



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

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

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING
TUESDAY, JULY 25, 2023

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 768-5822 or the video may be viewed at https://honolulu.granicus.com/player/clip/2176?view_id=3&redirect=true&h=7e17e4e1fd803497d360e9c32321e466.

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 Tyler Dos Santos-Tam at 1:03 p.m. Councilmembers Kia'āina (via videoconference), Say, Okimoto, Tulba (via videoconference), Tupola, Waters and Weyer were present at the meeting. Councilmember Cordero was excused from the meeting. (All Councilmembers are voting members.)

[1:03 p.m.]

Council Chair Waters entered the Council Chamber.

ORDER OF BUSINESS

FOR ACTION

[1:06 p.m.]

1. BILL 44 (2023) – COMMITTEE REPORT 203

RELATING TO FALSE STATEMENTS. Deterring persons from making or inciting the making of a false statement to a public servant.

[1:07 p.m.]

The following individuals testified:

1. Jeremy Lam, Manoa Branch of the Outdoor Circle (M-391) (Support)
2. Angela Young, CARES (M-391) (Support)

[1:09 p.m.]

Councilmember Tupola exited the Council Chamber.

[1:11 p.m.]

Councilmember Tupola entered the Council Chamber.

[1:41 p.m.]

Bill 44 (2023) reported out for passage on second reading and scheduling of a public hearing.

AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO*, SAY, TULBA, TUPOLA, WATERS, WEYER – 8.

NOES: None.

ABSENT: CORDERO – 1.

*Councilmember Okimoto voted aye with reservations

Related communications:

M-391 Testimony on Bill 44 (2023)

[1:41 p.m.]

2. RESOLUTION 23-159 – COMMITTEE REPORT 205

NOMINATION OF GENE C. ALBANO, P.E. TO SERVE AS THE CHIEF ENGINEER OF THE DEPARTMENT OF FACILITY MAINTENANCE. Confirming the nomination of Gene C. Albano, P.E., to serve as the Chief Engineer of the Department of Facility Maintenance of the City and County of Honolulu.

[1:42 p.m.]

Councilmember Tupola exited the Council Chamber.

[1:44 p.m.]

The following individuals testified:

1. Erwin Kawata, Board of Water Supply (Support)
2. Angela Young, CARES (Support)

[1:52 p.m.]

Resolution 23-159 amended to CD1 (OCS2023-0678/7/20/2023 1:58 PM) and reported out for adoption.

AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, WATERS, WEYER – 7.

NOES: None.

ABSENT: CORDERO, TUPOLA – 2.

Related communication:

MM-157 Office of the Mayor
MM-160 Managing Director
D-541 Board of Water Supply
M-390 Testimony on Resolution 23-159

[1:52 p.m.]

3. RESOLUTION 23-144 – COMMITTEE REPORT 204

APPOINTMENT OF PATRICK SMITH TO THE NEIGHBORHOOD COMMISSION. Confirming the appointment of Patrick Smith to serve on the Neighborhood Board Commission of the City and County of Honolulu for a term to expire on June 30, 2028.

[1:52 p.m.]

Councilmember Tupola entered the Council Chamber.

[1:54 p.m.]

The following individual testified:

1. Angela Young, Kapalama Neighborhood Security Watch (Support)

[1:55 p.m.]

Resolution 23-144 reported out for adoption.

AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER – 8.

NOES: None.

ABSENT: CORDERO – 1.

Related communication:

MM-123 Office of the Mayor

[1:56 p.m.]

EXECUTIVE SESSION

Before convening into Executive Session, Committee Chair Dos Santos-Tam took up the items for Executive Session individually to allow for oral public testimony on each item.

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[1:56 p.m.]

4. Request for authorization to settle a case against the City and County of Honolulu entitled Karen Shirlie Rose, et al. v. City and County of Honolulu, et al., Civil No. 19-1-1099 (Cir. Ct.)

[1:56 p.m.]

There was no public testimony.

[1:56 p.m.]

5. Resolution to retain the legal services of Fukunaga Matayoshi Ching & Kon-Herrera LLP as Special Counsel to represent Defendant Grant Robello in the legal action entitled The Estate of Dana 'O Keakuako' Ulunakanawai Brown, et al. v. City and County of Honolulu, et al., Civil No. CV21-00474 HG/KJM (U.S.D.C.)

[1:57 p.m.]

There was no public testimony.

At 1:58 p.m., with no objections from the seven members present (Ayes: Dos Santos-Tam, Okimoto, Say, Tulba [via phone], Tupola, Waters, Weyer – 7), 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

With seven members present (Dos Santos-Tam, Kia'āina [via videoconference], Okimoto, Say, Tupola, Waters, Weyer), the Committee resumed the meeting in open session at 2:21 p.m.

[2:22 p.m.]

Councilmember Tulba entered the meeting via videoconference.

[2:22 p.m.]

4. COMMITTEE REPORT 207

Request for authorization to settle a case against the City and County of Honolulu entitled Karen Shirlie Rose, et al. v. City and County of Honolulu, et al., Civil No. 19-1-1099 (Cir. Ct.)

[2:22 p.m.]

Committee Report 207 reported out for adoption.

AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER – 8.

NOES: None.

ABSENT: CORDERO – 1.

[2:23 p.m.]

5. RESOLUTION 23-186 - COMMITTEE REPORT 206

Resolution to retain the legal services of Fukunaga Matayoshi Ching & Kon-Herrera LLP as Special Counsel to represent Defendant Grant Robello in the legal action entitled The Estate of Dana 'O Keakuako' Ulunakanawai Brown, et al. v. City and County of Honolulu, et al., Civil No. CV21-00474 HG/KJM (U.S.D.C.)

[2:24 p.m.]

Resolution 23-186 reported out for adoption.

AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER – 8.

NOES: None.

ABSENT: CORDERO – 1.

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:24 p.m.