

To: Charter Commission 11-6-09
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PLEASE VOICE YOUR SUPPORT FOR THE FOLLOWING PROPOSED CHARTER COMMISSION AMENDMENTS: CA-26, CA-25, CA-31, CA-28, CA-19, CA-22, CA-23, CA-30, CA-24.

CA-26 **Pubic Trust Accountability** Memorializes the County's public trust responsibility to ensure that development affecting our Natural Resources is carried out in a manner consistent with principles of protection of these resources for the benefit of current and future generations.

Rationale: In 2006 the Hawaii Supreme Court clarified that the County, and not just the state, has public trust responsibility to care for our natural resources in a manner – not just for the benefit of current generations but also for the benefit of future generations. Bottom line: more far-sighted decision making.

Cost: Provides framework for decision-making but does not directly add to County's costs. Implementing this public trust responsibility (as a way of rethinking how we envision our future as an island community) may involve some cost promoting the value of long range planning and far-sighted integrated planning. In the long run the value of being a more responsible and sustainable island community will far outweigh any costs of encouraging this more farsighted analytical planning framework.

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CA-25 **Community Development Plan: Memorializes CDPs** and the CDP action committees so that in its decision making, the County will take into consideration the community development plans.

Rationale: Recognizes the importance of the CDPs and the action committees, in a manner consistent with what the public was told the purpose was for doing these Plans.

Cost: No additional cost.

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CA-31: **Establishes a Department of Energy and Agriculture:** The new Department of Energy would support a focus on greater energy and food independence.

Rationale: This County has great potential to be more food and energy independent, yet lags way behind in this area. Need to make a strong commitment to these vital sectors of our economy and heritage --to achieve greater prosperity -- environmental, social, and economic prosperity. The more self sufficient we are, the less vulnerable we are to all emergencies and disasters.

Cost: yes but the cost would be small compared to savings and security that would be gained overtime.

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CA-28 **Establishes County Department of Civil Defense:** Recognizes the Civil Defense Agency as a cabinet level position.

Rationale: Recognizes the importance of this division of County Government as we face increasing number and severity of emergencies and disasters.

Cost: There is already a Civil Defense Agency – so no major additional costs.

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THE FOLLOWING PROPOSED AMENDMENT ADDRESSES CURRENT CONFLICT OF INTEREST PROBLEMS IN OUR COUNTY GOVERNMENT

CA:19: **Provides the County Council with the option of establishing a legal office separate from Corporation Counsel** (based on the provisions in the Charter of the City and County of Honolulu):

Rationale: Currently there are conflicts of interest when Corp Counsel represents both the Council and the Administration, and accordingly advice to the Council is, or at least appears to be, compromised. [Note: Corp counsel is appointed by the Mayor and is a member of the Mayor's cabinet.

Cost: Yes there would likely be some additional cost to maintain separate office, however the likely savings of avoiding litigation far surpasses any additional expense in separating the attorneys who handle legal matters for the legislative branch and the executive branch. The set

up costs should be reasonable given that not adding more work or more clients, simply restructuring the legal department in a manner that provides more independent accountability and avoids otherwise unavoidable conflicts of interest.

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THE FOLLOWING PROPOSED AMENDMENT PREVENTS DISENFRANCHISE OF ONE OR MORE COUNCIL MEMBERS AND THEIR CONSTITUENTS: OPEN GOVERNMENT AND ACCOUNTABILITY

CA-20 Codifies that the Council’s Standing Committees are to be composed of all council members --which means all members of the Council are assured of being able to introduce legislation and play a voice their opinion in all of the areas overseen by the various Standing Committees.

Rationale: Otherwise any group that has a majority on the Council could vote to reorganize in order to reduce the number of Council members on committees with the result certain members (and their constituents) would not have a voice in matters before some committees.

Cost: No additional cost.

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THE FOLLOWING PROPOSED AMENDMENTS ALL RELATE TO ENSURING AND INCREASING ON-LINE **NOTIFICATION AND ACCOUNTABILITY TO THE PUBLIC:**

CA-22 Notice of County Council meetings must be filed and made available to the public at least 6 days prior to the Council meeting, and that notice must include posting on the **County’s website** prior to the end of the business day.

Rationale: Ensure that the public will have notice of the agenda at least 6 days before the Council meeting, including by posting on the Council’s website.

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CA-23 **Online Notice** to the Public: This proposal would generally amend the Charter so that in each instance public notice is required by publication in a newspaper, that notice is also made

available to the public via electronic medium – on the internet.

Rationale: The method of notifying the public needs to keep pace with today's technology. As this nation's Chief Information Officer recently explained: "Public data" means online data in real time.

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CA-30: **Requires all Boards and Commissions to maintain a public information website** with agendas, minutes, summaries of decisions, and biographical information about the members.

Rationale: Provides accountability to the public in a manner that is technologically up to date. On-line accountability is particularly important because the government on our island is one large single County – no towns no villages.

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CA-33: Notice of Meetings Requires that notices of council, commission, and board meetings be **posted on-line** at the appropriate council, board, or commission **webpage**.

Rationale: same rationale as stated for CA-23

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CA-24: Selection of members of Boards and Commissions. Increases the role of the Council member in the selection of members from their District to be on County boards and commissions. And the **County shall maintain a website for each board and commission, which website shall include the qualifications and criteria for selection members.**

Rationale: Allows for more participation by the Councilmember from the District—rather than this function being solely in the hands of the Mayor.

Cost of any of the above notice to the public related amendments nominal.