



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

**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

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
TUESDAY, AUGUST 22, 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 **86842944830** and Passcode **259244**.
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://hnlidoc.ehawaii.gov/hnlidoc/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://hnlidoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-9230 or send an email to 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://hnlidoc.ehawaii.gov/hnlidoc/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, contact 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 as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

FOR ACTION

1. **BILL 44 (2023) – RELATING TO FALSE STATEMENTS.** Deterring persons from making or inciting the making of a false statement to a public servant. (Bill passed second reading and public hearing held 8/9/23)

PROPOSED CD1 TO BILL 44 (2023) (Submitted by Councilmember Okimoto) – The CD1 (OCS2023-0731/8/15/2023 9:12 AM) makes the following amendments:

- A. In SECTION 1 of the bill, replaces "inciting" with "causing" to be consistent with the amendment referred to in B.2.a below.
- B. In SECTION 2 of the bill:
 1. Revises the proposed ROH § 1-___.1 as follows:
 - a. Amends the definition of "False Statement" to, "[a]ny statement, in oral, written, printed, or electronic form, that is proven to be incorrect, inaccurate, or not in accordance with truth or fact."
 - b. Deletes the definition of "Incite."
 2. Revises the proposed ROH § 1-___.2 as follows:
 - a. Revises list item (2) to state that a person may not knowingly cause the making of a false statement to a city official, instead of incite the making of a false statement to a city official.
 - b. Modifies the scope of the prohibition to prohibit false statements knowingly made or caused to be made during the course of an investigation or inspection conducted by the city official within the course of the city official's normal duties and responsibilities.
 3. Revises the proposed ROH § 1-___.3 to delete subsection (b), which states, "[i]n determining the punishment pursuant to subsection (a), the court shall consider the impact of the violation on the public health, safety, and welfare."
- C. Makes miscellaneous technical and nonsubstantive amendments.

Committee on Executive Matters and Legal Affairs Agenda
Tuesday, August 22, 2023

PROPOSED CD1 TO BILL 44 (2023) (Submitted by Councilmember Kia'āina) –
The CD1 (OCS2023-0741/8/15/2023 4:21 PM) makes the following amendments:

- A. Deletes SECTION 2 of the bill.
- B. Adds a new SECTION 2 of the bill that adds a new, unnumbered ROH chapter entitled, "FALSE STATEMENTS RELATED TO COMPLIANCE WITH THE BUILDING AND CONSTRUCTION CODES, RELATED PERMITTING, AND THE LAND USE ORDINANCE," and the following articles:
 - 1. General Provisions, which sets forth the appropriate definitions and applicability;
 - 2. Violations, which prohibits a person from knowingly making or inciting the making of a false statement to a City employee under particular circumstances;
 - 3. Prior History of Making False Statements, which designates certain persons as having a history of making false statements; and
 - 4. Enforcement, which establishes the administrative enforcement, judicial enforcement, temporary certificate of occupancy, and demolition order provisions.
- C. Makes miscellaneous technical and nonsubstantive amendments.

Committee on Executive Matters and Legal Affairs Agenda
Tuesday, August 22, 2023

PROPOSED CD1 TO BILL 44 (2023) (Submitted by Councilmember Dos Santos-Tam) – The CD1 (OCS2023-0743/8/16/2023 10:13 AM) makes the following amendments:

- A. Deletes SECTION 2 of the bill and renumbers SECTION 3 of the bill (containing the effective date provision) to SECTION 8.
- B. Adds a new SECTION 2 of the bill that amends ROH § 18-2.1 ("Definitions") by adding new definitions of "City Official" and "False Statement."
- C. Adds a new SECTION 3 of the bill that amends ROH § 18-7.1 ("Generally") to add the following:
 - 1. "A person may not knowingly make a false statement to a city official during the course of an inspection for or investigation into compliance with this chapter."
 - 2. "The building official may adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement of this chapter."
- D. Adds a new SECTION 4 of the bill that amends ROH § 18-7.3 ("Criminal prosecution") to except persons violating the provision added by the amendment referred to in C.1 above from criminal prosecution.
- E. Adds a new SECTION 5 of the bill that adds a new section to ROH Chapter 18, Article 7 ("Violation and Penalty") to provide for the designation of persons with a history of making false statements and instruct the building official to take into consideration whether the party responsible for the violation has a history of making false statements when determining the contents of an order served pursuant to ROH § 18-7.4.
- F. Adds a new SECTION 6 of the bill that adds a new section to ROH Chapter 18, Article 7 ("Violation and Penalty") to add a severability clause.
- G. Adds a new SECTION 7 of the bill to add a Ramseyer clause for the Revisor of Ordinances.
- H. Makes miscellaneous technical and nonsubstantive amendments.

2. **BILL 45 (2023) – RELATING TO HUMAN RESOURCES.** Addressing powers, duties, and functions of the Director of Human Resources. (Bill passed first reading 8/9/23)

PROPOSED CD1 TO BILL 45 (2023) (Submitted by Councilmember Dos Santos-Tam) – The CD1 (OCS2023-0674/7/27/2023 2:41 PM) makes the following amendments:

- A. Amends SECTION 2 by amending ROH Section 2-6.1(4)(A) to clarify that the "duration" referred to means the duration of the position vacancy, and to modify the description of the second category so that a position vacancy of exactly five years does not fall into multiple reporting categories.
 - B. Adds a new SECTION 3 to include a Ramseyer clause and to instruct the Revisor of Ordinances to update the Reporting Requirements Table appended to the Revised Ordinances of Honolulu 2021, and renumbers the subsequent SECTION of the bill accordingly.
 - C. Makes miscellaneous technical and non-substantive amendments.
3. **RESOLUTION 23-170 – ANNUAL REPORT ON LONG-TERM POSITION VACANCIES.** Requesting the Department of Human Resources to submit an annual report detailing long-term position vacancies.
 4. **RESOLUTION 23-171 – ABOLISHMENT OF CITY POSITIONS.** Urging the City Administration to establish, in consultation with the public employee unions, a formal policy for the abolishment of City positions.
 5. **RESOLUTION 23-172 – CONSOLIDATING THE CITY’S FOUR STAND-ALONE, UNLINKED DATABASE SYSTEMS.** Urging the City Administration to consolidate the City’s four stand-alone, unlinked database systems that are used for the hiring, onboarding, and separation of City personnel.

6. **RESOLUTION 23-173 – INCENTIVES AND INCREASE SALARIES FOR HARD-TO-FILL POSITIONS.** Urging the Hawaii State Legislature to adopt legislation to allow City to provide incentives and increase salaries for hard-to-fill positions.

7. **RESOLUTION 23-161 – CHARTER AMENDMENTS RELATING TO COMMUNITY-BASED CAPITAL IMPROVEMENT PROJECTS.** Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (amended 2017 version), as amended, relating to community-based capital improvement projects. (Resolution passed first reading 7/12/23)

8. **RESOLUTION 23-143 – APPOINTMENT OF MUHTADIA RICE TO SERVE ON THE ETHICS COMMISSION.** Confirming the appointment of Muhtadia Rice to serve on the Ethics Commission of the City and County of Honolulu. (Transmitted by Communication MM-122; public hearing held 7/12/23)

Related communication:

M-349 Revised Resume – Ethics Commission Nominee

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.

9. Request for authorization to settle a case against the City and County of Honolulu 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 (USDC)

Committee on Executive Matters and Legal Affairs Agenda
Tuesday, August 22, 2023

10. Request for Authorization to Settle *City and County of Honolulu v. Norman Kwock Keong Nip; et. al.*, Civil No. 1CCV-22-0000422 (Cir. Ct.)

11. Request for authorization to settle a claim against the City and County of Honolulu entitled Robert C. Marvit v. City and County of Honolulu, Matter ID 23-00845

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