

# The League of Women Voters of Honolulu City and County of Honolulu General Elections 2010 Charter Amendments **PROS AND CONS**

**WHAT YOUR VOTE MEANS:** A “YES” vote means you are IN FAVOR of the amendment and the City & County Charter will be changed as proposed. A “NO” vote means you ARE AGAINST the amendment and the City & County Charter will not be changed as proposed. “BLANKS” are not counted. For an amendment to pass, the “YES” votes must exceed the “NO” votes.

## QUESTION NO. 1 (RESOLUTION NO. 09-252, CD1)

“Shall the Revised City Charter be amended to create a semiautonomous public transit authority responsible for the planning, construction, operation, maintenance, and expansion of the City’s fixed guideway mass transit system?”

*Adoption of this proposal will create a semi-autonomous public transit authority responsible for the planning, construction, operation, maintenance, and expansion of the City’s fixed guideway mass transit system.*

### SUPPORTERS SAY:

- If established, a transit authority would have the ability to make decisions more quickly because of its singular focus: the success of the rail transit system. An appointed transit authority board would also provide for timely and efficient management of the planning, construction, operation, maintenance, and expansion of the rail transit system, with sound principles and objectives for project delivery.
- The transit authority would manage the rail transit system's budget and fares, and be required to properly maintain the agency's financial status. It would also work hand-in-hand with the City Council for City funding and include the public in crucial issues such as setting fares and adopting a budget, further transparency and accountability.
- It has been argued that an appointed board of directors would depoliticize the project.
- Authority's responsibilities include creating, promoting and assisting transit-oriented development projects near the system that would promote ridership.

### OPPONENTS SAY:

- The authority adds another layer of bureaucracy. It's tough enough for Council members to get information out of the city department directly without having to go through another layer.
- A transit authority would insulate our elected officials from any accountability for rail in the future, the semiautonomous authority would be responsible for the city's fixed guideway mass transit system.
- Citizens can remove elected officials from their office, but can't remove appointed board members to the transit authority from their office.
- The City Council should make the decision on rail, not an appointed board
- Since authority's focus is the success of the rail system, the opponents fear that the bus and handy-van systems will be neglected in funding their operations.
- Transit-oriented developments on the Mainland are highly subsidized and that will be the same for these projects on Oahu. Our higher taxes will be needed to pay for these subsidies.

## QUESTION NO. 2 (RESOLUTION 09-336, CD1)

“Shall the Revised City Charter be amended to prohibit a newly appointed city officer, for a period of twelve months from the start of the officer’s current employment with the city, from participating in or

making any decision with respect to any city matter with which he or she was directly involved while working for a private entity in the twelve-month period immediately preceding the start of the officer's current city employment and where such prior involvement on behalf of a private entity may tend to impair the independence of judgment in the performance of the officer's official duties?"

*If proposal passes:*

*No appointed city officer shall participate in or make any decision on a city matter if:*

- He or she was directly involved in the matter while working for a private entity in the 12 months immediately preceding the start of the officer's current employment with the city; and*
- Such prior involvement on behalf of a private entity may tend to impair the independence of judgment in the performance of the officer's official duties.*

*The prohibition shall apply for a period of 12 months from the start of the officer's current employment with the city.*

*The officer may apply for a waiver from this prohibition to the ethics commission, which shall determine, based on the relevant circumstances, whether the waiver is in the best interests of the public.*

**SUPPORTERS SAY:**

- This restriction would ensure the public that agency heads who have a pre-employment conflict of interest will not participate in matters they worked on in the private sector.
- The criteria -- direct involvement and impairment of judgment -- along with the 12-month time period, makes the law relatively narrow. Also, the department head may apply to the Ethics Commission for a waiver, should his/her participation in a specific matter be critical.

**OPPONENTS SAY:**

- The proposed law could give pause to those who would otherwise like to serve the city because it creates a conflict of interest from past employment, and would adversely affect the City's ability to recruit qualified individuals. This is unnecessary because the concerns expressed in the resolution are already being addressed under current laws and procedures. Section 11-102 of the Revised Charter of the City and County of Honolulu 2000 Edition (2003 Supp.) ("RCH") specifically prohibits officers and employees from engaging in any activity which is incompatible with the proper discharge of such person's official duties or which may tend to impair the independence of judgment in the performance of such duties. The same section prohibits officers and employees from disclosing confidential information or using such information for personal gain or benefit of anyone. RCH Section 11-104 similarly prohibits officials and employees from using their positions to grant special treatment or advantage to any person.
- If the proposed amendment may be accomplished through an ordinance, recommend that approach and avoid using one of the few available Charter amendment questions.

**The League of Women Voters of Honolulu supports this proposal as sound and in the best interest of the public, and urges its passage.**

**QUESTION NO. 3 (RESOLUTION 09-357, CD1)**

"Shall the Liquor Commission be allowed to hire and dismiss its Administrator and Deputy Administrator in the same fashion as department heads appointed by the mayor?"

*Adoption of this proposal will allow the Liquor Commission to hire and dismiss its Administrator and Deputy Administrator in the same fashion as department heads appointed by the mayor.*

**SUPPORTERS SAY:**

- The Honolulu Liquor Commission supports exempting the position of Liquor Administrator from civil service.

OPPONENTS SAY:

- This would also exempt from civil service the position of the Deputy Liquor Administrator. The Honolulu Liquor Commission feels that in order to retain continuity, this position should remain as a civil service position.

QUESTION NO. 4 (RESOLUTION 10-64, CD2)

"Shall the Revised Charter of the City and County of Honolulu, be amended to remedy language inconsistencies and to clarify the provisions of the Ordinances by Initiative Power, Article III, Chapter 4, and to make conforming amendments to other sections of the Charter?"

*Adoption of this proposal will remedy language inconsistencies and clarify provisions of the Ordinances by Initiative Power, Article III, Chapter 4, and make conforming amendments to other sections of the Charter.*

Note: There was no testimony pro or con. The stated intent is to eliminate language inconsistencies and improve clarity which should avoid future litigation on interpretation of the provisions. It will also make technical and conforming amendments to harmonize the provisions. These are appropriate and reasonable, and the resulting changes should help to remove doubt on the meaning of the provisions and avoid confusion.

QUESTION NO. 5 (RESOLUTION 10-110, CD1)

"Shall the Revised City Charter be amended to update provisions and to provide for the disposal of City personal property by rules and regulations of the Director of Budget and Fiscal Services, and other conforming amendments?"

*Adoption of this proposal will update provisions and provide for disposal of City personal property by rules and regulations of the Director of Budget and Fiscal Services.*

Note: There was no testimony pro or con. The following are the rationale for this amendment: (1) disposal provisions are unduly restrictive to the disposal of personal property and do not adequately address the varied situations the Department of Budget and Fiscal Services is faced with in seeking to dispose of property; (2) needed to advertise effectively by the least costly means based on the property to be disposed, and to allow alternate means of disposal based on the character of the property; and (3) the existing \$100 limitation in the disposal sections was established in 1972 and is now too low and unrealistic. The intent appears to be appropriate and reasonable.

QUESTION NO. 6 (RESOLUTION 10-38)

"Shall the Revised City Charter be amended to create an office of housing directly under the mayor, to be headed by an administrator who shall be appointed by the mayor, subject to council confirmation, and who may be removed by the mayor?"

*Adoption of this proposal will create an office of housing directly under the mayor, to be headed by an administrator who shall be appointed by the mayor, subject to council confirmation, and who may be removed by the mayor.*

#### SUPPORTERS SAY:

- The people of Honolulu are suffering from an affordable housing and homelessness crisis deepened by current economic conditions. Creating an Office of Housing with coherent responsibility for affordable housing, senior housing, special needs housing, homelessness solutions, and transit-oriented housing development on Oahu is the right thing to do!
- The City and County of Honolulu does not have a focused and coherent policy to address the affordable housing needs of its citizens. This situation exists because there is not a single office responsible for affordable housing in the County government. The affordable housing functions are scattered in various parts of the City structure. The result is an ongoing, serious, and growing crisis in affordable housing, and a growing and uncontrolled homeless problem. The City should not itself get into the business of building and managing affordable housing, but should use its various funding sources and enter into partnerships with private developers, both for- and non-profit, to leverage and encourage them to address the housing and homeless crisis.
- Honolulu may be the only U.S. city with more than 200,000 people that does not have a housing department. The much smaller counties on the Big Island, Maui, and Kauai have such departments.
- It's time to revive the City's Housing Department, which was eliminated in the wake of the scandal around the Ewa Villages developments. While the department is gone, involvement in affordable housing is still an important function of this city. The City is still involved in the federal Community Development Block Grant program, which provides major funding for affordable housing. It receives other federal funds for rent subsidies Statewide through the Section 8 program.
- Growing homelessness in our city requires a systematic plan, a clearing house and coherent policy that would begin to address one of several causes of homelessness — affordable rentals and affordable housing. What is needed is an office in which work with community, developers and non-profits can creatively and cooperatively work together to respond to the homelessness crisis and affordable housing.
- An Office of Housing has already been funded in next year's budget, so funding is not the problem it seemed to be a few months ago. This mechanism is for one year, which is a start. But a Charter Amendment authorizing that such an office be made permanent is what is needed. A focused, persistent, and strong push for affordable housing is what Honolulu citizens deserve.

#### OPPONENTS SAY:

- The Acting Mayor's August 12, 2010 proposed reorganization of the Department of Community Services to add Housing (DCS to DCSH) fulfills the objective of a central point of contact for housing issues within the City, and will put renewed emphasis on housing and the homeless within our community. Using the Mayor's Executive Reorganization Authority also means that a change can happen faster than placing a proposed Charter resolution on the ballot.
- Further review, discussion and evaluation are necessary to determine whether an Office of Housing directly under the Mayor, which could conceivably operate with the authority of the Mayor over the other City departments, would be better able to propose, coordinate and implement affordable housing strategies, policies, priorities and programs, as opposed to the creation of a separate City "Housing Department."