

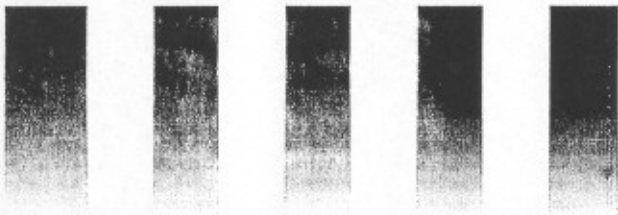
July 20, 2006 - Attachment #3

**1992 AND 1998
HONOLULU CHARTER COMMISSION
BROCHURES AND NEWSPAPER ADVERTISEMENT**

(excerpts)



1998 GENERAL ELECTION
TUESDAY, NOVEMBER 3



8 CHARTER AMENDMENTS

Proposed by the
Charter Commission
City and County of Honolulu



The following proposals to amend the Charter of the City and County of Honolulu are being submitted to the people to be voted upon on Tuesday, November 3, 1998, General Election Day.

The purpose of this brochure is to explain the proposed amendments, what the present situation is and what the proposed change will accomplish.

For the purposes of this publication only new language is italicized and language that will be deleted is bracketed.

Proposed Amendment No. 1

MERGER OF PLANNING DEPARTMENT

Question: In the interest of streamlining government operations, should the Department of Planning and the Department of Planning and Permitting be combined into just one department and the positions of director and deputy director be eliminated and replaced with just one second deputy position?

Ballot Wording: COMBINE THE DEPARTMENT OF PLANNING AND THE DEPARTMENT OF PLANNING AND PERMITTING INTO ONE DEPARTMENT.

Digest: Many of the powers, duties and functions of the Planning Department overlap with those of the Department of Planning and Permitting. This amendment combines the departments in order to streamline the City's land use planning and permitting processes.

Rationale: The overlapping functions of the two departments have resulted in a complicated and redundant set of land use procedures and a system which has resulted in lengthy processing times. This amendment combines the two departments into one department in order to streamline the land use planning and permitting processes by using new multi-disciplinary staff to provide comprehensive input, improve efficiency, consolidate duplicative and related functions, and to provide consistency with respect to planning, policies and project review. Combining the two departments will provide close coordination of land use policies and their implementation through the zoning and permit approval processes, while continuing long-range planning functions and responsibilities.

Present: The Department of Planning and the Department of Planning and Permitting are separate departments, but have many overlapping duties, functions and responsibilities. With two separate departments the public must go through a complicated and time-consuming land use process.

If proposal passes:

- Department of Planning would be combined with the Department of Planning and Permitting into just one department.
- The powers, duties and functions of both departments would be combined into one department in the interests of streamlining government operations, improving customer service and eliminating overlapping responsibilities.
- The positions of director and deputy director of the Department of Planning will be eliminated and replaced with just one second deputy position.

Charter Language: New language is italicized and deleted language is bracketed.

I. Article IV, Chapter 1, of the Revised Charter of the City and County of Honolulu 1973, as amended, is hereby amended to read as follows:

► **Section 4-102. Organization of the Executive Branch**

The [departments] department of [planning,] the corporation counsel and department of the budget shall report directly to the mayor.

All other executive departments and agencies of the city, excepting the mayor's office staff, the office of information and complaint, the board of water supply and any other semi-autonomous agency, shall be organized as provided in this charter or by ordinance and shall be supervised by and report directly to the managing director as principal administrative aide to the mayor.

Each executive department shall be headed by a single executive, except if otherwise provided by this charter.

► **Section 4-104. Appointment, Confirmation and Removal of Officers and Employees**

1. All department heads and the managing director, as provided in Sections 5-201, 5-301, [5-402,] 6-101, 6-103, 6-104, 6-106, 6-201, 6-305, 6-401, 6-701, 6-801, 6-902, 6-1002, 6-1101, 6-1201, 6-1301, 6-1401, 6-1501, 6-1601, and 17-101, shall be nominated and, by and with the advice and consent of the council, appointed and may be removed by the mayor, except as otherwise provided by this charter. Department heads shall be duly registered voters of the city and qualifications of department heads shall be as required by this charter.
2. When the position of head of an executive agency becomes vacant and the mayor is the appointing authority, the mayor may temporarily fill the vacancy by granting a commission allowing the nominee to fulfill the responsibilities of the position. The

commission shall begin when the mayor submits to the council a request for confirmation. The commission shall expire when the council makes the confirmation decision. If the nominee fails to be confirmed by the council, the nominee shall not be eligible for another interim appointment to the same office.

3. Department heads may appoint the necessary staff for which appropriations have been made by the council.
4. No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of the person's office or position.

II. Article V, Chapter 4, of the Revised Charter of the City and County of Honolulu 1973, as amended, is hereby repealed.

III. Article VI, Chapter 9, of the Revised Charter of the City and County of Honolulu 1973, as amended, is hereby further amended to read as follows:

CHAPTER 9 DEPARTMENT OF [LAND UTILIZATION] PLANNING AND PERMITTING

► **Section 6-901. Organization**

There shall be a department of [land utilization] *planning and permitting* which shall consist of [a director of [land utilization,] *planning and permitting, a planning commission, a zoning board of appeals and the necessary staff.* The director of [land utilization] *planning and permitting* shall be the administrative head of the department of [land utilization] *planning and permitting.*

► **Section 6-902. Director of [Land Utilization] Planning and Permitting**

The director of [land utilization] *planning and permitting* shall be appointed and may be removed by the mayor. The director of [land utilization] *planning and permitting* shall have had a minimum of five years in training and experience in a responsible planning position, at least three years of which shall have been in a responsible administrative capacity in charge of major land utilization activities.

► **Section 6-903. Powers, Duties and Functions**

The director of [land utilization] *planning and permitting* shall:

- (a) Prepare a general plan and development plans, and revisions thereof, for the improvement and development of the city.
- (b) Establish procedures for adopting and revising the general plan and development plans and amending state land use district boundaries. The director's procedures shall include provisions for the processing of any proposed revision to the general plan or development plans which is submitted with the prescribed level of supporting documentation, regardless of whether the proposal is supported by the director or the council. However, a proposal lacking such support shall be processed as an "unendorsed proposal" under the provisions of this chapter.
- (c) Review the executive operating and capital program and budget for conformance to the purposes of the general and development plans and make a written report of findings to the council within thirty days after receipt of such program and budget.
- (d) Prepare and submit to the council on at least a biennial basis a report on the condition of the city in terms of the general plan and development plans. In addition, the director shall prepare and submit to the council an annual report on the current status of land use and other data pertaining to the development plans.
- (e) Undertake studies and prepare plans for special planning areas and issues.
- (f) Perform other functions that will promote comprehensive planning, public participation and an efficient planning process.
- [a]g) Prepare zoning ordinances, maps and rules and regulations and any amendments thereto.
- [b]h) Prepare the land subdivision code and rules and regulations and any amendments thereto.

1998 pamphlet (excerpt)

CHARTER ISSUES

Will affect everyone's future.



JS8421

A8

H376

1992

COPY 3

ur vote CAN make a difference!



CITY CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU

MUNICIPAL REFERENCE & RECORDS CENTER

City & County of Honolulu
City Hall Annex, 558 S. King Street
Honolulu, Hawaii 96813

1992 CHARTER ISSUES

The Honolulu City Charter is Honolulu's "constitution," laying out the rules by which our City government operates.

The Charter requires that the Mayor and City Council appoint a Commission every ten years to review the Charter and submit changes to the voters.

The Charter Commission has had more than 45 public meetings since May of 1991. More than 200 proposed changes to our City Charter have been studied. From that list, 32 proposals were considered important enough to present to the people on November 3, 1992.

The purpose of this booklet is to explain these proposals in as concise a manner as possible — what the present situation is and what the proposed change will accomplish.

For more information, please contact the Charter Commission Office at 527-6101.

IMPORTANT

In the back of this booklet, you will find a sample of the Charter Commission ballots that you will be given at the polls on November 3rd.

Please study these proposed changes, fill out the sample ballot, and to avoid delays on Election Day, take it with you into the voting booth.

William C. McCorriston, *Chairman*
Jensen Hee, *Vice Chairman*
Gary Slovin, *Secretary*

Karen Ahn
John Anderson
Anita Penfatti
George Hong
Chester Kunitake

Jim Loomis
Allene Richardson
Roy Tsutsui
William E. Wanket
John Whalen

Annabel Chotzen, *Executive Director*
Kathleen Sakamoto, *Assistant to the Director*
John Kawamoto, *Research Analyst*

- 9/21/92 F
1. **Should the number of terms an individual can serve as Mayor be limited to two full consecutive four year terms?**

Present: No limit on number of terms.

If proposal passes:

- Person may serve no more than two full consecutive four-year terms.
- Person may serve more than two terms if "sits out" a term.

2. **Should the number of terms an individual can serve as Councilmember be limited to two full consecutive four year terms?**

Present: No limit on terms.

If proposal passes:

- Person may serve no more than two consecutive terms.
- Person may serve more than two terms if "sits out" a term.

3. **Should there be four at-large seats on the nine-member City Council?**

Present: Each Councilmember represents a district. There are nine districts that make up the island of Oahu. No Councilmember is elected at-large, that is, by voters of the entire island to represent the entire island.

If proposal passes:

- Four Councilmembers would be elected at-large.
- Five Councilmembers would be elected by districts, but the districts would be much larger than current districts.

4. **Should Honolulu have nonpartisan elections?**

Present: Candidates for Mayor and Council may run as members of political parties. Candidates for Prosecutor must run on a nonpartisan basis, that is, without party label.

If proposal passes:

- Candidates for Mayor and Council also would be required to run on a nonpartisan basis.

30. Should the penalty amount which may be prescribed by the Council for violation of the Charter or ordinances be raised to \$2,000 to conform to the State law ceiling for misdemeanors?

Present: \$1,000 is the maximum amount that may be set for violating the Charter or ordinances.

If proposal passes:

- The maximum would be raised to \$2,000.

31. Should the time the Charter Commission serves be extended an additional two months to more effectively facilitate the Charter amendment process?

Present: The Charter Commission is appointed in April of the year before it presents its proposed amendments to the voters.

If proposal passes:

- The Charter Commission would be appointed in February of the year before it presents its proposed amendments.

32. Should the following housekeeping amendments be adopted?

- Approve technical Charter language changes proposed by the City Clerk;
- Delete obsolete sections referring to "city storerooms" because they no longer exist, and to "jails and institutions" because their functions were transferred to the State years ago; and
- Specify that Civil Service employees have the right to appeal personnel actions.

Most of the numerous housekeeping amendments proposed would make the Charter clearer in describing how City government works without making any actual changes to the way City government operates. Several of the proposed amendments would have some effect, such as the proposal to require department heads to be duly registered voters of the city. No such requirement now exists.

CITY/COUNTY OF HONOLULU STATE OF HAWAII		TOP		D1	
OFFICIAL BALLOT GENERAL ELECTION TUESDAY, NOVEMBER 3, 1992 AMENDMENTS TO THE CHARTER OF THE CITY AND COUNTY OF HONOLULU PROPOSED BY THE CHARTER COMMISSION					
VOTE BOTH SIDES (OVER) <small>This stub shall be removed by the Election Official only.</small>					
VOTE YES OR NO ON EACH OF THE FOLLOWING CHARTER AMENDMENTS					
1	LIMIT MAYOR TO TWO CONSECUTIVE TERMS	YES	▶	+	
		NO	▶	+	
2	LIMIT COUNCILMEMBERS TO TWO CONSECUTIVE TERMS	YES	▶	+	
		NO	▶	+	
3	CREATE AT-LARGE COUNCIL REPRESENTATION FOR FOUR OUT OF NINE MEMBERS	YES	▶	+	
		NO	▶	+	
4	ESTABLISH NONPARTISAN CITY ELECTIONS	YES	▶	+	
		NO	▶	+	
5	REFORM THE DEVELOPMENT PLAN & ZONING PROCESS	YES	▶	+	
		NO	▶	+	
6	CREATE DEPARTMENT OF WASTEWATER MANAGEMENT	YES	▶	+	
		NO	▶	+	
7	ALLOW COUNCILMEMBERS TO ABSTAIN FROM VOTING WHEN DIRECT FINANCIAL CONFLICT EXISTS	YES	▶	+	
		NO	▶	+	
8	ALLOW MAYOR TO TRANSFER FUNDS WITHIN A DEPARTMENT WITHOUT COUNCIL APPROVAL	YES	▶	+	
		NO	▶	+	
8	LIMIT COUNCIL FROM PROPOSING CHARTER AMENDMENTS DURING SPECIFIED PERIODS	YES	▶	+	
		NO	▶	+	
HON-1	VOTE BOTH SIDES (OVER)				D1

I HAVE VOTED, HAVE YOU?					
VOTE BOTH SIDES (OVER)					
10	ELIMINATE COUNCIL CONFIRMATION OF MANAGING DIRECTOR	YES	▶	+	
		NO	▶	+	
11	ALLOW DEPARTMENT HEADS TO SERVE FOR LIMITED PERIOD PRIOR TO COUNCIL CONFIRMATION	YES	▶	+	
		NO	▶	+	
12	GIVE HONOLULU'S PROSECUTOR THE AUTHORITY TO APPOINT SPECIAL ASSISTANTS	YES	▶	+	
		NO	▶	+	
13	CLARIFY SALARY COMMISSION PROCEDURES; COMMISSION TO SET SALARIES OF ELECTED AND APPOINTED OFFICIALS SUBJECT TO COUNCIL VETO BY SUPER MAJORITY VOTE	YES	▶	+	
		NO	▶	+	
14	INCREASE NUMBER OF PETITION SIGNATURES REQUIRED TO IMPEACH MAYOR FROM 500 TO 5,000 AND FOR COUNCILMEMBERS FROM 500 TO 1,000	YES	▶	+	
		NO	▶	+	
15	CHANGE SIGNATURE REQUIREMENT FOR RECALL AND INITIATIVE FROM BASE OF "TOTAL VOTES CAST" TO "TOTAL REGISTERED VOTERS"	YES	▶	+	
		NO	▶	+	
16	REQUIRE QUALIFICATIONS OF A) HEALTH DIRECTOR TO INCLUDE BACKGROUND IN EMERGENCY MEDICAL SERVICES; AND B) MEDICAL EXAMINER TO COMPLY WITH STATE STATUTES	YES	▶	+	
		NO	▶	+	
17	MAKE REAPPORTIONMENT PLAN EFFECTIVE AT NEXT ELECTION	YES	▶	+	
		NO	▶	+	
HON-2	VOTE BOTH SIDES (OVER)				D1

Each Councilmember represents a district. There are nine districts that make up the island of Oahu. No Councilmember is elected at-large, that is, by voters of the entire island to represent the entire island.

If proposal passes:

- Four Councilmembers would be elected at-large.
- Five Councilmembers would be elected by districts, but the districts would be much larger than current districts.

4. Should Honolulu have nonpartisan elections?

Present: Candidates for Mayor and Council may run as members of political parties. Candidates for Prosecutor must run on a nonpartisan basis, that is, without party label.

If proposal passes:

- Candidates for Mayor and Council also would be required to run on a nonpartisan basis.

5. Should the development plan and zoning process be reformed?

Present:

- Development Plan maps are so detailed that they are very similar to zoning maps, and procedures to amend both maps are very similar.
- All proposals to amend the Development Plans are processed at the same time in an annual review.
- Only the Chief Planning Officer may propose General Plan and Development Plan amendments.
- Only the Director of Land Utilization may propose zoning amendments.
- The Chief Planning Officer is not required to prepare any sort of report on the condition of the city.
- The Executive Planning Committee is set up to assist the Department of General Planning.
- An executive secretary is provided to the Planning Commission.
- It is not clear whether all three tests of hardship for zoning variances apply to both use variances and area variances.
- No time limit exists for Planning Commission to review proposals to amend the General Plan, Development Plans, and zoning ordinances.
- Authority to grant zoning variances has been transferred administratively from the Zoning Board of Appeals to the Director of Land Utilization under authority granted to the Mayor to reorganize certain City functions.

If proposal passes:

- Processing time for land use changes should be reduced.
- Development plan maps would be more conceptual and less detailed.
- Individual projects would be reviewed at the zoning level.
- The Chief Planning Officer would be required to prepare a report every two years on the condition of the city in terms of the General Plan and Development Plans and recommending revisions to these plans.
- The Chief Planning Officer would be required to adopt procedures to process revisions to the General Plan and Development Plans.
- Zoning amendments proposed by the Council would be processed in the same manner as if proposed by the Director of Land Utilization.
- The Executive Planning Committee would be abolished.
- The executive secretary of the Planning Commission

separate from the Department of Public Works.

7. Should Councilmembers be allowed to abstain from voting on issues if a financial conflict of interest exists and they may personally gain or lose money?

Present: Councilmembers must vote on all issues. This decision has been made by the Council since the Charter does not say anything about this matter.

If proposal passes:

- Councilmembers may decide not to vote (abstain) on issues where they stand to personally gain or lose money.

8. Should the Mayor be allowed to transfer any amount of appropriated funds within a department without Council approval?

Present: Mayor may transfer without Council approval up to \$500,000 or 10 percent of a department's budget, whichever is less. Anything over that amount requires Council approval.

If proposal passes:

- Mayor would be able to transfer any amount of money within a department without Council approval.

9. Should the Council be limited from proposing Charter amendments during the Charter Commission's review of the Charter, and also two years before and after that review?

Present: Council may propose Charter amendments at any general election.

If proposal passes:

- Council would not be able to propose Charter amendments at the same time as the Charter Commission.
- Council would be able to propose Charter amendments two years before and two years after the Charter Commission presents its proposals, but only with the Mayor's approval.

10. Should Council confirmation of the Managing Director be eliminated?

Present: Person nominated by Mayor to be Managing Director must be confirmed by the Council.

If proposal passes:

- Person nominated for Managing Director would not have to be confirmed by the Council.

11. Should department heads be allowed to serve prior to Council confirmation?

Present: Charter does not say whether a person nominated as a department head may serve before being confirmed by the Council.

If proposal passes:

- Charter would have a process allowing a person nominated as a department head to serve until the Council decides to confirm or not.

12. Should the prosecuting Attorney of the City and County of Honolulu be granted the authority to appoint special assistants without the mayor's approval?

Present: Prosecutor must receive the approval of the Mayor in appointing special assistants.

If proposal passes:

- Prosecutor would not need the approval of the Mayor in appointing special assistants.

ally gain or lose money?

11. Councilmembers must vote on all issues. This decision has been made by the Council since the Charter does not say anything about this matter.

Proposal passes:

Councilmembers may decide not to vote (abstain) on issues where they stand to personally gain or lose money.

12. Should the Mayor be allowed to transfer any amount of appropriated funds within a department without Council approval?

13. Mayor may transfer without Council approval up to \$500,000 or 10 percent of a department's budget, whichever is less. Anything over that amount requires Council approval.

Proposal passes:

14. Council would be able to transfer any amount of money in a department without Council approval.

15. Should the Council be limited from proposing Charter amendments during the Charter Commission's review of the Charter also two years before and after that review?

16. Council may propose Charter amendments at any general election.

Proposal passes:

17. Council would not be able to propose Charter amendments at the same time as the Charter Commission.

18. Council would be able to propose Charter amendments one year before and two years after the Charter Commission presents its proposals, but only with the Mayor's approval.

19. Should Council confirmation of the Managing Director be required?

20. Person nominated by Mayor to be Managing Director must be confirmed by the Council.

Proposal passes:

21. Person nominated for Managing Director would not have to be confirmed by the Council.

22. Should department heads be allowed to serve prior to Council confirmation?

23. Charter does not say whether a person nominated as a department head may serve before being confirmed by the Council.

Proposal passes:

24. Mayor would have a process allowing a person nominated as a department head to serve until the Council decides to confirm or not.

25. Should the prosecuting Attorney of the City and County of Tulsa be granted the authority to appoint special assistants without the mayor's approval?

26. Prosecutor must receive the approval of the Mayor in appointing special assistants.

Proposal passes:

27. Prosecutor would not need the approval of the Mayor in appointing special assistants.

initiate the impeachment of the Mayor or any District Councilmember.

If proposal passes:

• 5,000 signatures would be required on a petition to initiate the impeachment of the Mayor.

• 1,000 signatures would be required on a petition to initiate the impeachment of any District Councilmember.

15. Should the number of signatures required on a petition for recall or initiative be changed from a basis of "total votes cast" to "total registered voters"?

Present: Both recall and initiative petitions require the signatures of 10 percent of the total number of "votes cast" in the last general election.

If proposal passes:

• Both recall and initiative petitions would require the signatures of 10 percent of the total number of "registered voters" at the time of the last general election.

16. Should the Charter be amended to require A) that the qualifications of the Health Director include a background in emergency medical services; and B) that the qualifications of the Medical Examiner comply with State statutes?

Present:

• The Health Director is required to be a physician.

• The Charter does not say that the Medical Examiner must meet State qualifications.

If proposal passes:

• The Health Director would be required to have a background in emergency medical services and administrative experience rather than to be a physician.

• The Charter would say that the Medical Examiner must meet State qualifications.

17. Should the reapportionment plan become effective at the next election rather than at the time it is filed?

Present: The reapportionment plan is effective when filed (January). The Charter gives the wrong impression that a Councilmember dislocated from a district due to reapportionment may not continue to serve.

If proposal passes:

• The reapportionment plan would be effective at the following primary election when all Councilmembers are elected (September).

• The Charter would clarify that a Councilmember dislocated from a district due to reapportionment may continue to serve.

YOUR VOTE Counts!

1992 CHARTER ISSUES

Will Affect Everyone's Future

Your vote CAN make a difference!

Please Vote On Tuesday, November 3rd.

The Honolulu City Charter is Honolulu's "constitution," laying out the rules by which our City government operates.

Copies of the revised Charter language are available at the Charter Commission Office as well as the Office of the City Clerk. For further information, please contact the Charter Commission Office at 527-6101.

William C. McCorrison, Chairman
Jensen Hee, Vice Chairman
Gary Slovin, Secretary

Karen Ahn
John Anderson
Anita Benfatti
George Hong

Chester Kunitake
Jim Loomis
Allene Richardson

Roy Tsutsui
William E. Wanket
John Whalen

Annabel Chotzen, Executive Director
Kathleen Sakamoto, Assistant to the Director
John Kawamoto, Research Analyst



CITY CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU

presented here to better understand the ballot on the next page. ★

Instead, the Planning Department report. Partnership for zoning variances would address area variances.

It would be required to review all the General Plan, Development Plans, "in a timely manner."

Authorize the transfer of the authority to from the Zoning Board of Appeals and Utilization.

Wastewater Management be separate of Public works and given de-

Wastewater Management is part of of Public Works.

13. Should the Salary Commission set the salaries of appointed officials; as well as elected officials, subject to Council veto by a super majority vote (7 out of 9 votes) and should the procedures pertaining to the Salary Commission be clarified?

Present:

- Salaries which are set by the Salary Commission are not reviewable by the Council.
- Salary Commission sets the salaries of elected officials only.
- Charter and ordinance procedures relating to the Salary Commission are unclear.

If proposal passes:

- All salaries will be subject to review and rejection by a super majority of the Council.
- Salary Commission would set the salaries of appointed officials in addition to elected official.
- Salary Commission procedures would be clarified.