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November 19, 2024

The Honorable Tyler Dos Santos-Tam, Chair
and Members
Committee on Transportation
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawai'i 96813

Dear Chair Dos Santos-Tam and Committee Members:

SUBJECT: Bill 50 (2024) Proposed CD1 – Relating to Parades, Street Festivals, and Other Activities

The Department of Transportation Services ("DTS") supports Bill 50 (2024), Proposed CD1 with the following amendments:

Amended Revised Ordinances of Honolulu 2021 ("ROH") § 15-24.20, subsection (a) – Definitions

- Restore the original definition of "Agency": We recommend restoring the original definition (currently in ROH) for consistency with subsection (d)(3)(C), which allows the DTS Director to transmit a copy of the street activity permit application to any other agency for that agency's review, comment, and recommendation. The other agency directors do not make the determination of whether to issue the permit.

- Restore the original term names and definitions of "Expressive Activity" and "First Amendment Activity": These definitions were codified as part of a 2004 settlement between the City and various parties arising from the Family Day Parade and Family Day Festivals held in 2003 and 2004.

- Restore and adjust the definition of "Nonprofit Organization": Restore and adjust to say "means an organization that qualifies as a nonprofit organization as defined in § 13-1.1, is operating in the city, and is exempt from taxation under § 501(c)(3) of the Internal Revenue Code of 1986, as amended." This would be consistent with current subsection (d)(1)(B)(1), which limits "public purpose" event applicants to a specific subset of nonprofits.

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- Amend the definition of "Street": Amend to say "has the same meaning as defined in § 15-2.23, but also includes any malls, as that term is used in Chapter 13, Article 10, for which the department coordinates and controls permitted usage."

Amended ROH § 15-24.20, subsection (d)(1)(B)

We recommend revising this "public purpose" subsection to read as follows:

"(B) Either:

(i) The applicant is a nonprofit organization; or

(ii) The applicant lists fundraising for an identified nonprofit organization as a purpose of the street activity, publicizes the event as a fundraiser for the identified nonprofit organization, and donates a minimum of 60 percent of the net profits generated by the street activity to the identified nonprofit organization within 90 days after completion of the street activity; provided that the applicant shall concurrently submit to the director a calculation of the activity's total net profits, with a notarized statement from a certified public

(iii) accountant attesting to the accuracy of the calculation."

Thank you for the opportunity to offer this testimony. Your consideration is appreciated. Should you have any questions, please contact me at (808) 768-8303.

Very truly yours,

J. Roger Morton
Director

APPROVED:

Michael D. Formby, Managing Director
Office of the Managing Director