



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

## COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

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### 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

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## AGENDA

REGULAR MEETING  
CITY COUNCIL CHAMBER  
TUESDAY, FEBRUARY 7, 2023  
1:00 P.M.

### PUBLIC PARTICIPATION AND TESTIMONY

Pursuant to Act 220, Session Laws of Hawaii 2021, 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](http://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. Each speaker may not have anyone else read their statement and is limited to a one-minute presentation.

### Remote Testimony

1. For direct access to submit oral testimony call: +1-253-215-8782, enter ID **86010849442** and Passcode **379728**.

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2. To testify by videoconference visit: <https://hnlldoc.ehawaii.gov/hnlldoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

In-Person 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.

**Oral testimony will be allowed when each agenda item is taken up, in the following order:**

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

**WRITTEN TESTIMONY**

Written testimony may be uploaded at <https://hnlldoc.ehawaii.gov/hnlldoc/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, email address, and phone number, will be available to the public at <https://hnlldoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-9230 or send an email to [sherry.arca@honolulu.gov](mailto:sherry.arca@honolulu.gov).

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**MATERIALS AVAILABLE FOR INSPECTION**

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

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, please call the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to [sherry.arca@honolulu.gov](mailto:sherry.arca@honolulu.gov) at least three (3) business days before the scheduled meeting. It may not be possible to fulfill requests received after this date.

**FOR ACTION**

1. **RESOLUTION 22-262 – RECOGNIZING AND OBSERVING NOVEMBER 28TH AS LĀ KŪ’OKO’A.** Urging the City Administration to formally recognize and observe November 28th as Lā Kū’oko’a, Hawaiian Independence Day. (Committee postponed action on 1/10/23)

PROPOSED CD1 TO RESOLUTION 22-262 (Submitted by Councilmember Tupola) – The CD1 (OCS2023-0071/1/31/2023 12:41 PM) makes the following amendments:

- A. Deletes, reorganizes, and adds material to the "WHEREAS" clauses as follows:
  1. Deletes the first, third, fifth, seventh, and eighth WHEREAS clauses.
  2. Adds new first, second, fifth, sixth, and seventh WHEREAS clauses.
  3. Reorganizes various remaining WHEREAS clauses.
  4. Amends the third WHEREAS clause (previously the fourth WHEREAS clause) to add information about King Kamehameha III's April 8, 1842 efforts to pursue the preservation of the sovereignty and self-governance of the Hawaiian Kingdom and further information on the roles of Timoteo Ha'alilio, William Richards, and Sir George Simpson in obtaining recognition for the Hawaiian Kingdom.
  5. Amends the fourth WHEREAS clause (previously the second WHEREAS clause) to note the recognition of the Kingdom of Hawai'i as a sovereign kingdom by a joint proclamation of England and France, and to add that the United States followed suit on July 6, 1844.
  6. Amends the eighth WHEREAS clause (previously the sixth WHEREAS clause) to remove information about President McKinley and add the specific date of Hawai'i's statehood.

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7. Amends the ninth WHEREAS clause to read as follows:

"WHEREAS, Lā Kū'oko'a represents an affirmation of the validity of the historical independence of the Kingdom of Hawai'i, acknowledges and honors the Kingdom and its subjects, and commemorates the patriotism the Hawaiian people feel for Hawai'i Nei past and presently; now, therefore,"

8. Amends the BE IT RESOLVED CLAUSE (previously the tenth WHEREAS clause) to replace the term "sovereignty" with "historical independence."
9. Amends the first BE IT FURTHER RESOLVED clause (previously the BE IT RESOLVED clause) to also urge the Hawai'i State Legislature to formally recognize Lā Kū'oko'a.
10. Amends the BE IT FINALLY RESOLVED clause to direct transmittal of copies of the resolution to the Governor, the President of the Hawai'i State Senate and the Speaker of the Hawai'i State House of Representatives, and to include the full titles and names of the City's Mayor, Managing Director, and Executive Director of the Mayor's Office of Culture and the Arts.

- B. Makes miscellaneous technical and non-substantive amendments.

2. **BILL 1 (2023) - REPORTING REQUIREMENTS.** Directing the Office of Council Services to prepare a consolidated table of reporting requirements found in the Revised Ordinances of Honolulu 2021, and to insert the table in the Revised Ordinance of Honolulu 2021. (Bill passed first reading 1/25/23)
3. **BILL 25 (2021), CD1 – ESTABLISHING A POLICY OF ANTI-BIAS AND INCLUSION.** 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. (Bill passed second reading and public hearing held 1/25/23)

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PROPOSED CD2 TO BILL 25 (2021), CD1 (Submitted by Councilmember Dos Santos-Tam) – The CD2 (OCS2023-0082/2/1/2023 2:41 PM) makes the following amendments:

- A. Amends SECTION 2 of the bill as follows:
  - 1. Amends proposed ROH Section 1-\_\_\_.3 ("Training program") to amend subsection (d) to direct City department and agency heads to ensure that all officers and employees under their authority participate in the biennial anti-bias and inclusion training program being developed under that ROH Section.
  - 2. Amends proposed ROH Section 1-\_\_\_.3 to amend subsection (e) to direct the Director of Human Resources or their designee to retain records demonstrating that the anti-bias and inclusion training program being established by the ordinance has been made available to City officers and employees, and to direct the heads of City departments and agencies to keep and retain records confirming that the officers and employees under their authority participated in the training.
- B. Amends SECTION 3 of the bill to provide that the biennial training program being established under the ordinance shall be "developed, implemented, and monitored by January 1, 2024."
- C. Makes miscellaneous technical and non-substantive amendments.

- 4. **BILL 57 (2022) – PUBLIC CARRY OF FIREARMS.** Relating to the public carry of firearms. (Bill passed first reading 11/29/22)

PROPOSED CD1 TO BILL 57 (2022) (Submitted by Councilmember Dos Santos-Tam) – The CD1 (OCS2023-0058/1/27/2023 11:48 AM) makes the following amendments:

- A. Updates the bill to reflect that the bill is amending the Revised Ordinances of Honolulu 2021 instead of the Revised Ordinances of Honolulu 1990.

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- B. In SECTION 2 of the bill:
  - 1. Revises § 41-\_\_\_.2 to add the definition of "Public Place" and delete the definition of "Public Place" contained in list item (6) in the definition of "Sensitive Places."
  - 2. Revises § 41-\_\_\_.5 to replace "firearm" with "pistol or revolver" in the title of this section and its subsections (c)(4) and (5) to be consistent with the use of "pistol or revolver" in subsection (a).
- C. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD1 TO BILL 57 (2022) (Submitted by Councilmember Tupola) –  
The CD1 (OCS2023-0072/1/31/2023 11:13 AM) makes the following amendments:

- A. Amends SECTION 1 of the bill to clarify that the purpose of this ordinance is additionally to recognize limitations on designating sensitive places where firearms are prohibited.
- B. In SECTION 2 of the bill:
  - 1. Updates the amendatory language to reflect that the Revised Ordinances of Honolulu 2021 is being amended instead of the Revised Ordinances of Honolulu 1990.
  - 2. Revises the proposed ROH § 41-\_\_\_.1 to clarify that the intent of the article is to protect sensitive areas and their historical analogues where constitutionally permissible, and in particular as mentioned in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022).
  - 3. Revises the proposed ROH § 41-\_\_\_.2 to add definitions of "Building" and "Landlord," amend the definition of "Sensitive Place," and remove definitions that are no longer referred to in the proposed CD1 version of the bill.

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4. Revises the proposed ROH § 41-\_\_\_.3 to remove "intentionally, knowingly, or recklessly" as an element of the prohibition of this section and remove the criminal penalties (see newly added language in ROH § 41-\_\_\_.6 regarding penalties for a "violation").
5. Revises the proposed ROH § 41-\_\_\_.4 to:
  - a. Allow private business establishments and charitable organizations to prohibit the carry of firearms by posting appropriate signage;
  - b. Set forth signage requirements;
  - c. State that the posting of signage is at the sole discretion of the owner of the private business establishment or charitable organization in the absence of a conflicting contractual provision in a lease;
  - d. Revise the prohibition and exceptions accordingly;
  - e. Remove the criminal penalties (see newly added language in ROH § 41-\_\_\_.6 regarding penalties for a "violation");
  - f. Add an additional exception to the prohibition for a person carrying a firearm when such carry is permitted or the posting of signage prohibiting firearms is prohibited as a provision of a lease agreement;
  - g. Amend the requirements to establish prima facie evidence of a violation of this section; and
  - h. Add a provision stating that this section does not prohibit a landlord from including provisions in a lease agreement regarding the carrying of firearms or posting of signage, nor does it impair the obligation of contracts in effect on the effective date of this ordinance.

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6. Revises the proposed ROH § 41-\_\_\_.5 to replace "firearm" with "pistol or revolver" in the section title to be consistent with the remaining text of this section, remove "intentionally, knowingly, or recklessly" as an element of the prohibition of this section, remove the criminal penalties (see newly added language in ROH § 41-\_\_\_.6 regarding penalties for a "violation"), and amend the requirements to establish prima facie evidence of a violation of this section.
  7. Renumbers the proposed ROH § 41-\_\_\_.6 (relating to severability) to ROH § 41-\_\_\_.7.
  8. Revises ROH § 41-\_\_\_.6 to set forth powers of arrest or citation, citation, and civil penalty provisions for violations of the article.
- C. Makes miscellaneous technical and nonsubstantive amendments.

Related communication:

CC-19 Bill 57 (2022) Relating to the public carry of firearms.

### **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 Matthew Tabag-Kalua, et al. v. City and County of Honolulu, et al. Civil No. 1CCV-22-000415 (Cir. Ct.)



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6. Request for authorization to settle ten cases against the City and County of Honolulu entitled Camilla M. Aluli et al. v. City and County of Honolulu, Civil No. 1CCV-21-0000747 (Cir. Ct.), Calvary Lutheran Church v. City and County of Honolulu, Civil No. 1CCV-21-0000659 (Cir. Ct.), Brad Coles et al. v. City and County of Honolulu, Civil No. 1CCV-21-0000655 (Cir. Ct.), David T. Cook v. City and County of Honolulu, Civil No. 1CCV-21-0000682 (Cir. Ct.), Erin Isa Donle et al. v. City and County of Honolulu, Civil No. 1CCV-21-0000695 (Cir. Ct.), Lance S. Garrison et al. v. City and County of Honolulu, Civil No. 1CCV-21-0000669 (Cir. Ct.), Brian Kirsch v. City and County of Honolulu, Civil No. 1CCV-21-0000658 (Cir. Ct.), Michelle Kunitake v. City and County of Honolulu, Civil No. 1CCV-21-000750 (Cir. Ct.), Clara K Nakanishi et al. v. City and County of Honolulu, Civil No. 1CCV-21-0000749 (Cir. Ct.), The Charles A. Perkins Revocable Living Trust et al. v. City and County of Honolulu, Civil No. 1CCV-21-000661 (Cir. Ct.)
  
7. Resolution for authorization to settle a case against the City and County of Honolulu entitled Ronald G. Livingston, et al. v. Arthur J. Logan, et al.; Civil No. CV19-000157 JMS/RT (USDC)

TYLER DOS SANTOS-TAM, Chair  
Committee on Executive Matters  
and Legal Affairs