



# 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 28, 2023  
1:00 P.M.

### PUBLIC PARTICIPATION AND TESTIMONY

Pursuant to Section 92-3.7, Hawai'i Revised Statutes, 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>; (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 **86472147040** and Passcode **227192**.
2. To testify by videoconference visit: <https://hnlidoc.ehawaii.gov/hnlidoc/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 23-21 – AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973**. Initiating amendments to the Revised Charter of the City and County of Honolulu 1973, as amended, pursuant to the Mayor’s Executive Reorganization Authority, relating to the Department of Budget and Fiscal Services and the Department of Land Management. (Transmitted by Communication MM-33)
  
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 second reading and public hearing held 2/22/23)
  
3. **BILL 3 (2023) – PUBLIC SIDEWALKS**. Expanding the commercial areas subject to the City’s current restrictions on persons sitting or lying on public sidewalks in Kapalama and to make non-substantive changes as needed. (Bill passed first reading 2/22/23)
  
4. **BILL 5 (2023) – RELATING TO REPORTING REQUIREMENTS**. Adding provisions relating to reporting requirements. (Bill passed first reading 2/22/23)

5. **BILL 57 (2022), CD1 – PUBLIC CARRY OF FIREARMS.** Relating to the public carry of firearms. (Bill passed second reading and public hearing held 2/22/23)

PROPOSED CD2 TO BILL 57 (2022), CD1 (Submitted by Councilmember Kia'aina) –The CD2 (OCS2023-0138/2/21/23 4:13 PM) makes the following amendments:

- A. In SECTION 2 of the bill, adds three new places to the definition of "[s]ensitive place," as follows:
- (4) Any public or private hospital, mental health facility, nursing home, clinic, medical office, urgent care facility, or other place at which medical or health services are customarily provided, including appurtenant parking lots.
  - (5) Any nonconfidential shelter or residential facility serving persons experiencing homelessness or victims of domestic violence, including appurtenant parking lots.
  - (6) Any bar serving "alcohol" or "intoxicating liquor," as those terms are defined in HRS § 281-1, for consumption on the premises, including appurtenant parking lots.
- B. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD2 TO BILL 57 (2022), CD1 (Submitted by Councilmember Dos Santos-Tam) –The CD2 (OCS2023-0148/2/22/2023 5:30PM) makes the following amendments:

- A. Amends SECTION 2 of the bill as follows:
- 1. Amends proposed ROH § 41-\_\_\_.1 ("Declaration of legislative intent") by deleting "decision-making by businesses and charitable establishments on the carrying or possessing of arms on their private property" and replacing it with "decision-making on private property."
  - 2. Amends proposed ROH § 41-\_\_\_.2 ("Definitions") as follows:
    - a. Amends the definition of "school" to include school buses;
    - b. Amending the definition of "Sensitive Place" as follows:

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- i. Adds references to "preschools," "colleges," and "universities."
  - ii. Deletes reference to "places frequented by children as follows" as the lead-in to a list of sensitive places, and instead lists those places as being sensitive places without reference to their being places frequented by children. This redesignates former items (3)(A), (B), (C), and (D) of the definition as items (3), (4), (5), and (6), respectively, and redesignates items (4), (5), and (6) of the definition as items (7), (8), and (9), respectively.
  - iii. Amends redesignated subdivision (5) to add references to shelters and residential facilities for developmentally disabled persons, victims of domestic violence, and adults involved in the criminal justice system and persons (not only "children") at risk.
  - iv. Amends redesignated subdivision (8) relating to public transportation facilities to delete reference to buildings, structures, or grounds used for or in connection with providing passenger transportation.
  - v. Adds to the list of sensitive places certain establishments dispensing liquor for consumption on the premises (item (10)); places used for performances, art, entertainment, gaming or sporting events (item (11)); and medical cannabis dispensaries (item (12)).
  - vi. Replaces former item (6) to delete reference to "First Amendment" activities and replace it with a reference to public gatherings, demonstrations, or events requiring a government permit.
- c. Amends proposed ROH § 41-\_\_\_.3, relating to certain prohibitions, as follows:
- i. Replaces the reference to carrying a "firearm" with a reference to a carrying a "pistol or revolver" outside of the person's residence without a license in the person's immediate possession.

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- ii. Removes the prohibition against carrying a firearm in a sensitive place (this prohibition is moved to ROH § 41-\_\_\_.4).
  - iii. Prohibits failure to display a license upon demand of a law enforcement officer.
  - iv. Revises the exceptions to the prohibition to exclude the reference to certain detectives, private detectives, investigators, and guards and replace it with an exception for certain qualified law enforcement officers and qualified retired law enforcement officers.
  - v. Removes from this section provisions relating to criminal penalties and enforcement. (These matters are now covered in proposed ROH § 41-\_\_\_.4(d), § 41-\_\_\_.7, and § 41-\_\_\_.8.)
- d. Amends proposed ROH § 41-\_\_\_.4 as follows:
- i. Includes the prohibition against carrying a firearm in a sensitive location, as well as the prohibition against carrying a firearm on the premises of a business or charitable establishment without express consent.
  - ii. Provides that express consent must (rather than "may") include signage, and references the standards for such signage provided in new proposed ROH § 41-\_\_\_.5.
  - iii. Adds an exception to the prohibition for persons who are either licensed to carry a pistol or revolver or who are law enforcement or former law enforcement officers authorized to carry a pistol or revolver outside their homes, to allow them to transport their concealed firearms in or in the immediate area of their vehicle under certain conditions, even if the vehicle is parked in a parking lot that is a sensitive place.
  - iv. Adds an exception allowing a licensee with a concealed firearm to travel along a public right-of-way that touches or crosses a sensitive place, so long as the licensee does not loiter or remain in the sensitive place longer than necessary to complete their travel.

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- v. Adds an exception for gatherings, demonstrations, or events for which a government permit is required, if the permit allows the carrying of firearms at the gathering, demonstration, or event.
  - e. Deletes the former proposed ROH § 41-\_\_\_.5 ("Prohibition against the public carry of a pistol or revolver without possession of license to carry") and adds a new § 41-\_\_\_.5 relating to Signage.
  - f. Adds a new ROH § 41-\_\_\_.6 establishing a duty to inform law enforcement officers when a licensee in possession of a firearm is contacted by such an officer.
  - g. Adds a new ROH § 41-\_\_\_.7 relating to criminal penalties for violation of the new article.
  - h. Adds a new ROH § 41-\_\_\_.8 relating to enforcement of the new article.
- B. Makes miscellaneous technical and nonsubstantive amendments.

## 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.

- 6. Request for authorization to settle a case against the City and County of Honolulu entitled Gerard K Puana, et al. v. Katherine P. Kealoha, et al., Civil No. CV16-00659 LEK-WRP (U.S. District Court)
- 7. Request for authorization to settle a case against the City and County of Honolulu entitled Paulia Gilbert, et al. v. City and County of Honolulu, et al., Civil No. 1CCV-22-0000213 (Cir. Ct.)

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8. Request for authorization to settle a case against the City and County of Honolulu entitled Sarasa Koide Coyle (aka "Sarasa Koide") v. Bank of Hawaii, et al., Civil No. 1CCV-21-0000811 (Cir. Ct.)
  
9. Request for authorization to settle charges of discrimination against the City and County of Honolulu/Honolulu Police Department entitled In re Angela Payne-Vasquez, Charge Nos. 480-2018-00236, 486-2019-00008, 486-2020-00184 (Equal Employment Opportunity Commission)

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