



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

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
TUESDAY, JULY 26, 2022
1:00 P.M.

PUBLIC PARTICIPATION AND TESTIMONY

Pursuant to Act 220, Session Laws of Hawaii 2021, in order to allow public participation in a manner consistent with safe COVID-19 practices, this meeting will be conducted as a remote meeting by interactive conference technology, with the following procedures in effect for the meeting:

VIEWING THE MEETING

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulucitycouncil.org/meetings> or [olelo.org](https://www.olelo.org); (2) by televised live broadcast on 'Ōlelo TV Channel 54; and (3) on the monitor situated outside the Council Chamber. Viewers who experience a loss of viewing signal should try switching to another viewing option.

After the meeting, the meeting will be viewable on demand at <https://www.honolulucitycouncil.org/meetings>. Copies of older meeting videos may be requested by calling the City Clerk's Office at (808) 768-5822, charges may apply.

Some Councilmembers and presenters may be participating in the meeting by interactive conference technology from remote locations.

ORAL TESTIMONY

Oral testimony will be permitted on all items on the agenda, subject to the following restrictions:

Each speaker may not have anyone else read their statement and is limited to a one-minute presentation.

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Remote Testimony

1. Persons may submit oral testimony remotely through the Zoom video conferencing platform. To participate, persons should visit <https://hnldoc.ehawaii.gov/hnldoc/testimony>. Videoconference access information will be provided upon submission of testimony/registration. Zoom testifiers are strongly encouraged to register at least 24 hours before the start of the meeting.
2. To submit oral testimony by phone only, please contact the Council Information Section at (808) 768-5822 to register and obtain telephone access information.

In-Person Testimony in the Council Chamber

Persons may also submit oral testimony in the Council Chamber.

Persons wishing to testify are requested to register by 1:00 p.m. by filling out the registration form in person outside the Council Chamber. Persons who have not registered will be given an opportunity to speak following the oral testimonies of the registered speakers.

Members of the public entering the Council Chamber are requested to spread themselves out. If the Chamber becomes crowded, members of the public may be requested to wait outside the Chamber until called to testify.

Oral testimony, both remote and in-person, on each agenda item will be allowed when the item is taken up, in the following order:

1. **Remote testimony;**
2. **In-person testimony in the Council Chamber.**

WRITTEN TESTIMONY

Written testimony may be uploaded via the internet at <https://hnldoc.ehawaii.gov/hnldoc/testimony>, or mailed to Office of the City Clerk, Attention: Information Section, 530 South King Street, Room 100, Honolulu, HI 96813. If submitted, written testimonies, including the testifier's address, e-mail address, and phone number, will be available to the public at <https://hnldoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-3825 or send an email to potto1@honolulu.gov.

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MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at <https://hnlidoc.ehawaii.gov/hnlidoc/browse/agendas> by clicking on the appropriate Committee meeting.

Accommodations are available upon request to persons with disabilities. Please call (808) 768-3825 or send an email to potto1@honolulu.gov at least three working days prior to the meeting.

FOR ACTION

1. **RESOLUTION 22-153 – REAPPOINTMENT OF DAVID B. MONK TO THE ETHICS COMMISSION.** Confirming the reappointment of Mr. David B. Monk to serve on the Ethics Commission of the City and County of Honolulu for a term expiring on December 31, 2026. (Transmitted by Communication MM-101; Public hearing held 7/6/22)
2. **RESOLUTION 22-168 – RECORDS RETENTION SCHEDULE FOR THE LIQUOR COMMISSION.** Authorizing the adoption of the agency-specific records retention schedule for the Honolulu Liquor Commission to allow the Commission to destroy the records on the retention schedule at the end of the stated retention periods. (Transmitted by Communication D-529)
3. **BILL 25 (2022) – RELATING TO THE NOTARY REQUIREMENT FOR LOBBYIST FILINGS.** Removing the notary requirement for lobbyist filings with the Honolulu Ethics Commission. (Transmitted by Communication D-266; Bill passed first reading 5/4/22)

PROPOSED CD1 TO BILL 25 (2022) (Submitted by Councilmember Tupola) – The CD1 (OCS2022-0509/6/15/2022 2:08 PM) makes the following amendments:

- A. In SECTION 2, restores stricken language from ROH Section 3-13.4 ("..., or, if the registrant is a person other than an individual, by an appropriate officer of such registrant.") to avoid any conflict with provisions of ROH Section 3-13.3(b).
- B. In a new SECTION 3, revises ROH Section 3-13.5 to conform with the amendments to ROH Section 3-13.4 in SECTION 2, by striking the phrase "under oath as true and correct" from ROH Section 3-13.5(a). Renumbers subsequent SECTIONS.
- C. Makes miscellaneous technical and non-substantive amendments.

Related communication:

D-352 Honolulu Ethics Commission, submitting responses to questions and concerns raised relating to Bill 25 (2022) at the May 4, 2022 Council meeting.

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4. **BILL 26 (2022) – RELATING TO GIFTS.** Clarifying gifts to the Mayor, the Prosecuting Attorney, Councilmembers, and City Officers and employees. (Transmitted by Communication D-267; Bill passed first reading 5/4/22)

PROPOSED CD1 TO BILL 26 (2022) (Submitted by Councilmember Tupola) – The CD1 (OCS2022-0510/6/15/2022 4:16 PM) makes the following amendments:

- A. In SECTION 2, removes the definition of "Officer or employee" from ROH Section 3-8.7(a), as it is already defined in ROH Section 3-8.1, which is applicable to the entirety of ROH Chapter 3, Article 8.
- B. In SECTION 2, revises the exemption proposed under ROH Section 3-8.7(d)(11) to clarify that "negligible value" applies to the lei, not the celebration.
- C. Makes miscellaneous technical and non-substantive amendments.

Related communication:

D-357 Honolulu Ethics Commission, submitting a proposed CD1 amendment to Bill 26 (2022).

EXECUTIVE SESSION

The Committee anticipates convening into Executive Session pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), to consult in a closed meeting with the attorneys for the Council's Executive Matters and Legal Affairs Committee on questions and issues pertaining to claims and other matters on the Council's powers, duties, privileges, immunities and/or liabilities.

- 5. Request for authorization to settle a case against the City and County of Honolulu entitled Fong Inn Estate Co. LLP v. City and County of Honolulu, et al., Civil No. 1DRC-21-0005172 (Dist. Ct.)
- 6. Request for authorization to settle a case against the City and County of Honolulu entitled Hawaiian Electric Company, Inc. v. Cupid Joseph, et al., Civil No. 1CCV-20-0000600 (Cir. Ct.)

ANDRIA TUPOLA, Chair
Committee on Executive Matters
and Legal Affairs