



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

Voting Members:

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

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING
TUESDAY, APRIL 19, 2022

CITY COUNCIL CHAMBER
3RD FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: A copy of a DVD of the full proceedings of this meeting may be requested by calling the City Clerk's Office at (808) 768-5822 or the video may be viewed at https://honolulu.granicus.com/player/clip/1839?view_id=3&redirect=true.

The time references below indicate the point in the video recording when the stated actions began.

CALL TO ORDER

The regular meeting of the Committee on Executive Matters and Legal Affairs was called to order by Committee Chair Andria Tupola at 1:02 p.m. Councilmembers Cordero, Elefante, Fukunaga, Kia'āina, Say and Council Chair Waters were present at the meeting. Councilmember Tsuneyoshi was excused from the meeting. (All Councilmembers are voting members.)

[1:03 p.m.]

Councilmember Tulba (voting member) entered the Council Chamber.

REMOTE AND IN-PERSON TESTIMONY

[1:05 p.m.]

Committee Chair Tupola proceeded with remote testimony via videoconference or phone.

[1:14 p.m.]

Committee Chair Tupola closed remote testimony.

[1:14 p.m.]

Committee Chair Tupola proceeded with in-person testimony in the Council Chamber.

There being no testifiers, the Committee Chair closed in-person testimony.

ORDER OF BUSINESS

FOR ACTION

[1:14 p.m.]

1. BILL 11 (2022) – COMMITTEE REPORT 90

PILI I KA MAHINA ‘ŌLELO HAWAI’I. Designating the month of February as “Mahina ‘Ōlelo Hawai’i” (Hawaiian Language Month) to celebrate and encourage the use of the Hawaiian language.

[1:17 p.m.]

Bill 11 (2022) reported out for passage on third reading.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA‘ĀINA, SAY, TULBA,
TUPOLA, WATERS – 8.
NOES: None.
EXCUSED: TSUNEYOSHI – 1.

[1:17 p.m.]

2. RESOLUTION 22-46 – COMMITTEE REPORT 92

CHARTER AMENDMENT TO ESTABLISH AN OFFICE OF LEGISLATIVE COUNSEL. Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, to establish an Office of Legislative Counsel within the Legislative Branch.

[1:31 p.m.]

Resolution 22-46 reported out for passage on second reading and scheduling of a public hearing.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS – 8.
NOES: None.
EXCUSED: TSUNEYOSHI – 1.

[1:31 p.m.]

3. RESOLUTION 22-29 – COMMITTEE REPORT 91

CHARTER AMENDMENT RELATING TO THE POLICE COMMISSION AND ITS MEMBERSHIP. Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, and placing a question on the 2022 General Election ballot, relating to the Honolulu Police Commission and its membership.

[1:53 p.m.]

Resolution 22-29 reported out for passage on second reading and scheduling of a public hearing.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS – 8.
NOES: None.
EXCUSED: TSUNEYOSHI – 1.

[1:53 p.m.]

4. REVIEW AND EVALUATION OF THE CLEAN WATER AND NATURAL LANDS ADVISORY COMMISSION PURSUANT TO ORDINANCE 17-44. The Committee will review and evaluate the Clean Water and Natural Lands Advisory Commission and make recommendations to the Council on whether the Charter provisions establishing the Clean Water and Natural Lands Advisory Commission should be retained, amended, or repealed.

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[2:00 p.m.]

Councilmember Kia'āina exited and entered the Council Chamber.

[2:06 p.m.]

Action on the matter postponed to the May 24, 2022 Committee on Executive Matters and Legal Affairs meeting.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS – 8.

NOES: None.

EXCUSED: TSUNEYOSHI – 1.

[2:06 p.m.]

5. RESOLUTION 22-79 – COMMITTEE REPORT 93

CHARTER AMENDMENT RELATING TO CITY FUNDS. Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, relating to City funds (Clean Water and Natural Lands Fund and Affordable Housing Fund).

[2:17 p.m.]

Resolution 22-79 amended to CD1 (OCS2022-0349/4/20/2022 3:54 PM) and reported out for passage on second reading and scheduling of a public hearing.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS – 8.

NOES: None.

EXCUSED: TSUNEYOSHI – 1.

[2:17 p.m.]

Councilmember Elefante exited the Council Chamber.

EXECUTIVE SESSION

Before convening into Executive Session, Committee Chair Tupola announced that oral testimony was taken at the beginning of the meeting and no one offered testimony on Executive Session items 6 through 8.

At 2:20 p.m., with no objections from the seven members present (Cordero, Fukunaga, Kia'aina, Say, Tulba, Tupola, Waters), the Committee resolved into a closed meeting pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), to consult with the attorneys for the Council's Committee on Executive Matters and Legal Affairs on questions and issues pertaining to claims and other matters on the Council's powers, duties, privileges, immunities and/or liabilities.

MEETING RESUMED IN OPEN SESSION

At 2:35 p.m., with eight members present (Cordero, Elefante, Fukunaga, Kia'aina, Say, Tulba, Tupola, Waters), the Committee resumed the meeting in open session.

[2:35 p.m.]

6. COMMITTEE REPORT 95

Request for authorization to settle a claim by Coastal Construction Company, Inc., against the City and County of Honolulu.

Committee Report 95 reported out to be settled.

AYES: CORDERO*, ELEFANTE, FUKUNAGA, KIA'AINA, SAY, TULBA,
WATERS – 7.

NOES: TUPOLA – 1.

EXCUSED: TSUNEYOSHI – 1.

*Councilmember Cordero voted aye with reservations.

Note: Before adjourning the meeting, Committee Chair Tupola was asked to clarify the motion and vote because it was not stated clearly. (See page 7)

[2:36 p.m.]

7. COMMITTEE REPORT 96

Request for authorization to settle a case against the City and County of Honolulu entitled Mary Ann L. Trout v. City and County of Honolulu, et al., Civil No. 18-1-0957-06 KKH (Cir. Ct.)

Committee Report 96 reported out for adoption.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS – 8.
NOES: None.
EXCUSED: TSUNEYOSHI – 1.

[2:37 p.m.]

8. RESOLUTION 22-106 – COMMITTEE REPORT 94

Resolution to retain the legal services of McCorriston Miller Mukai MacKinnon LLP as Special Counsel to represent Defendant Sheryl Sunia in a legal action entitled Royne J. Dural II v. City and County of Honolulu, et al., Civil No. CV-21-00461 (USDC) and all related matters, including but not limited to Golden “Corina” Silva and Taishay Dural v. City and County of Honolulu, et al., Civil No. 1CCV21-0001590 (Cir. Ct.)

Resolution 22-106 reported out for adoption.

AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS – 8.
NOES: None.
EXCUSED: TSUNEYOSHI – 1.

[2:37 p.m.]

At this juncture, Committee Chair Tupola returned to Item No. 6 to clarify the motion and the vote.

6. COMMITTEE REPORT 95

Request for authorization to settle a claim by Coastal Construction Company, Inc., against the City and County of Honolulu.

The motion to settle the claim was carried by a majority of the vote.

Committee Report 95 reported out for adoption.

AYES: CORDERO*, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA,
WATERS – 7.

NOES: TUPOLA – 1.

EXCUSED: TSUNEYOSHI – 1.

*Councilmember Cordero voted aye with reservations.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:38 p.m.