

REPORT OF THE COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

Voting Members:

Tyler Dos Santos-Tam, Chair; Radiant Cordero, Vice-Chair;
Esther Kia'āina, Val A. Okimoto, Calvin K.Y. Say, Augie Tulba,
Andria Tupola, Tommy Waters, Matt Weyer

Committee Meeting Held
January 10, 2023

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Executive Matters and Legal Affairs, which considered Bill 25 (2021) entitled:

"A BILL FOR AN ORDINANCE RELATING TO ANTI-BIAS AND
INCLUSION POLICY,"

introduced on April 29, 2021 and which passed first reading at the May 5, 2021 Council meeting, reports as follows:

The purpose of Bill 25 (2021) is promote an environment that embraces diversity and safety for the citizenry and employees of the City and County of Honolulu by establishing a policy of anti-bias and inclusion for all City officers and employees and requiring the establishment of a similar policy by certain private contractors having contracts with the City.

The Director of the Department of Human Resources testified in support of the intent of the Bill.

At your Committee's meeting on January 10, 2023, three individuals remotely testified in support of the Resolution.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON JAN 25 2023

COMMITTEE REPORT NO. 4

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Written testimony in support was received from 54 individuals. Testimony in opposition was received from an individual and a comment was received from the Hawai'i Health and Harm Reduction Center.

Your Committee also received testimony in support of the Resolution from the following institutions, organizations, and governmental agencies:

- Stonewall Caucus of the Democratic Party of Hawai'i
- Department of Human Resources
- The Kapaemahu Project
- North Shore Ko'olau Diversity Collective
- CARES Community Art Recreational Education Services

Your Committee considered and approved a CD1 (OCS2023-0018/1/10/2023 7:28 AM) version which makes the following amendment(s):

- A. In SECTION 1, amends the purpose statement to delete the requirement for the establishment of a similar policy by certain private contractors having contracts with the City and add an inclusivity statement about perspectives, views, or opinions.
- B. In SECTION 2, in proposed new ROH § 1-__1:
- (1) Amends the definition of "Anti-bias" to read as follows:

Anti-bias. Opposing or preventing discrimination against people based on race, color, religion, gender, national origin, age, disability, sex, sexual orientation, gender identity, pregnancy, or other

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protected characteristics, including stereotyped attributions of particular qualities toward an individual or group.

- (2) Deletes the definitions for "Contractor" and "Public-facing functions."
- C. In SECTION 2, amends proposed new ROH § 1-__3 as follows (and re-letters the subsections accordingly):
- (1) Deletes specific descriptions of certain best practices and information from experts required for the training;
 - (2) Changes the training requirement from annually to biennially;
 - (3) Deletes the requirement that city departments or offices submit quarterly records of those completing the training;
 - (4) Clarifies that the director or director's designee shall retain the training records demonstrating that city officers and employees have received the training provided pursuant to this article; and
 - (5) Change reference from "director of human services" to "director of human resources".
- D. In SECTION 2, deletes proposed new ROH § 1-__.4 ("Anti-bias and inclusion policy required of contractor") and renumbers the subsequent ROH section accordingly.

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- E. Updates and conforms references from the Revised Ordinances of Honolulu 1990 to the Revised Ordinances of Honolulu 2021.
- F. Makes miscellaneous technical and non-substantive amendments.

Your Committee on Executive Matters and Legal Affairs is in accord with the intent and purpose of Bill 25 (2021), as amended herein, and recommends that it pass second reading, be scheduled for a public hearing, and be referred back to Committee in the form attached hereto as Bill 25 (2021), CD1. (Ayes: Cordero, Dos Santos-Tam, Kia'āina, Okimoto, Say, Tulba, Tupola, Weyer – 8; Noes: None; Excused: Waters – 1.)

Respectfully submitted,



Committee Chair

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CITY AND COUNTY OF HONOLULU
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ADOPTED ON

JAN 25 2023

COMMITTEE REPORT NO. 4



A BILL FOR AN ORDINANCE

RELATING TO ANTI-BIAS AND INCLUSION POLICY.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to promote an environment that embraces diversity and safety for the citizenry and employees of the City and County of Honolulu by establishing a policy of anti-bias and inclusion for all City officers and employees, including those with different perspectives, views, or opinions.

SECTION 2. Chapter 1, Revised Ordinances of Honolulu 2021 ("General Provisions"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

"ARTICLE __. ANTI-BIAS AND INCLUSION POLICY

§ 1-__1 Definitions.

Anti-Bias. Opposing or preventing discrimination against people based on race, color, religion, gender, national origin, age, disability, sex, sexual orientation, gender identity, pregnancy, or other protected characteristics, including stereotyped attributions of particular qualities toward an individual or group.

City. The City and County of Honolulu.

Department. The department of human resources.

Director. The director of human resources.

Inclusion. Creating environments in which any individual or group can, on an ongoing basis, be welcomed, respected, supported, and valued to fully participate.

Officer. Has the same meaning as defined under § 1-4.1.

§ 1-__2 Policy of anti-bias and inclusion.

It is the policy of the City and County of Honolulu to encourage anti-bias and inclusion by city officers and employees. It is also city policy to ensure that all such persons receive anti-bias and inclusion training to help provide an environment that embraces diversity and safety within and around city facilities.



CITY COUNCIL
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HONOLULU, HAWAII

ORDINANCE _____

BILL 25 (2021), CD1

A BILL FOR AN ORDINANCE

§ 1-__3 Training program.

- (a) The director of human resources shall develop, implement, and monitor an anti-bias and inclusion training program for all city officers and employees.
- (b) The training program must include, but need not be limited to, instruction based on best practices and information from experts in the fields of diversity, equity, or inclusion.
- (c) The director shall periodically assess the training materials and update them as needed.
- (d) All city officers and employees shall participate at least biennially in the training provided pursuant to this article.
- (e) The director or the director's designee shall retain records demonstrating that city officers and employees have received the training provided pursuant to this article.

§ 1-__4 Rules.

The director may adopt rules pursuant to HRS Chapter 91 to implement, administer, and enforce this article."



CITY COUNCIL
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HONOLULU, HAWAII

ORDINANCE _____

BILL 25 (2021), CD1

A BILL FOR AN ORDINANCE

SECTION 3. This ordinance takes effect upon approval.

INTRODUCED BY:

Carol Fukunaga

DATE OF INTRODUCTION:

April 29, 2021
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu