



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, FEBRUARY 6, 2024
1:00 P.M.

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:

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.

Remote and in-person oral testimony will be permitted on all items on the agenda when each agenda item is taken up. 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 **81230429066** and Passcode **676385**.
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.

Persons wishing to testify in-person in the Council Chamber 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.

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

- 1. In-person in the Council Chamber;**
- 2. Remote 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, e-mail 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.

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, 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 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. **RESOLUTION 23-239 – CHARTER AMENDMENTS RELATING TO THE QUALIFICATIONS OF THE DIRECTOR OF EMERGENCY MANAGEMENT.**
Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, relating to the qualifications of the Director of Emergency Management. (Resolution passed second reading and public hearing held 12/6/23; Committee postponed action on the Resolution 1/9/24)

PROPOSED CD1 TO RESOLUTION 23-239 (Submitted by Councilmember Weyer) –The CD1 (OCS2024-0021/1/9/2024 8:20 AM) makes the following amendments:

- A. Amends the resolution title to read as follows:

"INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED, RELATING TO EMERGENCY MANAGEMENT."
- B. Adds a new ninth WHEREAS clause to provide that pursuant to ROH § 2-25.1, the director of emergency management is subject to the civil service laws, and is not subordinate to or answerable to any person or department with respect to State or City civil defense matters other than the Mayor or the Managing Director.
- C. Adds a new tenth WHEREAS clause to provide that the City's civil service program is administered by the Department of Human Resources ("DHR").
- D. Adds a new eleventh WHEREAS clause to set forth the duties and responsibilities of the Director of Emergency Management class specification, as listed on the DHR website.
- E. Adds a new twelfth WHEREAS clause to set forth the qualifications for the Director of Emergency Management class specification, as listed on the DHR website.

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- F. Amends the thirteenth WHEREAS clause to provide that the Revised Charter of the City and County of Honolulu, 1973 (Amended 2017 Edition), as amended ("Charter") lists the Department of Emergency Management as an agency directly under the City Managing Director, and does not refer to the Director of Emergency Management as a civil service position that is subject to the DHR class specification qualifications for that position.
- G. Deletes the next two WHEREAS clauses relating to qualifications of the Director of Emergency Management.
- H. Adds a new fourteenth WHEREAS clause to provide that an update to the Charter would reflect the current status of the Department of Emergency Management as an independent agency of the City Executive Branch, and that all Department of Emergency Management staff, including its Director and Deputy Director, are subject to the civil service laws.
- I. Adds a new fifteenth WHEREAS clause to provide that pursuant to Charter Section 15-101, the Council may initiate, by resolution, amendments to the Charter.
- J. Adds a final WHEREAS clause to provide that pursuant to Charter Article 15, the Mayor's approval is required for any Charter amendment proposed by the Council at a general election held in a year ending in a "4".
- K. In the BE IT RESOLVED clause:
 - 1. In Section 1, provides that the question to be placed on the 2024 general election ballot read as follows:

"Shall the Revised City Charter be amended to establish the Department of Emergency Management as an independent agency of the City Executive Branch by assigning the Department of Emergency Management a separate chapter in the City Charter similar to the chapters assigned to all other City departments; to provide that all Department of Emergency Management staff, including its Director and Deputy Director, are subject to the civil service laws; and to specify a minimum level of qualifications for the civil service position of the Director of Emergency Management, with additional minimum qualifications to be determined in accordance with civil service laws?"

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2. Adds a new Section 2 to amend Charter Section 3-122.1 (relating to the Salary Commission) to add a proviso stating that the Salary Commission does not determine the salaries of the Director of Emergency Management and the Deputy Director of Emergency Management, which are civil service positions. Renumbers subsequent sections accordingly.
3. Adds a new Section 4 to repeal Charter Section 6-104 (relating to the Citizens Advisory Commission on Civil Defense).
4. In renumbered Section 5, amends Charter Section 6-1103(i) to provide that the First Deputy in the Department of Emergency Management is not exempt from civil service.
5. In renumbered Section 6 (relating to the establishment of the Department of Emergency Management in a new Charter Chapter 19):
 - a. In new Charter Section 6-1901 (relating to organization), clarifies that the Director of Emergency Management is subject to the civil service laws;
 - b. In new Charter Section 6-1902 (relating to the qualifications), provides that the Director of Emergency Management shall:
 - i. Possess a minimum of five years of professional level experience in emergency management, disaster planning, or public safety services management, at least three years of which must have been in a responsible administrative capacity; and
 - ii. Possess additional minimum qualifications determined by the department of human resources for the director of emergency management class specification, pursuant to Section 6-1109.

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- c. In new Charter Section 6-1903 (relating to powers, duties, and functions), provides that the Director of Emergency Management shall:
 - i. Develop, maintain, and implement emergency management plans for the city to prepare for, mitigate against, respond to, and recover from emergencies and disasters;
 - ii. Coordinate the emergency management activities and functions within the city with those of the state and federal governments, and with other public or private organizations for emergency management purposes;
 - iii. Assign lead and support responsibilities to city agencies and personnel for emergency management functions;
 - iv. Implement training and exercise programs to improve the ability of city agencies and personnel to carry out emergency management functions;
 - v. Provide public information and educational programs related to emergency and disaster preparedness; and
 - vi. Perform such other duties as may be required by law.
- d. Adds a new Charter Section 6-1904 relating to the Citizens Advisory Commission on Emergency Management (formerly under Charter Section 6-104).
- L. Adds a new Section 7 to amend Charter Article XVI to add a transition provision stating that the 2024 charter amendments made to Charter Article VI, Chapter 19, do not affect the term of any the incumbent Director of Emergency Management who is serving on January 1, 2025, and unless vacating the office sooner, the incumbent shall retain the position until such time as the incumbent vacates the office.

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- M. In renumbered Section 11 (relating to the effective date of the resolution), deletes the transition provisions (now included in Section 7 of the resolution, which amends Charter Article XVI).
 - N. Makes miscellaneous technical and nonsubstantive amendments.
2. **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; Committee postponed action on the Bill 9/12/23)

CD1 TO BILL 44 (2023) (Approved by the Committee at its August 22, 2023 meeting) – 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.
3. **RESOLUTION 24-25 – SISTER CITY RELATIONSHIP WITH RAROTONGA, COOK ISLANDS.** Establishing a sister city relationship with Rarotonga, Cook Islands. (Transmitted by Communication MM-12)

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.

- 4. Request for authorization to settle a case against Sheryl Sunia, a former employee of the City and County of Honolulu, in Royne J. Dural, II v. City and County of Honolulu, et al., Civil No. CV21-00461 HG-WRP (U.S.D.C.)

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5. Request for authorization to settle a case against Defendants City and County of Honolulu and Susan Ballard, in Debralynn Thomas, Individually and in her capacity as Personal Representative of the Estate of Kyle Thomas v. City and County of Honolulu, et al., Civil No. CV21-00087 JAO-KJM (U.S.D.C.)
6. Request for authorization to settle a case against Defendants Ronald V. Dumlao, Chance C. Correa and Jose J. Villanueva, in Debralynn Thomas, Individually and in her capacity as Personal Representative of the Estate of Kyle Thomas v. City and County of Honolulu, et al., Civil No. CV21-00087 JAO-KJM (U.S.D.C.)
7. Resolution to Retain the Legal Services of Kobayashi Sugita & Goda LLP as Special Deputy Corporation Counsel for the City and County of Honolulu on Behalf of Petitioner Director of Budget and Fiscal Services, City and County of Honolulu in a Legal Action Entitled The Estate of Richard Lee Jackson; P. No. 12-1-0425 (Cir. Ct.)
8. Request for authorization to settle a lawsuit against the City and County of Honolulu entitled Association of Unit Owners of Liolio Townhouse, by its Board of Directors v. City and County of Honolulu, Civil No. 1CCV-22-0001207
9. Resolution to amend Contract No. SC-COR-2300086 to request additional funds to continue the services of McCorriston Miller Mukai MacKinnon LLP as Special Counsel to represent Defendant Jake Bartolome in the related legal actions entitled Ualani Gouveia, et al. v. City and County of Honolulu, et al., Civil No. 1CCV-21-0001150, Matthew Tabag-Kalua, et al. v. City and County of Honolulu, et al., 1CCV-22-0000415, and Jonaven Perkins-Sinapati, et al. v. City and County of Honolulu, et al., Civil No. 1CCV-22-0000429 (Cir. Ct.) and to allow the representation of Defendant Jake Bartolome in Ualani Gouveia, et al. v. Rick Blangiardi, et al.; Case No. 1CV-23-00378- JAO-WRP (U.S.D.C.)

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10. Resolution to amend Contract No. SC-COR-2300087 to request additional funds to continue the services of Kobayashi Sugita & Goda, LLP as Special Counsel to represent Defendant Erik Smith in the related legal actions entitled Ualani Gouveia, et al. v. City and County of Honolulu, et al., Civil No. 1CCV-21-0001150, Matthew Tabag-Kalua, et al. v. City and County of Honolulu, et al., 1CCV-22-0000415, and Jonaven Perkins-Sinapati, et al. v. City and County of Honolulu, et al., Civil No. 1CCV-22-0000429 (Cir. Ct.) and to allow the representation of Defendant Erik Smith in Ualani Gouveia, et al. v. Rick Blangiardi, et al.; Case No. 1CV-23-00378-JAO-WRP (U.S.D.C.)

11. Request for authorization to settle claims against the City and County of Honolulu by Steven Bose

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