2016 Charter Amendments

Your Vote Counts!
Please vote on November 8, 2016
Amending the Honolulu City Charter

The City Charter is Honolulu’s “Constitution.” It establishes the principles by which our city government operates. The Charter requires that the mayor and the City Council appoint a commission every ten years to review the Charter and submit proposed changes to the voters. The 2015-2016 Charter Commission reviewed 154 proposals.

Through deliberations at its public meetings, the Commission reduced the final number to 20. During its deliberations, members considered these four important principles:

(1) Will it increase transparency, fairness and ethical behavior?
(2) Will it increase public confidence in government?
(3) Will it improve efficiency and the delivery of government services?
(4) Does it address the future needs of the community?

Vote on the Proposed Changes to Our City Charter

The members of the Charter Commission urge you to participate in determining the future of our city by voting on the proposed Charter amendments in the General Election on November 8, 2016. This brochure provides a brief description of each proposed Charter amendment.

For a complete description of the proposed amendments and how the changes would be written into the Charter, please visit the Charter Commission website: www.honoluluchartercommission.org

To prepare for Election Day, please review the descriptions of the amendments and decide whether you would vote “Yes” or “No” on each proposal. There is a worksheet at the end of the brochure to help you remember how you would like to vote on each amendment.

2015-2016 Charter Commission Members

David W. Rae, Chair
Kevin Mulligan, Vice Chair

Judge Michael F. Broderick (Ret.)
Reginald V. Castanares, Jr.
Guy K. Fujimura
Donna Ikeda
Nathan T. Okubo
Paul T. Oshiro
Cheryl D. Soon

Jessie K. Souki
(resigned, November 10, 2015)
Edlyn S. Taniguchi
R. Brian Tsujimura
Governor John D. Waihee III
Pamela Witty-Oakland
(appointed, November 20, 2015)
2016 Charter Amendment Questions

Charter Amendment 1

Question: Should the Police Commission have greater authority to suspend or dismiss the chief of police and have additional powers to investigate complaints concerning officer misconduct, and should the chief of police be required to submit a written explanation for his or her disagreement with the Commission?

☐ YES    ☐ NO

Present Situation:
The chief of police can only be removed for continuous maladministration after being given a reasonable period to correct the maladministration. The Police Commission does not have the authority to subpoena witnesses or require the production of evidence relevant to a Police Commission investigation. The chief of police is not required to respond to the Police Commission concerning the Commission’s recommendations regarding officer misconduct.

If Proposal Passes:
The Police Commission could remove or suspend the chief of police before the end of the chief’s five-year appointment for any reason, including behavior inconsistent with the interests of the public or the city. The Police Commission would be able to subpoena witnesses and require the production of evidence pertinent to a Police Commission investigation. The chief of police would be required to provide in writing the reasons for any disagreement with a Police Commission recommendation.

Charter Amendment 2

Question: Should the Ethics Commission set the salaries of the Ethics Commission’s executive director and staff attorneys within specified limits?

☐ YES    ☐ NO

Present Situation:
The Ethics Commission sets the executive director’s salary but not those of the Commission’s staff attorneys.

If Proposal Passes:
The Ethics Commission would have the authority to set the salaries of its executive director and staff attorneys. The salary of the executive director would not exceed the salary of the first deputy corporation counsel and the salary of any other staff attorney would not exceed the salary of the executive director.
Charter Amendment 3

Question: Should the Department of the Prosecuting Attorney control its budget after it is approved by the City Council?

[ ] YES  [ ] NO

Present Situation:
The executive branch can withhold funds from the Department of the Prosecuting Attorney after the department’s budget has been approved by the City Council.

If Proposal Passes:
The executive branch would not be able to withhold funding that has been approved by the City Council for the operation of the Department of the Prosecuting Attorney.

Charter Amendment 4

Question: Should a unified multi-modal transportation system be created by:

1) Forming a Rate Commission to annually review and recommend adjustments to bus and paratransit fares, rail fares and parking fees;

2) Placing operations and maintenance responsibilities for bus, paratransit and rail solely in the Department of Transportation Services and providing for the transfer of positions and legal rights and obligations relating to rail operations and maintenance from the Honolulu Authority for Rapid Transportation (HART) to the Department of Transportation Services effective July 1, 2017; and

3) Clarifying the responsibility of the HART Board to establish policies, rules, and regulations regarding the development of the rail system, the internal management and organization of HART, and the allocation of decision-making authority between the Board and the agency’s executive director and staff, and amending the responsibilities of the HART Board to include determining the policies for approval of certain agreements with the federal, public or private entities?

[ ] YES  [ ] NO

Present Situation:
The Charter currently assigns fare setting for bus and paratransit to the Transportation Commission, with final approval by the City Council, and the setting of rail fares to HART. There is no advisory review board dedicated to the regular review of fares and rates. The Charter assigns operations and maintenance (O&M) of bus and paratransit to DTS and rail to HART. The Charter states the HART Board is not to interfere in the administrative affairs of HART.

If Proposal Passes:
The operations and maintenance (O&M) of the city-owned multi-modal transportation system would be unified under the director of transportation
services. All O&M contracts and O&M personnel at the Honolulu Authority for Rapid Transportation (HART) would be transferred to the Department of Transportation Services effective July 1, 2017. The Department of Transportation Services would become solely responsible for the integration and coordination of public transportation services. The mayor and the City Council would appoint the members of a Rate Commission, and the Commission would review and recommend, at least annually, adjustments to fares, rates, and tariffs. The authority of the HART Board to establish policies, rules, and regulations regarding the development of the rail system, the internal management and organization of HART, and the allocation of decision-making authority between the Board and administrative staff would be clarified. Also, the responsibilities of the HART Board would be amended to include determining the policies for approval of certain agreements with the federal, public or private entities.

**Charter Amendment 5**

**Question:** Should the Affordable Housing Fund be used to develop rental housing for persons earning 60 percent or less of the median household income, provided that the housing remains affordable for at least 60 years?

☐ YES ☐ NO

**Present Situation:**
The current income limits for residents of Affordable Housing Fund-assisted dwellings is less than 50 percent of the median household income, which is more restrictive than affordable housing requirements of other government entities. In addition, any Affordable Housing Fund-assisted dwellings must remain affordable in perpetuity.

**If Proposal Passes:**
The permissive uses of funds from the Affordable Housing Fund would be limited to rental housing, but expanded to provide affordable rental housing for persons earning 60 percent or less of the median household income of the city. This would align the Affordable Housing Fund’s income restrictions with those used by other government entities. The authority to use the Affordable Housing Fund for affordable rental units in mixed-income projects would also be clarified. Housing funded in this manner would be required to remain affordable for at least sixty years rather than in perpetuity.
Charter Amendment 6

Question: Should departments responsible for the city’s infrastructure needs be required to prepare long-term plans?

[ ] YES  [ ] NO

Present Situation:
The departments of Environmental Services, Parks and Recreation, Facility Maintenance, and Transportation Services use different methods to choose projects for their capital improvement plans and budgets. The departments do not have overall master plans for energy efficiency in city buildings, for parks and recreation, or for energy conservation and emissions reduction in transportation. Wastewater capital budgets and projects relating to improvements to the wastewater collection and treatment systems are selected to conform to the requirements of the federal consent decree and solid waste has to establish and abide by a state-defined integrated solid waste management plan.

If Proposal Passes:
The required plans would help identify needs over the long term, including the need to replace and upgrade aging infrastructure now in place and to build new infrastructure in growing areas. Further, priorities and expenditures would be guided by these plans, which would be updated every five years. The provision would require the departments responsible for critical infrastructure needs of the City to address state and federal requirements in their master planning.

Charter Amendment 7

Question: Should the city use its powers to serve the people in a sustainable and transparent manner and to promote stewardship of natural resources for present and future generations, and should the city create an Office of Climate Change, Sustainability and Resiliency?

[ ] YES  [ ] NO

Present Situation:
The Charter does not mandate the use of city powers to promote sustainability, stewardship of natural resources and transparency and does not establish an Office of Climate Change, Sustainability and Resiliency.

If Proposal Passes:
Sustainability, transparency, and natural resource stewardship would be principles of city governance. An Office of Climate Change, Sustainability and Resiliency would be created as a central point for gathering information and working with others on issues related to climate change, resiliency and sustainability.
Charter Amendment 8

Question: Should a new Department of Land Management responsible for the protection, development, and management of city lands be established?

[ ] YES  [ ] NO

Present Situation:
There is no single department responsible for management of real property owned by the city or for real property transactions. Instead, these functions are dispersed among various departments.

If Proposal Passes:
The Department of Land Management would manage real property and negotiate real property transactions on behalf of the city. As part of its responsibilities, this department would identify the public interest served by real property transactions involving existing city lands and would report to the city council, which would have final approval authority.

Charter Amendment 9

Question: Should a Honolulu Zoo Fund be established and funded by a minimum of one-half of one percent of estimated annual real property taxes to pay for Honolulu Zoo expenses to assist the Honolulu Zoo in regaining its accreditation by the Association of Zoos and Aquariums?

[ ] YES  [ ] NO

Present Situation:
The Honolulu Zoo lost its accreditation by the Association of Zoos and Aquariums, in part, because the city does not have a consistent source of funding to pay for Honolulu Zoo expenses. The Honolulu Zoo is currently working to regain its Association of Zoos and Aquariums accreditation.

If Proposal Passes:
Beginning July 1, 2017, a minimum of one-half of one percent of estimated annual real property tax revenues would be deposited every year in the Honolulu Zoo Fund to pay for Honolulu Zoo expenses, provided that the Fund would be automatically repealed on July 1, 2023, if the Honolulu Zoo does not regain its Association of Zoos and Aquariums accreditation.
Charter Amendment 10

Question: Should the mayor's executive powers and the City Council's legislative powers only be subject to exceptions specifically provided in the Charter and should the mayor and the City Council be given concurrent authority to establish funds when no appropriate funds of the same type exist and to propose amendments to the annual executive budget?

☐ YES ☐ NO

Present Situation:
The exceptions to the executive powers of the mayor and the legislative powers of the City Council, the authority of the City Council to amend the annual executive budget, and the authority of the mayor (with approval of City Council) to establish funds have been questioned.

If Proposal Passes:
The exceptions to the executive powers of the mayor and the legislative powers of the City Council must be specifically provided in the Charter. The mayor (with approval of City Council) and City Council would have concurrent authority to propose amendments to the annual executive budget and concurrent authority to establish funds when no appropriate funds of the same type exist.

Charter Amendment 11

Question: Should an approval process and an advisory commission for Clean Water Natural Lands Fund projects be established in the Charter?

☐ YES ☐ NO

Present Situation:
An advisory commission and the approval process for expenditures from the Clean Water and Natural Lands Fund are not established in the Charter.

If Proposal Passes:
This proposal would establish an advisory commission and the review and approval procedures with respect to the Clean Water Natural Lands Fund.

Charter Amendment 12

Question: Should all boards and commissions, except for the Board of Water Supply, the board for the Honolulu Authority for Rapid Transportation (HART) and any board or commission mandated by state or federal law, be reviewed periodically to determine whether they should be retained, amended or repealed?

☐ YES ☐ NO
Present Situation:  
Boards and commissions are not evaluated to determine if they are fulfilling their purpose to serve a public interest or goal.

If Proposal Passes:  
The City Council would periodically evaluate all boards and commissions, except the Board of Water Supply, the board for the Honolulu Authority for Rapid Transportation (HART) and those boards and commissions mandated by state or federal law, to determine whether they should be retained, amended or repealed.

Charter Amendment 13

Question: Should the Grants in Aid Fund be the sole source (with certain designated exceptions) for city-funded grants to federal income tax-exempt nonprofit organizations that provide services to economically and/or socially disadvantaged populations or that provide services for the public benefit in the areas of the arts, culture, economic development or the environment?

[ ] YES  [ ] NO

Present Situation:  
City-funded grants to nonprofit organizations are awarded by city departments and agencies through their own review processes. The City Council awards city-funded grants to nonprofit organizations for specific purposes, separate from the Grants in Aid Fund. Grants awarded by the City Council from the Grants in Aid Fund are specifically limited to federal income tax-exempt nonprofit organizations that provide services limited to economically and/or socially disadvantaged populations or that provide services for the public benefit in the areas of the arts, culture, economic development or the environment.

If Proposal Passes:  
With certain exceptions, the Grants in Aid Fund would be the sole source of city-funded grants. These grants may be awarded only to federal income tax-exempt nonprofit organizations providing services to economically and/or socially disadvantaged populations or for the public benefit in the areas of the arts, culture, economic development or the environment. The Grants in Aid Advisory Commission would provide recommendations based on these limitations and the City Council would continue to determine which organizations would receive such grants and the amounts of the grants.
Charter Amendment 14

Question: Should the deadline to hold a special election to replace the mayor, prosecutor or councilmembers be extended from 60 to 120 days, and should the City Council be able to appoint a temporary member until a special election is held?

[ ] YES  [ ] NO

Present Situation:
The time provided for special elections by the Charter is insufficient to meet the requirements of state law. When a councilmember leaves office midterm, there is no provision for appointing a temporary replacement.

If Proposal Passes:
The scheduling of city special elections would be in compliance with state law, and the City Council would be able to appoint a temporary replacement councilmember when the vacancy is for an unexpired term of one year or more. If the City Council does not name a successor within 30 days of the vacancy, the mayor would make the appointment.

Charter Amendment 15

Question: Should the term limit for the prosecuting attorney, the mayor and the councilmembers be three consecutive four-year terms?

[ ] YES  [ ] NO

Present Situation:
The mayor and the councilmembers are limited to two consecutive four-year terms and there are no term limits for the prosecuting attorney.

If Proposal Passes:
This proposed amendment would establish uniform term limits of three consecutive four-year terms for the prosecuting attorney, the mayor, and the councilmembers. Current office holders serving a four-year term (first term) and running for re-election in 2016, if re-elected in 2016 (second term), would be eligible for one more four-year term in 2020 (third term). New office holders, and any persons filling out the remainder of someone else's four-year term, if elected in 2016 (first term) would be eligible for two more terms in 2020 (second term) and 2024 (third term). Current office holders serving a four-year term (first term) but not running for re-election until 2018, if re-elected in 2018 (first term) would be eligible for one more four-year term in 2022 (third term).

Charter Amendment 16

Question: Should certain city departments be responsible for their own program planning and small infrastructure design and construction projects, and should
the powers, functions, and duties of the Department of Environmental Services be updated and expanded to emphasize resource recovery and include the planning, engineering, design, and construction of all of its projects?

[ ] YES  [ ] NO

Present Situation:
All city design and construction projects are currently the responsibility of the Department of Design and Construction (DDC), regardless of size. This broad responsibility requires DDC to use its limited resources to work on small construction projects that could be done by the departments responsible for the infrastructure. The charter authority for planning, engineering, design and construction of the Department of Environmental Services projects resides with DDC.

If Proposal Passes:
- DDC would direct its resources to major projects, while the departments of Enterprise Services, Environmental Services, Facility Maintenance, Transportation Services, Information Technology, and Parks and Recreation would be responsible for their own program planning and infrastructure projects of limited size and complexity and would not be dependent upon DDC for such work.
- The powers, duties, and functions of the Department of Environmental Services (ENV) would be further updated and expanded, to emphasize resource recovery, include the planning, engineering, design, construction and improvement of all of the ENV’s wastewater and solid waste systems projects, and incorporate other provisions that more completely reflect the department’s current activities.

Charter Amendment 17

Question: Should the mayor have the authority to delegate the signing of documents to certain other city officers?

[ ] YES  [ ] NO

Present Situation:
The mayor signs a significant number of documents that require execution by the city, as required by the Charter. Many of these documents are recurring or involve business decisions that relate to routine or ordinary city operations.

If Proposal Passes:
The mayor would have the authority to designate the managing director and deputy managing director to sign instruments requiring execution by the city. The mayor would also have the authority to designate the administrative head of an executive department or office to sign instruments requiring execution by the city that affect the administrative head’s respective department or office.
Charter Amendment 18

Question: Should the Fire Commission be expanded from five to seven members, and should the fire chief’s powers, duties and functions be updated to reflect current services?

☐ YES    ☐ NO

Present Situation:
The current situation includes five members on the Fire Commission. The powers, duties and functions of the fire chief include fire fighting and rescue work, responding to emergencies in hazardous terrain and on the sea, providing emergency medical care, maintaining and supervising a force of firefighting personnel, monitoring the construction and occupancy standards of buildings for the purposes of fire prevention, and providing educational programs related to fire prevention.

If Proposal Passes:
The number of members on the Fire Commission would increase to seven members and the powers, duties and functions of the fire chief would be expanded by adding new services, including education programs for life safety, and investigation of fires and explosions for cause and origin, as well as adding personnel for emergency response, reviewing construction plans and inspecting buildings to prevent fires.

Charter Amendment 19

Question: Should the requirement be repealed that no more than five of the City Council Reapportionment Commission’s nine members be from the same political party?

☐ YES    ☐ NO

Present Situation:
The current situation determines the boundaries of each City Council district. The City Charter limits the number of members of the Commission to no more than five members from the same political party.

If Proposal Passes:
Appointments to the City Council Reapportionment Commission would be made without limits based on party affiliation.

Charter Amendment 20

Question: Should the Charter be amended for housekeeping amendments (i) to conform to current functions and operation, (ii) to conform to legal requirements, (iii) to correct an inadvertent omission, and (iv) for clarity?
(a) Require the books and records of all city departments be open to public inspection;

(b) Require the Department of the Corporation Counsel to update the Charter by July 1 of the year after the election at which Charter amendments proposed by the Charter Commission are approved by the electorate;

(c) Require the Charter Commission to submit amendments to the Office of the City Clerk five working days before the deadline for ballot questions to be submitted to the state Chief Election Officer;

(d) Require that all written contracts of the Board of Water Supply and the Honolulu Authority for Rapid Transportation be approved by the Department of Corporation Counsel for form and legality; and

(e) Require that the city centralized purchasing practices conform to the state procurement code.

☐ YES  ☐ NO

Present Situation:
(a) The Charter excludes records of the Honolulu Police Department and the Department of the Prosecuting Attorney from public inspection, although state law requires open records;

(b) The Department of the Corporation Counsel does not have a time requirement to prepare updated editions to the Charter;

(c) The Charter Commission is required to submit amendments to the Office of the City Clerk any time before September 1 of the year when amendments will be placed on the ballot;

(d) The Board of Water Supply and the Honolulu Authority for Rapid Transportation are not required to obtain approval on written contracts from the Department of the Corporation Counsel with regard to form and legality; and

(e) Certain Charter provisions do not conform to state procurement code.

If Proposal Passes:
(a) The Charter would be amended to permit the public inspection of city books and records, including those of the Honolulu Police Department and the Department of the Prosecuting Attorney and be consistent with state law;

(b) An updated edition of the Charter would be published by July 1 of the year after the election at which proposed amendments approved by the Charter Commission, are approved by the electorate;

(c) The Charter Commission would submit the proposed Charter amendments to the Office of the City Clerk five working days before the state deadline;

(d) The Board of Water Supply and the Honolulu Authority for Rapid Transportation would be required to obtain approval from the Department of the Corporation Counsel on all written contracts, with regard to form and legality;

(e) The Charter would require the city to follow the state procurement code.
On behalf of the Charter Commission, mahalo for reviewing the 20 proposed Charter amendments for 2016. As you make your decisions, please clip the following five pages and bring them with you to the polls on November 8, 2016. To download additional copies of the charter questions to share with family or friends, please visit our website: www.honoluluchartercommission.org.

1. Should the Police Commission have greater authority to suspend or dismiss the chief of police and have additional powers to investigate complaints concerning officer misconduct, and should the chief of police be required to submit a written explanation for his or her disagreement with the Commission?
   - YES
   - NO

2. Should the Ethics Commission set the salaries of the Ethics Commission’s executive director and staff attorneys within specified limits?
   - YES
   - NO

3. Should the Department of the Prosecuting Attorney control its budget after it is approved by the City Council?
   - YES
   - NO
Should a unified multi-modal transportation system be created by:

1) Forming a Rate Commission to annually review and recommend adjustments to bus and paratransit fares, rail fares and parking fees;

2) Placing operations and maintenance responsibilities for bus, paratransit and rail solely in the Department of Transportation Services and providing for the transfer of positions and legal rights and obligations relating to rail operations and maintenance from the Honolulu Authority for Rapid Transportation (HART) to the Department of Transportation Services effective July 1, 2017; and

3) Clarifying the responsibility of the HART Board to establish policies, rules, and regulations regarding the development of the rail system, the internal management and organization of HART, and the allocation of decision-making authority between the Board and the agency’s executive director and staff, and amending the responsibilities of the HART Board to include determining the policies for approval of certain agreements with the federal, public or private entities?

☐ YES  ☐ NO

Should the Affordable Housing Fund be used to develop rental housing for persons earning 60 percent or less of the median household income, provided that the housing remains affordable for at least 60 years?

☐ YES  ☐ NO

Should departments responsible for the city’s infrastructure needs be required to prepare long-term plans?

☐ YES  ☐ NO

Should the city use its powers to serve the people in a sustainable and transparent manner and to promote stewardship of natural resources for present and future generations, and should the city create an Office of Climate Change, Sustainability and Resiliency?

☐ YES  ☐ NO
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☐ YES ☐ NO

19 Should the requirement be repealed that no more than five of the City Council Reapportionment Commission’s nine members be from the same political party?

☐ YES ☐ NO

20 Should the Charter be amended for housekeeping amendments (i) to conform to current functions and operation, (ii) to conform to legal requirements, (iii) to correct an inadvertent omission, and (iv) for clarity?

(a) Require the books and records of all city departments be open to public inspection;

(b) Require the Department of the Corporation Counsel to update the Charter by July 1 of the year after the election at which Charter amendments proposed by the Charter Commission are approved by the electorate;

(c) Require the Charter Commission to submit amendments to the Office of the City Clerk five working days before the deadline for ballot questions to be submitted to the state Chief Election Officer;

(d) Require that all written contracts of the Board of Water Supply and the Honolulu Authority for Rapid Transportation be approved by the Department of Corporation Counsel for form and legality; and

(e) Require that the city centralized purchasing practices conform to the state procurement code.

☐ YES ☐ NO

Mahalo for helping to shape the future of Honolulu!
Translated materials are available in Japanese, Chinese and Ilocano. Please contact the Charter Commission for more information.

Charter Commission
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www.honoluluchartercommission.org

Dagiti materiales ket maala iti Insik, Hapon, wenno Ilocano.
Makilangen iti Komision ti Karta.
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Prepared by the 2015-2016 Honolulu Charter Commission.
Paid for by the taxpayers of the City and County of Honolulu.
Your Vote Counts!

Please vote on November 8, 2016