was uncertain whether that function could be revived through a policy change by the Mayor's Office or by Charter. He didn't think the Charter says anything about it currently. Commissioner Soon said that the map has been trivialized. It's an after-the-fact tool now. The original conceptualization of the Planning Department's review of CIPs was to look at water, wastewater, roads, and all of the infrastructure to make certain the infrastructure was ready for the development. Now, perhaps being as built out as Oahu is, that kind of review isn't necessary any more. The Director noted that it's more related to how it's used. The Mayor can make it important by putting it directly under him or, if it's an agency, under the Managing Director.

Commissioner Ikeda was interested to know about the purpose of the TOD Division since it's been put in the Department as a separate entity. The City Auditor's

document states that the expenditures were \$4,100,000, a 143% increase from last year, due to the growth in the TOD program. She asked about the TOD program and why it's in DPP and not with DTS or HART. The Director noted that TOD has evolved over time. At first, there was no TOD position anywhere in the City, even when HART was first established. A section under the HART Charter specified that HART would promote, create, and assist TOD projects, but it remains unclear what that means for HART. There was a separate TOD subcommittee. Similarly, DPP has the task and authority to zone lands around the station. The TOD Division was put with DPP because, to enhance TOD development, zoning would have to be changed around the station. Therefore, it was put under DPP rather than DTS which is more about transportation. DPP is also involved in drafting legislation needed to support transit-oriented development. Originally the TOD administration function was funded by HART. For several years it was just a single person. Eventually it became part of DPP and only this past year it became a full division with five to six civil service positions. The program is becoming more important and more fleshed out now so the cost has gone up as new positions have been created to support it. As rail is coming through, it has become the Mayor's priority to make sure TOD is done well and opportunities are taken to maximize its benefit. This brings about a dramatic increase in personnel costs and the number of contracts that the TOD division manages. It is an important function and a growing program.

Commissioner Soon pointed to section 6-1504 of the Charter, relating to DPP, which says that "proposals designed to aid the supply of affordable housing, shall, to the extent practicable, be vested in this department." She asked if this was still done in DPP. The Director explained that the reference to this is included in their inclusionary zoning policies which has been mainly through DPP's UA process and processes in Hawaii Revised Statutes (HRS) Chapter 201H Hawaii Housing Finance Development Corporation which are still in DPP. The ADU (Accessory Dwelling Units) bills and initiatives also come out of DPP to increase the supply of affordable housing. Commissioner Soon requested clarification. The Director elaborated that DPP has no active outreach trying to find people to fill affordable housing. The Director stated that they aren't an implementing agency for affordable housing but they drafted the policies and created the supportive regulations and process of Chapter 201H, HRS. DPP enables but doesn't implement the policies. Commissioner Soon continued, stating that the active engagement of looking for developers to build the kind of things DPP wants to be built is not lodged in planning but may be lodged in TOD. The Director explained that it is only lodged in the planning in the sense that when the TOD administrative position was created, the description was broadened to include community development, implying affordable housing projects. The role of the TOD administrative position is to look for opportunities for affordable housing, etc. In that sense, the TOD Division is actively engaged in looking for opportunities to actually create housing.

Commissioner Ikeda noted that it seems to be that the Director isn't sure where DPP is going with this. Transit development may be important because it's coming up currently and it should be part of the general plan. The Director said that it is part of the general plan in terms of DPP's directed growth policies. There's a general plan update going on currently and TOD will be covered. The Planning Department is doing the TOD plans and LUPD (Land Use Permitting Division) has been doing the zoning for it. From a land-use policy, it's fairly clear what DPP is doing and where it's going. The TOD Administrator and division are in a hybrid sort of situation. Their function is more to make it happen, which is a slightly different function for DPP than normal. Normally, DPP drafts the regulations, issues the permits, and monitors the process. DPP doesn't actually implement projects. But in the case of TOD, DPP actually looks for projects. DPP is in the process of finishing up the area plans around each station, in different phases. Waipahu and Aiea/Pearl City have been adopted already by the Council. The others are in varying phases. He thinks that sometime next year, all the TOD areas will have plans. Subsequent zoning for all these plans will happen half a year after that. Implementation will be project-by-project and the Mayor has a special Subcabinet that addresses city-funded and city directed projects for TOD. It meets regularly to discuss implementation. It has to wait for the regulations and funding for that before DPP can actually implement the TOD projects.

Commissioner Ikeda asked if all the work that DPP is doing is just around the stations or along the entire line. The Director answered that it was along the entire line. Commissioner Ikeda continued by asking whether the controversial zoning issues, such as Ho'opili and another one approved by the City Council including the drive-in theater in Aiea are part of DPP's functions. The Director answered that they are part of DPP's area. He explained that Ho'opili had initial land-use plans since the 1970s, long before the rail discussions. Ho'opili adjusted its plans to accommodate the rail project. The same thing for the Aiea Shopping Center. The original design had no TOD features attached to it. Rail changed the form and manner of the projects but they were both in the planning stages before rail was begun.

Commissioner Broderick asked for clarification that the agenda included a report by TOD. Chair Souki affirmed this.

Chair Souki asked the Director about affordable house which has been an issue for a long time. Other presentations have included affordable housing. He asked the Director if it would it be a good idea to consolidate affordable housing into its own department or perhaps put it into an existing agency. The Director answered that he didn't think all the affordable housing issues could be included in a single agency. There are too many issues including financing barriers, land cost barriers, and regulatory restrictions. A single agency would have to be exempt from land use regulations and have its own bond financing authority. DPP can work to streamline affordable housing and ensure that the locations are correct. Perhaps a lead agency

could have the authority to streamline issues and implement policies. Chair Souki stated that in looking across history, it would seem that combining bond financing authority in one agency to take care of the issue focused over a couple of generations might be a better approach. In addition, having one agency that can focus on the resources and personnel and authority to do it, to look at a way to provide affordable housing, less on the command and control approach that the city has followed for a very long time, but more into the public-private partnership approach. This approach needs specific expertise to put those kinds of projects together and get the buy-in from the private sector to do that and the public sector and to be transparent, etc. He asked the Director if it would make sense to create that capacity. The Director stated that it was outside of DPP's function so he thought it would be important for an agency to focus on affordable housing to get some traction on the ground and which agency should do that is another question. DPP has a variety of functions under the Charter but didn't think DPP could add affordable housing to those functions. DPP isn't that kind of agency but it would make sense for another agency to take on those functions. Chair Souki explained he didn't think any one agency is equipped to take on all the functions. He thought that it was just a structural, functional issue.

Chair Souki noted that, in the draft housing policy, one of the recommendations was for the addition of a housing specialist in the Mayor's Office. He asked how that differed from the Housing Office created under the Charter. The Director said that the issue has been discussed. The Mayor's Housing Office is more of a policy level position and wouldn't have the resources to accomplish what the Chair is proposing, but it could be expanded. A separate agency office could be added under the Managing Director. There are many models but there would need to be a lead agency of some sort. He and the Deputy Director worked on the affordable housing policy together. It's more a beginning step rather than an end solution to the question of creating an agency of some sort.

Chair Souki asked why the function of planning was removed from DPR and put into an engineering agency. The Deputy Director said that the purpose was to streamline government and reduce the size of government. That was the main purpose of moving it out. When planning was with DPR, they were an entire division with many offices. They designed, constructed, planned, and worked with the CIP and did the inspections for the parks. The 1998 reorganization essentially cut that division and moved it over to DDC.

Chair Souki asked if it should be moved back to DPR. This would be based on the fact that Honolulu is looking at additional vertical development, especially around transit to preserve the rest of the island – to establish an urban core. The urban core development will result in backyards actually being parks. There's no long range planning for this. The Deputy Director said that planning functions were in all the different agencies before the 1998 reorganization. The planning department at that time coordinated and organized these and ensured what the agencies did. Until the

reorganization in 1998, he felt it worked well. The Parks Department worked hand-in-hand with the recreation providers who knew what their constituents in their districts wanted. They would report this information to the Parks Department which would then design and plan for these. That doesn't exist anymore. DPR does a great job in maintaining and providing recreational activities and maintaining the facilities but doesn't do the long-range planning. He said he'd like to see the planning function returned to DPR.

Souki asked the Director about the issue of taking DPP apart into what it used to be and inquired if there are other issues to consider. He asked if some divisions should be separate again. The Director said there are plusses and minuses to either choice. Some efficiencies have come with the reorganization but he's also noticed some problems that have come with it. He wouldn't necessarily think that splitting up DPP would solve these problems. But some changes would help. These are conversations going on in the administration right now, including some pretty radical ideas precisely because of the question of whether the reorganization was successful or not; and where did it work and where didn't it work. The DPR example is a case where it didn't work. Therefore, the answer to the DPR issue is to create a planning and design function within DPP. After the reorganization, the planning function has withered away and there is no parks planning branch within DPP. That could be another option. He was not sure which would be the best choice. The old model pulls in the community more. It continues to be a topic of discussion within the administration.

Commissioner Fujimura asked, in terms of understanding the operation, what can be done structurally, in terms of affordable housing and homelessness, and in terms of foreign investments buying units in high-end projects, on a gross planning basis, if DPP is able to break this down into rental units, affordable rental units, and single home units, etc. The Director answered that the analysis is on different income levels but said that regulatory control is limited. Much of it is market-driven which cannot be well controlled. In some cases when affordable housing is forced by requiring a certain percentage, the market can just shut down and nothing gets built. For example, if affordable housing requirements were put onto the towers being built in Kakaako, it would just shut down the market. DPP tries to find a balance between what will keep construction going but will also provide affordable housing. It's a delicate balance that has to be negotiated with the developers. DPP can't see the developers' financial records so can't tell how far they can push the issue. Commissioner Fujimura said there's a stage before the market shuts down. where an affordable requirement has to be paid for by the high end units. At the point that no one buys the high end units, the project will shut down leaving uncompleted structures until the market comes back. He wanted to get an idea if DPP could do this. The input by DPP for Charter proposals will need more definitive ideas on how these suggestions will work, or not work.

Commissioner Ikeda asked about their Code Compliance Branch which has the responsibility for transient vacation units (TVUs) and bed and breakfast units (B&Bs). She asked if DPP issues certificates for these. The Director answered that the Deputy Director used to be the head of that Division so could better answer the question. The Deputy Director stated that the land use ordinance was adopted in 1986 and made any new TVUs or B&Bs illegal under the zoning code. But in 1989, the Department of Land Utilization offered amnesty until December 31, 1989, in response to the controversy of TVUs and B&Bs. People who applied were issued nonconforming use certificates. There were about 2,000 total to begin with but since then, the number's gone down to about 900. However, illegal rentals of both have increased since no new certificates have been offered. The original idea was to phase them out. The increase in the illegal ones has made enforcement extremely difficult for DPP. The two issues that have caused the Director the most trouble for enforcement are TVUs and "gentleman" farmers' farm dwellings. Commissioner Ikeda asked if there were anything that could be put into the Charter that would help. The Director wasn't certain but said that increased regulatory tools would help. He pointed out that there's a bill in front of the Council, still in committee, that will help. It will make Airbnb internet advertising prima facie evidence of an illegal TVU. Commissioner Ikeda asked, if the whole idea is to phase them out completely except those that were given a nonconforming use certificate, would a Charter provision prohibiting TVUs and B&Bs be helpful. The Director stated that such a provision is already in Chapter 21 of the Land Use Ordinance.

Commissioner Waihee asked if there was any department currently assigned to develop housing or pursuing affordable housing. The Director said there was none.

Chair Souki suggested taking TOD out of order since it's already been part of the discussion.

Harrison Rue, the Administrator of the City's TOD Program, provided an overview of the Program. The TOD Program was placed in DPP by ordinance. For the first few years, the TOD work was done by the Community Planning Division which still creates the plans. A few years ago, contract staff was hired to be the TOD Administrator. Mr. Rue took that position about two years ago. Much of the TOD-related work is done by other departments or DPP divisions. The majority of the work of the TOD office is coordinating the work of the other departments and divisions, which is substantial. TOD is a single Division with one Branch, including a Branch Chief, two senior planners, a secretary and one contract assistant. The Administrator reports to the DPP Director and the Chief of Staff in the Mayor's Office for strategy and direction. It's in that role that they have the TOD Subcabinet that the Director mentioned. That includes about half the Cabinet, all of the key directors and deputies and a few staff. They meet weekly to coordinate all the work of the City including the plans, zoning, infrastructure, permits, funding, and projects. The work is based on community-based vision and plans. As to status of the plans, the Waipahu and Pearl

City plans have been adopted. There are two to three stops in each of the planning areas. Two of the 21 station areas are under HCDA control in Kakaako so TOD controls only 19 station areas and 8 plans. The Ho'opili plan is being held back, awaiting rezoning. The Kalihi and Downtown plans are currently in front of the Council, going through the process. Ala Moana is in draft form, ready in the next few months to file and go to Council. The Aloha Stadium and the Airport area have just been started in the last few months, working with the State. The areas that tend to be in play are fairly tightly packed. It begins with a half mile area but tightens down to where people want to see change happen. Often the existing residential areas are carved out for no change. For example, Kapalama Canal was chosen to focus on. A planning project is underway for that area working closely with Kamehameha Schools that owns most of the land along with Honolulu Community College.

The Administrator continued, saying that the overall implementation strategy includes coordination of the investment by the TOD Subcabinet. Focus is on infrastructure and connectivity in addition to the plans. They are working to finalize the neighborhood TOD plans. It takes years to develop one of those with on-the-ground work and multiple community meetings typically with strong support for the plans once they are finalized. TOD also focuses on zoning and process improvements. The land use ordinance will cover the whole area but will only be effective around the specific TOD zoning area as it is defined once zoning is adopted around each station. TOD is also working with the Department of Budget and Fiscal Services to develop financing and incentive tools, focused on accelerating infrastructure development to foster housing, trying to coordinate the City's work with private partners' work. TOD also works to enhance partner roles. Rather than debate the issue of whether housing should be in one agency or across a few, the administration proposed the Office of Strategic Development with a few key staff. As part of that, TOD is focused on catalytic projects. Pearlridge, Kapalama, Blaisdell Center are areas funded as projects for the city to focus on planning and providing CIP funds. In addition, they've focused on Chinatown, Iwilei, and Waipahu to get the infrastructure in place along with programs, such as senior housing in Chinatown.

Chair Souki asked if any of the Commissioners had questions.

Chair Souki asked about the Strategic Housing Office person, the deal-maker, and pointed to section 6-106 in the Charter (in the supplement) which relates to a person with the same authority. He asked if that section should be kept while adding more authority and tools, such as the Wailuku Development Agency on Maui. They have a lot of authority to move development forward. The Administrator deferred to the Director, saying there is a lot of discussion about this among all of the different departments in the administration, not just for the Charter, but for their work generally and the need for affordable housing. The Mayor's Office of Housing includes one person and an assistant. The Department of Community Services runs many of the housing programs and DPP has some regulatory and planning functions relating to

housing. Last September, a new Office of Strategic Development was recommended to focus on implementing policy work and remains project oriented.

After some discussion about where section 6-106 of the Charter could be found, Chair Souki recommended a Charter amendment to require Corporation Counsel to put the Charter into one document including all amendments.

The discussion about the Office of Housing continued. Chair Souki suggested putting all of the housing functions together in a department that has the authority to do the deal-making, set the policy, wrap up the financing, find land, consolidate land, etc. The Administrator explained that there is a separate MOU between HART and the City. HART has the responsibility for TOD on its own land, which is limited. The City has the responsibility for deal-making and planning development for the rest of the TOD lands. The Administrator said he agrees with Chair Souki's assessment of the skills and talent focus that are needed, currently shared by various departments but will defer to the Administration on what might be included in the Charter. Chair Souki said that putting the talent together in one agency in the Charter might move the issues of affordable housing and homelessness forward faster.

Commissioner Mulligan asked if there was a model in other jurisdictions that was considered by the Administrator. The Administrator affirmed that they have done considerable research and use the best practices. One significant advantage on Oahu, which also provides a challenge, is that rail does not go through multiple jurisdictions. Whereas, in all other places rail goes through multiple jurisdictions, each with their own planning functions, funding, city councils, county councils, budgets, and rules and regulations. Commissioner Mulligan asked if they found other jurisdictions with successful TOD. The Administrator noted that they've looked at 30-40 other jurisdictions and chose the best to work with.

Commissioner Fujimura asked if the photo of the Kapalama Canal in the handout was current and the Administrator said it was not, that new housing has been built since the photo was taken. A goal of some of the areas targeted is to accelerate the addition of new housing. Commissioner Fujimura noted that there isn't enough parking on the school side of Kapalama Canal. In terms of development in the Kalihi area, the danger is that the area might end up gentrified. There is affordable housing now in Kalihi which might be pushed out if the area is upscaled. He said that Japan is a good example. There, the cheaper housing is farther away from the transit stops, not close by, whereas, housing close to the transit tends to be the most expensive. Commissioner Fujimura said he doubts anything can be put into the Charter to address this.

Commissioner Waihee noted that Commissioner Fujimura's observation is correct. There is a tendency to focus on the specific when in an implementation and planning mode. He brought up the hierarchy of planning, general plans, functional plans,

regional plans, which might not be the approach taken with TOD. He asked if they were dealing with the problems described by Commissioner Fujimura.

The Administrator addressed these comments, referencing page 4 of the longer handout which talks about the planning hierarchy. TOD has worked with communities to discover the differences in each one. Each community plan embodies this information. He is concerned with gentrification but the vision of each community is paramount. The gathering place along Kapalama Canal was the community's vision long before the development of the TOD plan. There is a desire for more middle income workforce housing for families there. To avoid gentrification, they require a certain amount of affordable housing development in or adjacent to each development. He assured the Commissioners that they look at a lot from the Japanese and the mainland U.S. for best practices. In the U.S., it's more important that the affordable housing be near the station because that's the core transit rider.

Governor Waihee noted that what the Administrator described is based on the citizen participation model. One of the weaknesses of that is that it's community specific. He asked how much of the planning effort is done on a general and regional plan level. He asked what the future of Kalihi is. He feels that the people living there aren't just worried about gentrification but rather opposing more housing of the type they live in. He asked if there is an oversight of what HART is doing with the transit line, and if there is a general plan putting out policies and guidelines that the transit line follows. Not just allowing it to create something on an ad hoc basis to generate revenues or meet other objectives. The Administrator said that TOD is consistent with a general plan that comes first. The general plan calls for a transit corridor and primary urban center development and the surrounding sustainable community plan. Those plans call for transit corridor and development around transit stations. The neighborhood TOD plans all include a section about the general plan.

Governor Waihee continues, pointing out that in the implementation, there are trade-offs being made with landowners for housing, etc. He asked who prioritizes those decisions, DPP or the system manager. The Administrator asked to whom he was referring as the "system manager." The Governor answered, "HART." The Administrator said that HART makes no decisions about the planning. Planning is led by DPP, and the Director signs off on all the final plans. Governor Waihee asked if there was a complete separation between HART and the planning functions for the communities around the stations. The Administrator answered that he wouldn't call it a "separation" but said that the responsibility for planning and delivering the rail is a HART responsibility. The responsibility for planning the community neighborhood enhancements around the area is a City function let by DPP. DPP also coordinates the work of the infrastructure departments to deliver the services around the station.

Commissioner Fujimura was interested in the long-range aspects of what should be done in terms of planning. For example, the recently released tsunami evacuation

areas showing many of the enhanced areas right up by the drainage canals and streams. It almost quadrupled the number of people who would have to evacuate. He said there should be planning for rare large storms which seem to be happening more often now. He asked how much of that is incorporated into TODs in these areas. The Administrator said that is part of their considerations. Within the TOD program, they are making certain that the catalytic projects, particularly at Pearlridge and Kapalama Canal, are addressed in relation to sea rise, etc.

Seeing no other questions, Chair Souki introduced Robert Kroning, Director, Department of Design and Construction.

Department of Design and Construction

The Director provided an overview of DDC. DDC is mandated to:

- Direct and perform the planning, engineering, design, construction, and improvement of public buildings
- Direct and perform the planning engineering, design, and construction of public streets, roads, bridges and walkways, and drainage and flood improvements
- In consultation with the respective departments, direct and perform the planning, engineering, design, and construction of wastewater facilities, parks and recreational facilities, and transportation systems

DDC has five divisions:

- Mechanical/Electrical Division
- Facilities Division
- Civil Division
- Wastewater Division
- Land Division

DDC relies on the other departments for their visionary planning. DDC then carries out those visions.

Chair Souki asked if there were any questions from the Commissioners.

Commissioner Broderick asked the Director if the DDC had any proposals for Charter amendments. The Director said that there's one minor amendment. They would like the departments to have the ability to execute smaller projects more quickly and efficiently. Currently, DDC has to give them permission to do minor projects and would like the process streamlined. Each of the Directors should have that capability.

Commissioner Mulligan asked to what extent the departments are able to do their own planning and vision. DDC's focus is on design and construction while the planning function is not a key element of what DDC does. It appears that the 1998

reorganization either eliminated or severely constrained the planning function in individual departments. If one of the major purposes of the reorganization was to cut staffing, then maybe it should be revisited. Cutting staffing to save money is good in the short term but not necessarily in the long term. It limits the ability of the City government to govern and serve the people it represents. Commissioner Mulligan asked the Director if DDC does any planning or simply relies on the other departments for this function. The Director admitted he was not aware of the intent of the 1998 reorganization. DDC doesn't have the planning structure to provide for other departments. He thought that some of the other departments have planning functions, such as DTS.

Chair Souki asked whether a department that wanted to do long-range planning would need permission from DDC. He further questioned if it would be worthwhile to remove the planning function from DDC. The Director explained that they do planning as part of construction such as for an EIS. Commissioner Soon noted that the Director was defining planning as for a CIP project. The Director agreed it's not long-range planning. DDC's planning is for a specific project or a master plan that would lead to a project but they don't do long-range planning.

Chair Souki explained that sometimes "master plan" gets confused with "long-range plan." He asked if DPR would need DDC's permission if it wanted to do an island-wide master plan. The Director answered that he didn't think so. That the intent behind the permission is to use DDC's expertise in something that could be catastrophic or dangerous in terms of engineering. That's a different intent than for a Master Plan so DPR probably wouldn't need DDC's permission for that type of planning. Chair Souki explained that if the specific provision isn't in the Charter, it could create issues if the next person feels differently. He asked if there were a different term that could be used. Commissioner Soon thought the void wasn't in DDC but rather in the other departments, not letting them clarify that they have the function and responsibility of long-range visioning for their functional area. Similarly, there is no mention of budget in the DDC provisions. Therefore, the Director is the in-house construction firm for the other agencies. They would develop a project and take it through the budget process at which time the Director "kicks it up" and goes to the planning of the design and construction of the project. She thought that was the intent of the 1998 reconstruction – to make DDC the biggest and best AE firm in the City.

Chair Souki was concerned that agencies have unfettered authority to do long-range master planning and then have the agency that specializes in engineering carry it out. Commissioner Soon interjected that the Director is not practicing it that way. He's practicing it only on construction of minor projects. Chair Souki agreed that's the way it should be but wondered if the Charter reflects that. The Director said that planning and visioning hasn't been a problem, just the smaller projects that should be allowed without DDC permission.

Commissioner Ikeda noted DDC's function relating to wastewater and asked how DDC interfaces with the Board of Water Supply that collects the sewer fees, etc. The Director said ENV can discuss the issue of the fees. He explained that BWS has its own construction capacity. DDC doesn't support them in any way when it comes to construction. Commissioner Ikeda asked if things like the Moanalua sewer emergency rehabilitation and Sand Island Treatment Plant fall under DDC jurisdiction and not BWS. The Administrator said that these fall under ENV. DDC does the construction for those projects. Commissioner Ikeda said her understanding was that BWS charges for both. The Administrator said he thought it was a joint bill but that the money is split up and goes to separate places which is a budgeting function he's not familiar with.

Seeing no further questions, Chair Souki introduced the Department of Transportation Services.

Department of Transportation Services

Director Michael Formby, along with Deputy Director Mark Garrity, provided an overview of DTS. The Director reviewed the relevant sections of the Charter that apply to DTS. DTS has four divisions:

- Planning
- Public Transit
- Traffic Engineering
- Traffic Signals and Technology

The Director is appointed, subject to Council confirmation. The Director is responsible to:

- Plan, operate, and maintain transportation systems
- Locate, elect, install, and maintain traffic control facilities and devices
- Provide educational programs to promote traffic safety
- Establish a steel wheel on steel rail transit system
- Promulgate rules and regulations

In addition, the Director is a member of the HART Board.

Chair Souki asked where the bus fits in. The Director said that the bus system is in DTS. DTS is responsible for policy and, pursuant to ordinance, DTS contracts with a transit management services contractor, which is OTS, and they operate the bus. The budget for OTS is within the DTS budget and DTS oversees OTS and is responsible for transit policy. Chair Souki asked if it was an annual contract. The Director explained that it's a management agreement and they are currently working on a new one.

The Director explained that the Transportation Commission (TC) consists of seven members, three appointed by the Mayor, three by the Council, and a seventh nominated by the Mayor and confirmed by the Council, who is the Chair of the Commission. Members serve for a maximum of two five-year terms. The TC:

- Adopts rules to conduct its own business
- Evaluates the Director
- Reviews and makes recommendations on rules concerning the administration and operation of DTS
- Reviews and recommends the annual budget prepared by the Director
- Receives, reviews, and makes recommendations on complaints regarding the systems, programs, and facilities under DTS
- Recommends changes to the public transit fare structure when deemed necessary and appropriate (only for the bus and handivan, not for rail)
- Reviews and makes recommendations concerning the performance of public transit and other transportation system contractors under DTS
- Submits an annual report to the Mayor and Council with recommendations authorized by law to the Director of Transportation Services, the Mayor, and the City Council

In addition, one of the priorities of DTS is to make Honolulu a pedestrian- and bicycle-friendly city.

Commissioner Souki asked if there were any questions from the Commissioners.

Commissioner Oshiro asked how active the TC is. The Director explained that because the budgeting process starts so early and takes a long time, it is impossible for the TC to be on the front end of it on any detailed level. So after the budget is through the Mayor's Office, DTS briefs TC and asks if they have any input.

Commissioner Oshiro asked if there were other Commissions within the City structure that function similarly. The Director was unaware of any. Commissioner Oshiro asked how often the Commission meets. The Director said they usually meet every other month but during transition times there may not be a quorum so there would be no meetings then. The TC is now taking on issues that are of merit including issues that affect the community and whether the policies of DTS are appropriate.

Commissioner Broderick asked about the provision that applies to the Director that includes confirmation by the City Council. The Director said his understanding is that all the directors of major departments require City Council confirmation.

Commissioner Soon said she thought they were all subject to City Council confirmation. Commissioner Broderick continued, asking if removal by the Mayor

without the need for City Council approval applied to all the directors. The Director said he believed so.

Chair Souki noted that the Charter provision that applies to the Director of Planning and Permitting doesn't specifically require City Council confirmation. He asked staff to look into that. Commissioner Broderick said there were others that were similar. Chair Souki suggested there might be another provision that just requires them all to have City Council confirmation.

Commissioner Mulligan pointed out to the Director that one of the Director's duties is to establish a steel wheel on steel rail transit system with a provision allowing other technologies to complement or extend the system. He asked if that wasn't HART's function now. The Director confirmed that it was under DTS at one time.

Commissioner Waihee asked the Director if TC was required or connected to federal funding somehow or is it an anachronism. The Director said to his knowledge it was just created by the Charter and not required otherwise. Commissioner Waihee continued, noting that DPP said that the planning functions around the TODs were all done by the City, not by HART. Looking at DTS mandates, the normal functions of the city, DTS seems to be involved in running the bus and the other rapid transit system. He asked the Director if HART is necessary; and wondered if DTS could just take over those functions. The Director answered that it was a matter of governance, of having the ability to construct the system in a semi-autonomous manner and he believed that part of the reason for semi autonomy was to remove it from the political realm. Many municipalities have transit authorities under which they have fixed rail, the bus system, handivans, and some include parking and other features. He said it is an efficient way to organize the transit function.

Governor Waihee pointed out that most of those transit authorities have multiple governmental units to deal with. The justification of the authority was to provide unified management. In the City and County of Honolulu, that's not necessary because there's only one governmental unit to deal with. Governor Waihee continued that an additional justification of the authority has to do with the building of the system. He asked if there was any need for HART in the subsequent management of the system once it's in place. The Director said his understanding is that HART has a written operating function as well so HART will be able to continue to operate the system once it's constructed. Governor Waihee pointed out that that could change. The Director agreed but continued that there have been discussions about when the bus and handivan would go to an operating authority and whether that authority would be HART or a different operating authority. Governor Waihee pointed out that's not why the TC exists. The Director replied that it was not to his knowledge.

Commissioner Soon wanted to follow up on Governor Waihee's questions. She noted that the Commission has had a lot of questions about the planning function and

whether that function was missing and if there's an analogy that HART is closer to DDC. In other words, she continued, HART is constructing something that was planned by DTS. By extension, it would seem that any extensions of rail, whether steel on steel or something else, are functions that perhaps are not best residing in HART. She continued that they may have a vested interest in it and certainly would have a say in it but perhaps decisions like that, about what happens in the Board, really need to be strengthened in the description of the function of DTS. She noted that currently, there is wording that could be interpreted in two or three different places but perhaps as time goes on, sooner rather than later, the officials can start helping to provide guidance when things have to be with an independent authority. She continued that if it's independent of general planning and housing and all the TOD etc., that's a little too much power in an independent authority and it takes out some of the critical functions of City government which is to take care of the people and what happens to the people – whether they be in tents or whether they be in houses and whether they can afford those houses or not.

The Director agreed that the language can be interpreted in different ways. He said that one interpretation is very broad and the other is specific about technology which results in inconsistencies which create a gap. He said that he thinks some people could argue that the City should be looking at the future extensions, not just the locally preferred alternative but other extensions, but that they would not have the right to do that given the existing language.

Commissioner Soon noted that the Commission didn't delve into it with the TOD Administrator. She said that the Administrator mentioned that there was a Memorandum of Understanding and interpreted DPR's responsibilities in TOD as "lands they own" but there are probably others that could have interpreted it that they theoretically could have done all of the TOD lands. Commissioner Soon said there's some cleanup that could be done as rail moves out of construction and forward to what will be so transformative to the way of life on the island that being ready for it in the Charter is what the Commission hopes to facilitate. The Director said, that, as a member of HART's TOD Committee, the members view their authority in a limited capacity for the lands that HART owns or will own through negotiation or eminent domain, and they also view it as their responsibility to be informed of what the City and private developers are doing in the context of the rail stations. For example, Stanford Carr and another project, Live, Work, and Play Aiea, briefed them on station design including such things as whether there should be an elevator or escalator, all depending on the demographics of the community at the location. So DTS viewed that as their TOD authority under rail and have not viewed it as the bigger picture of the City and the State because the State has a lot of lands around the rail stations, a lot of lands.

Commissioner Fujimura noted that in a broader sense that both the Director and HART seem to have the operating function. Currently, DTS runs the bus system and

the handivans. Once these are integrated into the rail system, it would seem logical that fares will also have to be integrated. Yet currently, bus fares go into operating the bus system so not only would the fares have to be integrated somehow, so would the operations for each. He suggested that perhaps a smart card similar to those used in Japan would work. He noted that these cards can also be used at vending machines.

He suggested that perhaps the Charter could contain language to ensure that all public transportation systems are integrated operationally.

The Director said he appreciated Commissioner Fujimura's comments. He said they are working on a fare card system which is complicated even further by the fact that the City needs to contribute not only money but assets and resources to that program. He said that DTS had to budget on the city side and wound up just splitting it equally, even though there are 525 busses, 179 handivans, and 21 rail stations. DTS had to budget their half through the City Council and HART had to budget their half through the HART Board. But now they have executed a Memorandum of Understanding between them on how to work on a joint project. They do that on many different levels including intermodal routing of busses into the rail station, and on the fare cards and fare policy. Everything is subject to an agreement between the two so that they have at least a process and "understand who's calling what portion of the process."

Commissioner Soon noted that the Commission won't have a briefing by HART until the following week, on August 4, 2015. She asked the Director to explain the HART budget and what the administration can say about the budget; how is the budget set, and are any problems created by the current structure and how that works. Because HART's going to tell us one thing but I just want it from the administration side how that works. The Director said he'd prefer not to comment on that. It is a subject that they discuss but he thinks that in his capacity as DTS Director, except for his one vote on the Rail Board, he has no individual budget capacity or authority on the City side. When he's at a Board meeting talking about the budget for Rail, that's his vote, but when he's DTS Director, he has no opinion about the budget as a whole and how it relates to the city process and the City Council. Commissioner Soon asked if he could find someone in the administration to enlighten them if it's all working well or if there's a better way for that to work, someone independent of HART. The Director said he could probably find someone in the Mayor's Office that can speak specifically to that issue because there are challenges.

Commissioner Mulligan followed up with what Governor Waihee was referring to with authorities like BART. He said it makes sense because BART almost circles San Francisco Bay and has multiple jurisdictions so a unified authority is necessary but he asked why in Hawaii two transit agencies are required when it involves only one jurisdiction. It would seem to make more sense to have one agency and there are concerns with HART and the overruns and he believes that DTS is hiring a consultant

from the Bay Area (the Director affirmed the hiring) to monitor or provide some kind of oversight. Commissioner Mulligan asked the Director to address that issue and what that perspective could provide. The Director responded first to the comment about having two transit agencies. He thought that everyone on the DTS side agrees that it will be one intermodal system once rail is constructed with an interchangeable rate card.

The Director continued that the purpose of the transit management oversight consultant was to make sure that DTS has someone who could bring an objective perspective to the big picture. He explained that it was about making sure that the best practices at the Board level and in the organization itself are followed. In DTS alone, there are third party consultants who operate on the mainland and inform DTS of best practices for the handivan and for the bus. In 2014, the Mayor thought that it's always good to question whether or not what's being done is the best that can be done. That was the reason for hiring this consultant and nothing more. It was not intended to be a negative inference on the CEO or the staff or the organization but to learn from other projects that other people have worked on and maybe learn how to do things better. There's a charge to him to go back and read the PMOC report, the progress reports, and to ask questions. He said that they've had staff members from HART already approach them and asked to talk to the consultant and tell him some of their suggestions. He hoped that the consultant will make recommendations for the Board and the staff to consider and improve its functions.

Chair Souki followed up by asking what the difference is between what that consultant is doing and what the PMOC and FMOC are doing, the third party auditors, basically. The Director told the Commission that DTS thought about using Jacob's Engineering, which is the PMOC consultant, but DTS reports to the FTA; and HART has consultants who report to HART. He explained that the DTS consultant doesn't report to FTA but has worked closely with FTA and he doesn't report to HART nor is he paid by HART. So he really is a "fresh set of eyes." He has no investment on any side. He's just looking and seeing from a governance level whether there can be improvements on how things are done. He will let DTS know if there are better internal policies to follow to make better decisions. DTS considered looking at existing consultants but they felt that this person brought complete objectivity and that others did not.

Commissioner Ikeda noted that it appears that DTS is really run by a commission, in spite of the fact that Charter section 6-1705(2) states that, "Except for purposes of inquiry, neither the transportation commission nor its members shall interfere in any way with the administrative affairs of the department of transportation services." But, she continued, they evaluate the Director, they make recommendations on a number of different items that fall under the Director's purview. From that standpoint she said it appears to her that the TC is pretty much overseeing the operations. She asked the Director if that is true. The Director answered that it is not true. He said he thinks

that's a conclusion that can be had from reading the language of the Charter but in practice it has not been the case for the past two and a half years and probably not prior to that time. Commissioner Ikeda stated that if the TC takes in complaints, makes recommendations on fares, makes recommendations on performance and they give them to the Director and they don't like what the Director did and then evaluate him at the end of the year, that seems to put them in charge. The Director said that hasn't been the practice and is unaware that an evaluation has been submitted in the two and a half years that he's been there and would like to see it if one were. He emphasized that it's more of a collaborative relationship. For example, DTS is able to promulgate U-pass fares, which are college student fares, without having to go to the City Council for approval. Other fares are enacted through City ordinance. DTS spent time working on the fares and that system and could do so without having to go to the Council for approval. He went to the Commission for approval and then presented it to the universities to negotiate a new fare. The Commission has never interfered and they are not on the front side.

Commissioner Soon asked if he would be opposed if the Commission recommended eliminating the TC. The Director said he would not be opposed to that.

Chair Souki noted that section 6-1706 talks about pedestrians and bikes. He also noted that Honolulu statistically has a bad record for pedestrian-vehicle accidents. He asked if there was something that could be added to the Charter to improve pedestrian safety, pointing out that the City will become more vertical and have more pedestrians. The Director said the language in the Charter is already pretty good and the City has signed on to the pedestrian program where it hadn't in the past. The City has had a bicycle coordinator for many years but this year for the first time the City has a pedestrian coordinator and are improving the pedestrian program. For example, the City is looking at crosswalks on the street and determining if they should remain on the street. It's not only a Complete Street process, an age-friendly city process, but it's a pedestrian safety process. It began in the first quarter of 2015 when the U.S. Secretary of Transportation had the "Mayor's Challenge" and invited the mayors or designees to participate in a conference highlighting primarily pedestrian safety. There were seven initiatives the attendees were asked to look at doing and Honolulu had already done six of them. The one that hadn't been done was looking at pedestrian counts which they are doing now. Therefore, along with rail and the desire to have a multimodal city, it means that there needs to be safe crosswalks, safe sidewalks, good pedestrian facilities and infrastructure, and the City is already making that shift to prioritize that program. He said he would welcome strengthening the language but doesn't believe it's necessary to focus on that.

Chair Souki appreciated the coordination with rail, but pointed out that there's no mention of that or multimodal in the Charter and asked if those shouldn't be included in the Charter. The Director said that it would be a good reference and help with the community. He noted that Complete Streets is a context-sensitive solution which

means they go out and work through a community process to make recommendations and proposals and implement them. Language in the Charter to that effect would help in the education component to be able to say that the City has committed to a multimodal system. When people understand that cars, pedestrians, bicycles, and transit are equal, it will make them think differently.

Chair Souki referred to the previous discussions about HART and DTS. In the provision in the Charter that refers to HART, section 17-103, it requires HART to develop, operate, and maintain the fixed guide way and the system. There was some talk of getting rid of HART and putting all those functions into DTS. That would require building more capacity in DTS. The Director agreed. Chair Souki asked if there were any advantages to keeping the rail design, operation, and maintenance separate from DTS. The Director asked if he was talking about operation and maintenance but not construction. Chair Souki said that it would include design as well because of future extensions and the EIS for future proposals. The Director said that it could be more efficient to have the operating authority in DTS. It will depend on what the authority includes. Many authorities have taxing powers and fare-setting authority but in the end it's all about governance. It's not about operations per say as rail, bus, and handivan can be run in the city or out of the city and would need the resources to do that. If all the assets are under one department or under an authority, it's really the same. But considering governance issues such as having to go through the City Council or not, having nine member vote or a DTS Director and his Deputy who propose to the Mayor and then go through Council, it's really a basic governance issue on how to run the operation.

Chair Souki asked about HART governance and the way the HART Board is set up. He explained that appointees by the Mayor, appointees by the City Council, some ex officio directors like the Director, sit on the Board and make decisions about HART design, operation, and maintenance. The Director explained that there were 2 ex officio voting members, Ford Fuchigami and the Director, and one ex officio, non-voting member, George Atta. The structure is set up for autonomy and he assumed that most municipalities have such a structure, separated from the Mayor and City Council. Chair Souki asked the Director if it would operate better in Hawaii under the Mayor with Council. The Director said he hadn't thought it through enough to have an informed opinion on it. He's aware that some authorities have been successful and others not so. Some authorities have been undone and the transit functions put back under municipalities.

Commissioner Mulligan said it would be interesting to know which jurisdictions had a transit authority and then revoked the authority putting the functions back under the municipalities. Commissioner Soon asked if that were the kind of question they could ask their staff to research. Chair Souki said yes and asked if Commissioner Mulligan would like to do that. Commissioner Mulligan agreed. The Director said he would provide staff with the names of the municipalities he knows of where that happened.

The Director asked if he could bring up an issue and Chair Souki said to go ahead. The Director said an issue was brought to his attention via the bike audit. He had copies of the pertinent pages. When the bike audit was done, the report was issued in April of 2015. The City Auditor raised a possible Charter Commission issue in the report relating to the effect of the Complete Streets ordinance. That ordinance said that DPP, DFM, DDC, and DTS are equal under that ordinance. But the Oahu bike plan makes DTS responsible for making the city bike-friendly. However, DTS has no authority over the other departments when it comes to bike infrastructure. The problem arose when projects were implemented by DDC and DFM, and there were no common rules regarding the costs and reporting to any authority so that they could be reported on an annual basis as an amendment to the Bike Plan. Chair Souki asked if that was something that the Council could do through ordinance by perhaps by appointing a lead agency. The Director thought that was a possibility, but the Auditor raised it as a Charter Commission issue.

Chair Souki brought up City Council Resolution 15-68 that the Council wanted the Commission to review for a proposed amendment to the Charter. It amends section 6-1703(1)(d) relating to DTS authority over the steel wheel on steel rail transit system. Council proposes striking subsection (d) and add another subsection which would read:

“Manage and maintain all commercial parking facilities except for facilities that are attached or adjacent to a building or project managed by another city agency.”

Chair Souki asked the Director if he had any comments about that proposal. The Director said that DFM oversaw some of those facilities and DTS oversaw others. Through a process instituted by Managing Director Ember Shinn, DTS is effecting that now. Therefore those lots are coming over to DTS and DTS will get two positions from DFM. The purpose of this change, being worked on now, is to have a stronger parking program and a consistent policy. Chair Souki inquired if DFM does parking currently. The Director explained that DFM still controls some parking but only that which is associated with facilities. DTS controls the independent lots like those in Kaimuki. Normally parking is associated with transportation functions. Chair Souki asked if the parking change requires a Charter amendment. The Director was unsure but it's in effect already.

Chair Souki thanked the Director for his presentation, and introduced DES.

Commissioner Soon asked if the Commission had received a response from Corporation Council on yesterday's questions about where the line is between what changes can be made administratively by the City Council and what changes have to be made by amending the Charter. Chair Souki responded that they've not received an answer from Corporation Counsel yet but the ordinance that was just discussed wasn't

related to the Mayor's reorganization. It was just a Council recommendation that was given to the Charter Commission to review. The Commission asked Corporation Counsel to research how much reorganization can be accomplished by the Mayor. The reason for this is that the Commission probably shouldn't be making changes to the City organization that the Mayor has the authority to undo or do himself.

Commissioner Soon noted there was a second question about two resolutions that were passed out and that were already in effect. The question was why these were already in effect because they occurred during the year the Charter Commission was working. She asked if the parking consideration wasn't similar to those resolutions. There was some discussion about the resolution already being implemented. Chair Souki read the title of the Resolution: "Resolution Adopting the Reorganization Plan Submitted by the Mayor Relating to the Department of Transportation Services of the City and County of Honolulu." Chair Souki asked the Deputy Corporation Counsel if the change had already been made. The Deputy Corporation Counsel was unsure. Chair Soon noted that, if it had already been made, there is no more the Commission can do about it. Chair Souki clarified that the Commission is asking Corporation Counsel about Resolutions that have already passed, some of which are the Mayor's prerogative changes that he can make, others are Council's recommendation to the Charter Commission to consider as a possible Charter amendment. Chair Souki had been under the impression that the parking amendment was one of the latter but apparently it's one of the former and the Commission would like Corporation Counsel to provide clarity on that. He would like to know which Resolutions are already in effect and don't have to be further discussed and, in addition, where the line is between the two types of Resolutions.

Commissioner Fujimura asked if a department provides an idea for a Charter amendment in their testimony, do they have to also submit a formal proposal before October 31, 2015. Chair Souki explained he's been asking that the agencies submit proposals even if they were discussed in their testimony to make sure the Commission has the proposals in writing. In addition, if a proposal comes up during a hearing and no formal written proposal is provided, the Commission can take it up on its own.

Commissioner Mulligan followed up saying that a couple of departments provided written proposals. He asked if they have to resubmit those proposals. Chair Souki said they have to, even if they were part of their submitted packet for testimony. He understood that these were not part of the administration's formal proposals yet. Deputy Corporation Counsel explained that all the departments will submit their proposals to the administration that will put a package together and submit it to the Commission at one time rather than receiving 24 different requests.

Commissioner Fujimura said he was concerned about what the DTS Director said when he referred to another proposal that wasn't within the administration purview. Chair Souki said he would consider this as informal information that the testifier's

sharing with the Commission and if any Commissioner wants to take it up as a proposal, the Commission can consider it.

Chair Souki invited the Director of ENV to give her presentation and asked that during her presentation she discuss Resolution 15-10 about storm water, entitled: “Resolution Initiating Amendments Pursuant to the Mayor’s Executive Reorganization Authority.”

Department of Environmental Services

Lori M. K. Kahikina, Director of ENV provided an overview of ENV. Also in attendance were Deputy Timothy Houghton, Second Deputy Ross Tanimoto, and Executive Assistant Cindy Aylett.

ENV provides a wide range of services to ensure a clean and safe environment, including:

- Advising the Director of Design and Construction concerning the planning and design of wastewater facilities
- Overseeing the operation and maintenance of sewer lines, treatment plants, and pumping stations
- Monitoring the collection, treatment, and disposal of wastewater
- Providing chemical treatment and pumping of defective cesspools
- Developing and administering solid waste collection, processing, and disposal systems including a comprehensive curbside recycling system

The Director provided a review of ENV’s organizational chart.

She explained the storm water issues. ENV had experience dealing with consent decrees and compliance. The compliance group got pushed into ENV but it didn’t make sense that they had the compliance part. The ENV Director has the responsibility for the permits without the authority over the staff. DFM has all of the operational staff to do the maintenance of the roads and the storm drains, while the ENV Director is responsible to make certain they are in compliance with the permit but the ENV Director has no authority over the staff. The current DFM Director understands why the compliance group falls under DFM. Previous DFM directors thought it a conflict that both the regulatory and operational group were in the same department. However, the Director thinks that’s not true. ENV has its own compliance group that’s a watchdog over ENV staff to ensure compliance with consent decrees and permits. The current DFM Director agreed that they move over and after consultation with the unions as of July 1, 2015, he now has that small group that came over – about 20 people. There’s still a little bit of overlap because the budget is still under ENV so the ENV Director is still signing contracts and ENV still has the authority for enforcement so if there are any violations to the permits, the DFM Director cannot enforce them, ENV must enforce them

Chair Souki clarified that he was referring to Council Resolution 15-10, CD1, which is one of the Mayor's executive reorganization authority resolutions. The Director said that ENV is just left with sewers and trash. She continued by explaining what Commissioner Ikeda asked about earlier. She explained that ENV responsibilities are split up as they cover "dirty water," anything to do with wastewater. The Board of Water Supply handles clean water. They are both on the same bill and long term they would like to separate the bills. It is painful for BWS as sewer rates go up, BWS has to field the questions about the rate increases, even though the increase isn't for clean water and Council approval is required for the increase. Infrastructure needs to be in place before the two can be on separate bills and that will take time because it will actually double the billing that goes out. ENV and BWS are completely separate. They share no resources. The fees charged on the sewer side of the bill go directly to ENV and it's a wastewater fund, an enterprise fund, which may only be used for wastewater functions.

Commissioner Ikeda asked if the money collected for wastewater also covers capital improvements. The Director affirmed this. ENV funds different parts of different departments that deal with wastewater. For example, ENV funds an entire floor of engineers at DDC who can only work on wastewater projects; ENV funds about five positions at BFS who can only work on wastewater procurement. The Deputy Director added they fund the wastewater permitting section in DPP and they only work on wastewater permitting.

Chair Souki asked why the wastewater function was in DPP. The Deputy Director explained that was done back in 1998 to centralize permitting. Any appeal of a permit denial will be handled by ENV. Chair Souki asked if that was functionally better than being under ENV. The Director said there are pros and cons. They have looked seriously at bringing the permitting function back to ENV. ENV went through a substantial flow-monitoring program to update its flow model – how the flow is actually running in the collection system. ENV has adopted a new, dynamic system, while DPP uses a very old static system based on engineering equations. Using the old system, an application can be denied but then can be overturned using the newer ENV flow system. She explained that DPP and ENV are using two different models even though the same equations are being used. ENV deploys flow monitors in the sewer system. DPP uses an old model based on the diameter of the pipe, the slope, and Manning's coefficient to determine how much capacity is in the pipe. Flow monitors provide actual field data. Chair Souki asked if that could be fixed administratively or would it require a Charter amendment. The Director answered that it would be an administrative fix. The current holdup is ENV. ENV wrote a memo to DPP asking them to use ENV's model but ENV hasn't given them access to the model. Spill information still needs to be added into the model and once it's linked, DPP will have access and it'll just be one model. Chair Souki asked if DPP determines capacity around the proposed development and makes the determination of how many hookups are needed and the cost. The Director affirmed this explaining

that the cost is set. The Deputy Director explained that the facility charge is set by ordinance based on the number of equivalent units. Chair Souki asked who oversees the credits. The Deputy Director said that DPP tracks those.

Commissioner Ikeda asked when the City is found in violation by federal regulators on environmental issues such as the inadequacy of the Sand Island Treatment Plant, who pays the fine and which department is responsible. The Director wasn't certain about the Sand Island controversy. Commissioner Ikeda explained that the facility was deemed unacceptable and given time to upgrade the structure but this wasn't done. The federal Department of Health fined the City. Commissioner Ikeda wanted to know who gets the notice of such things, whose responsibility it is to ensure the work is done, whose responsibility it is to provide a solution. The Director answered it would be ENV. ENV works closely with Corporation Counsel. ENV pays the fine from the Sewer Fund.

Commissioner Ikeda opined that she felt moving of divisions was something to be done by ordinance but she feels it's a policy issue and could be done in the Charter. The Charter could mandate that the planning engineers belong in ENV and not in DDC. The Director agreed and said she would recommend that. Chair Souki asked about the DPP section that works on ENV issues. The Director said they should also be replaced into ENV.

Chair Souki asked if there were any more questions from the Commissioners.

Governor Waihee asked about the concept of the sewer fee and user fee. He assumed it was used only by ENV and he asked if the money collected by ENV ever lapses. The Deputy Director explained that the amounts collected as sewer fees go into the Sewer Fund and do not leave that fund. Appropriations may lapse but the money remains in the Sewer Fund and can be reappropriated as part of the annual budget process. Governor Waihee asked if this was a true user fee. The Deputy Director affirmed this, explaining it was established by ordinance including the amount charged as a fixed fee plus the amount of water use. Governor Waihee asked if the water fee was similar to the sewer fee. The Deputy Director said that the two fees he was speaking of are both part of the sewer fee – a fixed fee and a volume charge. That all of the money collected goes into the Sewer Fund and remains there only for the use of the Sewer Fund. Governor Waihee asked if an audit was the only protection needed. The Deputy Director agreed. Governor Waihee asked if BWS fees work in the same way. The Deputy Director said they work in roughly the same way but have a different structure and type of fee. Governor Waihee asked if those fees were protected and the Deputy Director answered in the affirmative.

Chair Souki asked if it would help to have the authority to change fees by rulemaking rather than ordinance. The Deputy Director said that this has been discussed. It would need to be a very public process. It could be an option but ENV hasn't looked at it

critically recently. Commissioner Soon asked if the Consent Decree was still in effect. The Director affirmed this. Commissioner asked if there was any projected period when it would end. The Director answered that the collection system part is for about the first ten years so will end around 2020, and Honouliuli Treatment Plant needs to go secondary by 2024 and Sand Island Treatment Plant needs to go secondary by 2035, ending the final Consent Decree. Commissioner Soon asked if the Director thought the way ENV operates might change after the Consent Decree is fully complied with. The Director said she did not. Even without the Consent Decree, ENV would have continued to do what the consent decree required. Commissioner Soon asked the Director if ENV could operate without a Commission. The Director emphatically affirmed this.

Commissioner Ikeda asked about the bulky refuse pickup and commended the Director for the program.

Chair Souki asked if the Director had any final comments. She said she did and explained, as Commissioner Soon brought up, that the difference between the operating departments for DDC and ENV is that the long-range planning for ENV remains in-house, but DDC does the planning for specific projects. ENV does some projects in-house. It doesn't matter the size of the project, just whether ENV has the operational information. For example, ENV will do the large facility planning projects where they look at a huge basin that includes treatment plants and tributary lines. That would be a large project and ENV needs the flexibility which is what the Director of DDC was eluding to. Instead of having to delegate to ENV the authority to do a project, each department needs the flexibility to do their own projects if they feel it's warranted. Chair Souki explained that the issue arose with the presentation by DPR which seemed to say that DPR had no planning authority of any kind. The Director explained that DPR planning lost almost all their staff to DDC. ENV kept some of their planning staff. The Deputy Director added that long-range planning remained on the wastewater side so they could look forward. They also kept long-range planning on the solid waste side. Chair Souki asked if the issue that DPR had no planning function was not a problem with the Charter but with staffing basically – because ENV kept their planning staff after the 1998 reorganization. The Director said that DPR only has operational staff, people working in the field. If DPR can't do long range planning, then DDC has to pick up the slack, but DDC isn't part of DPR so doesn't understand what DPR priorities are. It's a big gap for that one department. They do not have proper staff. Chair Souki asked the Director if she knew of other agencies that have the same problem with planning as DPR has. The Director suggested that perhaps DFM had some of the problems but not as much as DPR. ENV and DTS are probably in the best position. She was uncertain about other departments or agencies.

Commissioner Ikeda asked if ENV is in charge of all of the dumps. The Director affirmed this – they take care of all solid waste.

Seeing no further questions for the Director, Chair Souki introduced DFM.

Department of Facility Maintenance

Director Ross Sasamura presented an overview of DFM. DFM has three divisions and a Chief Engineer's Office which includes Storm Water Quality, previously in ENV, to keep it separate from the Division that is responsible for maintenance of the storm water system. The three divisions are the:

- Automotive Equipment Service Division
- Public Building & Electrical Maintenance Division
- Road Maintenance Division

DFM has 577 positions that are filled, 161 vacant positions that are subject to funding availability and 120 positions that were deactivated, therefore they are roughly two thirds staffed.

The infrastructure system under the City's jurisdiction has suffered through deferred maintenance over many decades. That presents a monumental challenge to DFM. In addition, having only two-thirds of their staffing, with no new staff added until very recently which only relate to new issues such as homelessness with some additions necessary due to collective bargaining arbitration decisions. One of the issues that affected DFM was the Konno Decision which occurred many years ago which forced DFM to take on work that was formerly being contracted. Without all of the necessary resources to take on those added responsibilities, the list of what DFM must do lengthens, and the added responsibilities present some serious operational concerns.

The Director showed a map of all of the base yard locations. Kapolei Hale is not shown but it's where the Director and some staff are located. Each location shows the percentage of positions filled, vacant and deactivated, many only half-filled. The base yard for the Waianae Coast is located at the tip of Campbell Industrial Park which means that the road maintenance unit has to travel a long distance to get to the Waianae area that it's responsible for maintaining. That resulted from the loss of land formerly occupied in the Waianae District. Because the ownership of the land came under a state agency, DFM had to move out even though ENV was able to remain there.

DFM's operating budget is a little over \$85 million for the current fiscal year. The Director concluded his presentation by providing a chart showing how those funds are split between the four divisions.

Chair Souki asked for clarification about the deactivated positions. The Director said the deactivation was an administrative decision that happened last fiscal year, he believes. DFM was given a quota to deactivate, which was about 14% of their fully authorized strength. That deactivation didn't come without difficulty for DFM. It presented problems from a collective bargaining standpoint because of temporary assignments, etc. When it took positions off-line, DFM lost the ability to temporarily assign people to carry out certain functions. The fact that they were vacant didn't alleviate DFM's responsibility of complying with collective bargaining.

Chair Souki asked if structurally reorganizing would help – from a Charter perspective. The Director answered that Charter language for DFM is very loose. He noted that all of their functions aren't contained in existing Charter language. For example, there's no mention of fleet maintenance. There are also areas that need to be updated such as storm water quality which they didn't have ten years ago. Enforcement of violations of storm water quality need to be included in the Charter.

Commissioner Broderick noted that the Director raised the issue of being short-staffed, as have other directors. He noted that he thought Commissioner Soon mentioned earlier that the Charter does not and should not address the issue of additional staff. Commissioner Soon said she believed that was correct. Commissioner Broderick continued stating that there's nothing the Commission can do to propose a Charter amendment to address staff shortages.

Chair Souki responded that the Commission can't do anything directly but perhaps there could be a structural Charter amendment that could affect positions allocated into certain structures depending on how a department is set up. But short of that there's nothing the Commission can do directly. The Director responded to Commissioner Broderick and Chair Souki explaining that his intent with sharing this information with them was not to request any assistance with budget or personnel. He wanted them to know that they are staffed very lean from an operating position and to such a degree that the ENV Director commented on the capability of planning. Within DFM, there are only two positions with the title of "Planner," but the title isn't necessarily descriptive of their function. Similarly, "Engineer" can be part of a title, yet the person does no or very little engineering work. He continued that DFM's planning capabilities are very small.

The Director explained that he took on the position of Director shortly after the 1998 reorganization. He understands that DDC is the central clearing house for all the technical support that the operating agencies needed as they needed it. But over time DDC has assumed a great deal of responsibility for CIP projects to the point that they no longer have the capacity to handle individual requests for technical support from any of the operating agencies whether DFM or DPR. Because of budget constraints and other factors, DFM has not had the ability to add positions to the department as the

needs change on Oahu. Every time a new subdivision is built, more refuse trucks are put into play. The mechanics that take care of those trucks are in DFM. If DFM can't hire additional staff to work on the additional trucks, it results in the situation where they can't keep up with their workload.

Chair Souki asked who does long-range CIP planning for the City. Public facilities are under DPP in the Charter but there doesn't seem to be any CIP anywhere. The Director explained that the capital improvement budget is separate from the operating budget. There are two different budget ordinances heard by the City Council. The capital improvement budget process is administered by BFS and the planning for CIPs occurs within DDC. There's a six-year budget plan for CIPs. The DDC Director could provide additional information.

Commissioner Soon said they may find it useful at some point to either add more as to the difference between planning a project versus long-range planning which is the nature of a lot of the questions the Commission has been asking. Looking at long-range planning, she asked the Director for examples of what DFM needs to plan. The Director answered that ideally they would like to plan for DFM's operational needs and resources. They would also like to plan from the perspective of the facilities that DFM is responsible for – planning for projects such as drainage as well as Honolulu Hale, Kapolei Hale, the Fasi Municipal Building, fire stations, and police stations. In addition, DFM is doing all of the planning and forecasting associated with projects or work related to a facility like Honolulu Hale. That's where it becomes difficult because technically, they own the facility yet the planning function doesn't exist directly within their organization.

Commissioner Soon noted that if DFM wanted to upgrade some HVAC system or something else it doesn't quite have the planning authority. The Director affirmed this and said they would go through DDC to do that.

Chair Souki asked who has the schedule for a building of when things are going to need to be replaced. The Director answered that DDC has that schedule. DFM would be involved to a degree in establishing that schedule but DFM doesn't have full control over the schedule -- to the degree that one would think a building owner would have. The most challenging for DFM is having the means to affect projects. Through DFM's Road Maintenance Division, they have a very capable staff that operate heavy equipment and large trucks. At the moment staff in that area is working on Sand Island doing mass grading and other site preparation for the Sand Island Facility for the homeless. Within the Public Building & Electrical Maintenance Division, DFM has a full complement of skilled tradespeople – carpenters, plumbers, electricians, painters, electricians, masons – all the people needed to maintain a facility or to make improvements, small renovations on a small time frame. The challenge for DFM is that they have the means to do things but don't have the means to plan for things, to get permits, to do any of that upfront work that an engineer or an architect would do

for a contractor. So for DFM to get work done quickly, they have to go to DDC. But the DDC staff is busy working on CIPs or planning for those projects and aren't necessarily equipped to handle DFM requests that might need to be done the next week.

Commissioner Soon asked the Director if it would help to add the authority to do planning and engineering related to the facilities DFM is responsible for to the Charter. She said this would seem to add clarity and perhaps help structure DFM staff but takes nothing away from DDC. The Director agreed, saying that's exactly what DFM needs and will be working with the administration to put that together based on today's discussion.

Commissioner Soon asked the Director if DFM would like a Commission. He responded in the negative.

Governor Waihee noted that every new development will affect DFM and require delivery of services. He asked how involved DFM is in the larger planning process such as where rail stations should go. The Director said that he's currently involved in TOD and other things mainly because of the current administration. Systemically, there is no requirement for DFM to be involved in any of the general planning aspects. For example, looking at the map from his presentation, he noted that the Wahiawa District in the central part of Oahu poses the biggest challenge for DFM. That is mainly because there's a rural base yard for the Road Maintenance Division next to Lake Wilson, in an area that is very picturesque. The problem is that they are land-bound on one side by the BWS base yard, land-bound on the other side by the Wahiawa Wastewater Treatment Plant with Lake Wilson behind and California Avenue in front. There is no way for that base yard to expand. It's been there probably since the late 1940's at which time Mililani Mauka and Mililani weren't there. But those two developments are within the border of the Wahiawa District for the DFM's road maintenance crew. Therefore, staff from the Pearl City Baseyard have to help the Wahiawa crew by providing additional staff in Wahiawa since DFM doesn't have the capacity to have enough people or equipment in the Wahiawa Baseyard. In addition, when staff leave the Pearl City Baseyard to help Wahiawa, Pearl City no longer has enough staff for their own work. These situations evolved because DFM isn't involved in the planning process. When a new subdivision comes in and goes through DPP, there's no base yard set aside for DFM – neither in Koa Ridge or Ho'opili is there a base yard but DFM still has to find a way to deliver the required services. The Kapolei Yard is a clear example of what happens when DFM isn't included in the planning. DFM has to drive to where they have to do the work.

Governor Waihee noted that the Commission could provide DFM with funding by adding to user fees.

Commissioner Fujimura noted that, if DFM had a planning and permitting function, DFM could design and build small projects. That could be an enhancement through the Charter. He noted that it was not just this department that would require master planning and considerations like creating certain standards that have to be met, such as safety. It doesn't make sense to build a facility down at Sand Island (the homeless facility) and make this department responsible to maintain it. But positions have been deactivated and unfilled. He noted that when a new city office is built, maintenance costs are not included. He thought it's kind of ironic to include 1% of CIP for arts which the City does for new construction, but not for maintenance.

The Director addressed Commissioner Fujimura's concerns. He reiterated that he is not asking for additional money or resources and certainly don't want to add more language to the Charter that's not necessary. He observed that it's his responsibility to fight for positions and funding in the appropriate venue. His only concern to present to the Commission is the ability to have the authority to do what they need to do to be effective for the public and that would be to have support staff with the technical background to enable DFM to accomplish those tasks. One of the challenges is to bring new skills into DFM that the Charter doesn't allow them to have. It makes his battle with others much more difficult.

Commissioner Soon asked if that apply to fleet maintenance. The Director said that's not an issue since they are already doing it but it's something that DFM want to clean up and will submit through the administration for the Commission's consideration.

Chair Souki asked if there was any public testimony. Seeing none, he opened up the meeting to discussion.

III. DISCUSSION

Commissioner Ikeda noted that the various departments will be sending in their requests coordinated through the Mayor's Office which she thinks means the Commission won't see what the departments really want. She noted her respect for government hierarchy but it concerns her that the Commission might not be able to meet the needs of the departments, as the departments see them. If the Commission can't meet those needs as the departments see it, the Charter will not be providing the services to the people that's it's supposed to.

Commissioner Broderick noted that in the Charter, for DCS, DDC, BFS, ENV there is no reference to Council confirmation. So he'd like either the EA or Corporation Counsel to find out whether all department heads need to be confirmed by the Council and if so what the basis for that is.

Governor Waihee agreed that would be helpful to know. He brought up the planning issue, not taking a position on either method – more centralized or decentralized. But the issue definitely needs to be considered structurally.

Commissioner Fujimura agreed with Commissioner Ikeda's point. He noted that he thinks the departments have a sense of delivery of the services that they are charged to deliver. They understand that these meetings make a good sounding board to find solutions to some of their delivery issues. The City has the responsibility of taking care of the day-to-day needs of the communities, the fire hydrants, the sidewalks, etc. The departments know what resources they need but perhaps not how to get them. Hopefully the Charter Commission can help.

Chair Souki added that he appreciates the departments coming to these informational meetings because the Commission's objective is to look at how government operates under the Charter and discussions with each of the departments brings out these operations and some of the issues that need to be addressed. He reflected that the Charter can include aspirational statements such as the pedestrian- and bike-friendly provisions which provide policy direction that the City should take. These policies can in turn provide input for the departments' directions.

Commissioner Fujimura said he thinks that the City leaves a lot of issues to the State that other cities handle. For example, the City doesn't address wages or minimum wages. In fact he thought that Corporation Counsel's position is that it's not up to the City. He explained that the issues of homelessness and housing in general and people's life styles and standards of living are intruding into the standard City issues such as fire hydrants and sidewalks and the multitude of similar issues. He said he thinks the City is doing a good job on those issues and he feels the Commission perhaps should be dealing with developing issues such as climate change and other environmental issues that are bigger than can be imagined with a critical time frame. That's what caused his concern about the hundred-year storm or even the fifty-year storm. Developments have to take such possibilities into consideration and realize that change may be happening faster than had been predicted. He said he thinks that could be the most important work of this Commission – how to structure government in a way that has to address these concerns now, concerns which other cities may not have to address yet.

Governor Waihee pointed out that it plays into the whole relationship with the State --- the rethinking of government structure even if it may not be the way the government was originally divided.

Commissioner Mulligan said that he noticed the problems that are apparent within some of the departments had their genesis in the 1998 reorganization. He noted that he was involved from the labor side and a lot of what was done was designed to promote centralization but, in addition, a lot of it was to cut positions and costs. He found the

reduction in force at that time was very disruptive. He thought that, while some of the consequences may have had positive effects, there were also unintended negative consequences. He pointed out that it is incumbent on the Commission to study these and see if perhaps some areas need to be corrected.

Chair Souki suggested that if the Charter had in fact been used as a means of reduction in force, it would explain many of the issues. For example, in the Office of Planning, the capacity to plan and provide long-range improvements including CIPs, became more difficult as it seemed that the first positions to be cut were all the planners. Now, the State agencies that are having the most difficult time with long-range visions for CIP projects and their implementation are those that don't have any planners. This seems to be the same problem the City is having as well.

Commissioner Soon brought the issue of a housekeeping proposal that could include many changes of little importance but necessary to make the Charter more complete and understandable. She mentioned that the Commissioners had asked for an explanation of what type of proposal would be housekeeping and what would be more substantive – where would the line be drawn.

Chair Souki understood that a housekeeping proposal would essentially be an omnibus Charter proposal to clean things up. He recommended caution with these. For example, if substantive changes are made to a provision that also includes a change in the omnibus housekeeping bill, it could cause some confusion. It would probably be better to keep all amendments to individual sections together. He asked the Deputy Corporation Counsel about this.

Commissioner Soon asked, if there is a vote on five changes, could the fifth one be housekeeping. Governor Waihee noted that there was a court case on this issue from the 1978 ConCon. He suggested that stylistic and editorial changes can be made after the vote on the proposals. The court case involved a couple changes that looked as if they were editorial but, in fact, they were not. But the rest of the changes in the proposal were actually editorial.

Commissioner Soon noted that if they try to resolve this planning issue for example by saying DFM needs some planners and ENV also needs some planners, there could be many proposals relating to decentralization, requiring dozens of proposals to be voted on. Maybe there's a way to make the process a little more palatable.

Commissioner Fujimura asked why not make a single Charter amendment for stylistic changes with an explanation for each of the changes but provide the voters with a more succinct summation that these are stylistic changes. The danger is that somebody may feel a particular issue is not a simple stylistic change, such as perhaps, changing the name of the Department of Civil Defense to Emergency Services. But

then, maybe the result would just be that that person would simply vote against that amendment.

Governor Waihee felt that much of it will just be common sense. He said that another issue to consider is if aspirational provisions should be in the Charter. That's a policy decision but it provides an opportunity for the Commission to allow the voters to set the agenda for the next decade. This is one of the few times that policy can be voted on. However, he pointed out that technicians involved in how the government should be run and be structured won't approve of providing such an opportunity. He explained that he thought lawyers don't like that more than anyone else, government people don't like that because they think that aspirational policies should be handled by elected officials, but this is an opportunity for the Commission to take advantage of this opportunity.

Commissioner Ikeda agreed with the Governor. If the Commission does all this work and ends up doing housekeeping and minor shifts here and there doing minor restructuring to a department or two, it's not really accomplishing what it was formed to do. She stated that she thinks the Charter should be looking forward, long range, at least ten years into the future.

Commissioner Ikeda wondered why, when so many issues involve planning, the person in charge of planning is an ex officio non-voting on HART. HART is not just a major construction project but a development project that's going to change the future of this entire city.

Governor Waihee asked if the existence of HART is justified once they get to the maintenance phase. He said he thinks these are important questions and if they'd been raised earlier, more people would have taken the time to testify.

Commissioner Soon noted that those who have given presentations are the establishment and explained to the Commission how the establishment works. She felt that asking them to come up with total change would be a huge task for them. She asked Corporation Counsel for a cleaned-up version of the Charter. She feared that they were carrying around transition documents from as far back as 1998 and it was difficult to use. She asked for a more reader-friendly version.

Waihee said he thought the Commission could do a great service to the people of Honolulu by just abolishing the current Charter and rewriting one so that everything would be updated. He noted it's a difficult document to follow.

Commissioner Soon wondered if it was going to get worse with each generation.

Commissioner Ikeda said she thinks the Charter publication needs to be reorganized since it's so difficult to read with the various amendments that aren't incorporated.

Chair Souki asked about the informal combined copy and said that each of the Commissioners should have one. He said there's a word document but Commissioner Ikeda said some of the Commissioners had requested a paper document but never got it. Souki said the EA will follow up on that. Only Chair Souki and Commissioners Oshiro and Okubo said they had a copy. The EA will bring a set for all.

Commissioner Ikeda asked about the homeless facility. She thought that it was important to make people, especially those that move here, not to have expectations that everything is free. She suggested charging them or making them responsible for the facility.

IV. ANNOUNCEMENTS

The meeting will reconvene on Tuesday, August 4, 2015, at 3:00 p.m., in the Committee Meeting Room at Honolulu Hale.

The meeting recessed at 7:15 p.m.

V. ADJOURNMENT