

July 20, 2017

Dear Chair Menor and Members of the Executive Matters and Legal Affairs Committee, Item. 3  
BILL 50 (2017), CD1

I am Bryan Mick, formerly of the Neighborhood Commission Office (NCO), writing in my personal capacity. I am writing in opposition to Bill 50, mostly due to legal and operational concerns that I have.

As written, Bill 50 schedules the Neighborhood Commission for review in 2018 but does not schedule the 33 neighborhood boards for review. That would seem to run contrary to the original proposal submitted to the Charter Commission (proposal 40) and the actual charter amendment approved by the voters. Proposal 40 is online at <http://honoluluchartercommission.org/images/proposals/Proposal040-BOARDS-AND-COMMISSIONS-Rick-Tsujimura-Charter-Commissioner.pdf> and separately lists the Neighborhood Commission (§14-102) and the Neighborhood Boards (Article XIV) as subject to the proposal. The approved ballot question was '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mandated by state or federal law, be reviewed periodically to determine whether they should be retained, amended or repealed.' I do not see how neighborhood boards qualify under any of those exceptions, nor under the additional exemption contained in Bill 50 for periodic commissions. While personally I thought the ballot question should have explicitly exempted neighborhood boards and the Neighborhood Commission, it did not and therefore I would contend both must be included in Bill 50. I would encourage the Council to place on the 2018 ballot an amendment that would specifically exempt the neighborhood boards and the Neighborhood Commission from the periodic review.

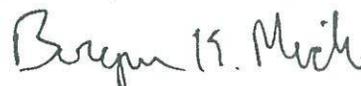
My second concern is more of an operational concern than a legal one. The Neighborhood Commission has several roles, including ruling on any official complaints filed against boards or board members, deciding on appropriate sanctions if the complaint is upheld, approving petitions to change existing board boundaries or names, approving petitions to dissolve existing boards, approving petitions to form new boards, and approving the administrative rules which govern the board system and set policy (The Neighborhood Plan). If the Commission is abolished but the boards remain, these functions must be assumed by another entity, likely the NCO or the City Council. I see both those options as problematic. Therefore, if Corporation Counsel (COR) advises that Council may exclude any board or commission it desires, I would urge you to also exclude the Neighborhood Commission from Bill 50 like you have the neighborhood boards.

It is worth noting that the Neighborhood Commission is the only board or commission whose primary function is to oversee other boards/commissions.

I would also note that if either of my suggestions were to become adopted, Council would still have the ability to review the neighborhood board system anytime it wishes, much like it did with the 2006 audit. My suggestions would simply prevent it from automatically being reviewed every five years, which is a rather short interval in my opinion.

To summarize, I would urge that the Neighborhood Commission be excluded from Bill 50 like the neighborhood boards currently are, but if COR advises that the Neighborhood Commission and the neighborhood boards must be included, then I suggest the Council initiate a ballot question in 2018 that would exempt both.

Mahalo,



Bryan K. Mick

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