

REPORT OF THE COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

Voting Members

Andria Tupola, Chair; Carol Fukunaga, Vice-Chair,
Radiant Cordero, Brandon J.C. Elefante, Esther Kia'aina,
Calvin Say, Heidi Tsuneyoshi, Augie Tulba, Tommy Waters

Committee Meeting Held
September 21, 2021

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Chair:

Your Committee on Executive Matters and Legal Affairs, which considered Resolution 21-156 entitled:

"RESOLUTION INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), RELATING TO THE PLANNING COMMISSION,"

introduced on July 8, 2021, which passed First Reading at the Council's meeting of August 11, 2021, reports as follows:

The purpose of Resolution 21-156 is to amend Section 6-1505 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition), to set forth additional qualifications for Planning Commission members, so that members have substantial experience or expertise in varying areas of the land use planning and development process. The Charter does not currently establish any qualifications for Planning Commission members other than the general requirement that members must be duly registered voters of the City.

Dean Uchida, the Director of the Department of Planning and Permitting testified in opposition to Resolution 21-156.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

OCT 06 2021

COMMITTEE REPORT NO.

273

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Your Committee received no verbal public testimony on the Resolution.

Written testimony was received from one individual in support.

Your Committee amended the Resolution to a CD1 version that corrects the reference to Charter Section 6-1005 in paragraph 2 to Section 6-1505, and makes miscellaneous technical and nonsubstantive amendments.

Your Committee on Executive Matters and Legal Affairs is in accord with the intent and purpose of Resolution 21-156, as amended herein, and recommends that it pass Second Reading, be scheduled for a public hearing, and thereafter be referred back to Committee in the form attached hereto as Resolution 21-156, CD1. (Ayes: Cordero, Elefante, Fukunaga, Kia'aina, Say, Tsuneyoshi, Tulba, Tupola, Waters – 9; Noes: None.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON OCT 06 2021

COMMITTEE REPORT NO. 273



RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED, RELATING TO THE PLANNING COMMISSION.

WHEREAS, Section 6-1505 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), establishes a nine-member Planning Commission ("Commission") of the City and County of Honolulu ("City"); and

WHEREAS, the Commission members are appointed by the Mayor and confirmed by the Council to staggered five-year terms pursuant to Charter Section 13-103; and

WHEREAS, Charter Section 6-1506 sets forth the powers, duties, and functions of the Commission; and

WHEREAS, the Charter currently establishes no qualifications for Planning Commission members other than the general requirement of Charter Section 13-103.1(a) that members must be duly registered voters of the City; and

WHEREAS, the proposals that are reviewed by the Planning Commission often involve issues in the areas of land use planning, development, and preservation, and the Council believes that having Commission members with certain levels of knowledge and expertise in these areas would be of great benefit to the Commission in its deliberations; and

WHEREAS, the Council therefore believes that amendments should be made to Charter Section 6-1505 to set forth additional qualifications for at least some Planning Commission members, so that these members would have substantial experience or expertise in varying areas of the land use planning and development process; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the 2022 general election ballot:

"Shall the Revised City Charter be amended to require that the Planning Commission have at least one member with substantial experience or expertise in one of the following categories of disciplines, that each of the categories be represented by a different member, and that all of the categories be represented on the commission:



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- a. Native Hawaiian traditional and customary practices, native Hawaiian law, or traditional Hawaiian land usage;
 - b. Land use planning, policies, and principles;
 - c. Land development and construction; and
 - d. Climate change and sea level rise causes, effects, and solutions; or environmental protection and preservation."
2. That Section 6-1505 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"Section 6-1505. Planning Commission –

There shall be a planning commission [~~which~~] that shall consist of nine members. The commission shall be governed by the provisions of Section 13-103 of this charter. The department of planning and permitting shall provide staff support to assist the commission in carrying out its duties. At least one member of the commission must have substantial experience or expertise in one of the following categories of disciplines, each of the categories must be represented by a different member, and all of the categories must be represented on the commission:

- (a) Native Hawaiian traditional and customary practices, native Hawaiian law, or traditional Hawaiian land usage;
 - (b) Land use planning, policies, and principles;
 - (c) Land development and construction; and
 - (d) Climate change and sea level rise causes, effects, and solutions; or environmental protection and preservation."
3. That Article XVI of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended by adding a new section to be appropriately designated by the Revisor of the Charter and to read as follows:



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"Section 16- . Planning Commission Transition Provisions –

- 1. The 2022 amendments made to Section 6-1505 shall not affect the term of any member of the planning commission who is serving on the effective date of the amendments. Unless vacating the office sooner, each such member shall continue in service on the commission until the expiration of the member's term.**
- 2. If any commission appointee vacates the office, the vacancy shall be filled in accordance with Section 6-1505. The initial appointees following the effective date of the amendments shall fall within at least one of the categories specified in that section until there is a member representing each of the categories."**
- 4. That in Section 2 and Section 3, Charter material to be repealed is bracketed and stricken, and new Charter material is underscored. When revising, compiling, or printing these Charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, the Revisor of the Charter need not include the brackets, the material that has been bracketed and stricken, or the underscoring.**
- 5. That if these Charter provisions are amended by any other Charter amendment approved by the electors in the 2022 general election, the Revisor of the Charter, in revising, compiling, or printing the Charter:**
 - a. May designate or redesignate articles, chapters, sections, or parts of sections, and rearrange references thereto; and**
 - b. Shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved.**

The Revisor of the Charter may also change capitalization or the forms of numbers and monetary sums for the sake of uniformity.

- 6. That upon adoption of this resolution by the Council, the City Clerk is directed:**
 - a. To prepare the necessary ballots with the question contained in this resolution and with spaces for "yes" and "no" votes on the question for presentation to the electors at the 2022 general election. The City Clerk may make technical and nonsubstantive changes to the form of the**



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question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and

- b. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the electors at the 2022 general election.
7. That upon approval of the Charter amendment question posed in this resolution by a majority of the electors voting thereon, as duly certified, the Charter amendments proposed in this resolution take effect on January 1, 2023.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

July 8, 2021
Honolulu, Hawaii

Councilmembers