

Chapter 4

ADDITIONAL POWERS AND DUTIES OF COUNCIL AND LEGISLATIVE AGENCIES

Articles:

- (1. **Registration of Lobbyists. Repealed by Ord. 05-033)***
1. **Reserved**
2. **Oahu Metropolitan Planning Organization**
3. **Office of Council Services**
4. **Legislative Hearings and Procedures**
5. **Registration of Voters at Driver's Licensing Sites**
6. **Services for Deaf and Hard-of-Hearing Persons Regarding Council and Committee Meetings**
7. **Report on Status of Anticipated or Ongoing Collective Bargaining**
8. **Public Infrastructure Maps**
9. **Office of the City Clerk**
10. **Office of the City Auditor**
11. **Council Committees**

(Article 1. **Registration of Lobbyists. Repealed by Ord. 05-033)***

Article 1. Reserved

[*Editor's Note: Please see Chapter 3, Article 13, Registration of Lobbyists.]

Article 2. Oahu Metropolitan Planning Organization

Sections:

- 4-2.1 **Definitions.**
- 4-2.2 **Cooperation.**
- 4-2.3 **Committee membership.**
- 4-2.4 **General work elements.**
- 4-2.5 **City official authorized to execute comprehensive agreement with Oahu metropolitan planning organization.**
- 4-2.6 **Separability.**

Sec. 4-2.1 Definitions.

For the purpose of this article:

"Mayor's appointee" means the person appointed by the mayor to the policy committee of the Oahu metropolitan planning organization.

"Policy committee" means the policy committee of the Oahu metropolitan planning organization.

"Project" means a project subject to Section 4-2.2. The term includes a work element for the overall work program.

"Short range transit plan" means the document specifying the operating plan and capital program for the public transit system. (Added by Ord. 91-27)

Sec. 4-2.2 Cooperation.

- (a) Officers and department heads of the City and County of Honolulu shall cooperate, in a timely and satisfactory manner, with the Oahu metropolitan planning organization and provide whatever pertinent or necessary report, information or data required or requested by the Oahu metropolitan planning organization in the preparation and updating of the Oahu regional transportation plan, short range transit plan and other planning documents required under federal law or regulation.
- (b)
 - (1) All projects for which the department of transportation services or planning department desires assistance under the provisions of the Urban Mass Transportation Act of 1964, as amended, or the Federal Aid Highway Act of 1973 or any other federal act, program or regulations involving or affecting the Oahu metropolitan planning organization shall be initiated by submission of the proposed project to the city council for its prior approval. Upon approval by the council, the project description, along with all required accompanying data, shall be forwarded to the Oahu metropolitan planning organization for appropriate review and action.
 - (2) Only proposed projects approved by the department of transportation services shall be submitted to the council. The director of transportation services shall coordinate the submission to the council of projects proposed by the department of transportation services and planning department. The director of transportation services shall forward proposed projects approved by the council to the Oahu metropolitan planning organization. If the director of transportation services is not the mayor's appointee, the director shall forward the proposed projects approved by the council to the Oahu metropolitan planning organization through the mayor's appointee.
- (c) In addition, any department desiring to implement a transportation project not requiring federal funds shall so inform the Oahu metropolitan planning organization so that such project may be included in the Oahu regional transportation plan, short range transit plan or other appropriate planning document.

(Sec. 4-2.1, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 96-58, 97-02)

Sec. 4-2.3 Committee membership.

- (a) The mayor's appointee to the policy committee of the Oahu metropolitan planning organization shall represent the interests of the department of transportation services and planning department. If the expressed interests of the departments are

incompatible on an issue, the mayor's appointee shall take the action on the issue which, in the appointee's judgment, is in the best, overall interest of the city.

Prior to taking any official action at a policy committee meeting:

- (1) If the mayor's appointee is the director of transportation services or chief planning officer, the appointee shall solicit the advice and recommendations of the other officer; or
 - (2) If the mayor's appointee is not the director of transportation services or chief planning officer, the appointee shall solicit the advice and recommendations of both officers.
- (b) The department of transportation services and planning department shall each be represented by at least one member on every technical or other committee of the Oahu metropolitan planning organization, except:
- (1) The citizens advisory committee; and
 - (2) Any committee on which city representation is not requested by the policy committee or executive head of the Oahu metropolitan planning organization.

(Added by Ord. 91-27; Am. Ord. 96-58, 97-02)

Sec. 4-2.4 General work elements.

The department of transportation services and planning department shall be responsible for their respective general work elements as established by the participating agencies of the Oahu metropolitan planning organization. Exhibit 1[***Editor's Note:** See Ord. No. 4570 for general work elements.] which is incorporated by reference in and made a part of Ordinance No. 4570 shall be superseded upon the establishment of general work elements conforming to this article. (Sec. 4-2.2, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 96-58, 97-02)

Sec. 4-2.5 City official authorized to execute comprehensive agreement with Oahu metropolitan planning organization.

The presiding officer and chair of the city council of the City and County of Honolulu shall be authorized to execute the comprehensive agreement in behalf of the City and County of Honolulu. (Sec. 4-2.3, R.O. 1978 (1983 Ed.); Am. Ord. 91-27)

Sec. 4-2.6 Separability.

It is the intention of the council that this article and every provision thereof shall be considered separable, and the invalidity of any section, clause, provision or part thereof, shall not affect the validity of any other portion of this article. (Sec. 4-2.4, R.O. 1978 (1983 Ed.); Am. Ord. 91-27)

Article 3. Office of Council Services* [***Editor's Note:** Salaries, Chap. 5, Art. 3, ROH 1990.]

Sections:

- 4-3.1 Office established.**
- 4-3.2 Purpose.**
- 4-3.3 Authority of the director of council services.**
- 4-3.4 Director--Appointment, tenure, removal, compensation, vacancy.**

Sec. 4 3.1 Office established.

The office of council services is established. (Sec. 4-3.1, R.O. 1978 (1983 Ed.))

Sec. 4-3.2 Purpose.

The purpose of the office of council services shall be:

- (a) To provide a comprehensive research and reference service for the council;
- (b) To conduct research, including legal research, as may be necessary for the enactment or consideration of legislation;
- (c) To serve in an advisory or a consultative capacity to the council and its committees on all matters within its competencies and responsibilities;
- (d) To assist the council to carry out its responsibilities under Revised Charter Section 3-114:
 - (1) To conduct an annual financial audit of all operations of the city and all operations for which the city is responsible and of their funds and accounts for each fiscal year; and
 - (2) To conduct performance audits of any or all of the agencies and operations of the city and all operations for which the city is responsible;
- (e) To serve as special counsel to the council consistent with the provisions of the charter;
- (f) To serve as the revisor of ordinances pursuant to Chapter 1, Article 16; and
- (g) To perform such other duties as may be assigned by the council or by the presiding officer of the council.

(Sec. 4-3.2, R.O. 1978 (1983 Ed.); Am. Ord. 94-52, 94-89)

Sec. 4-3.3 Authority of the director of council services.

The director of council services shall:

- (a) Have the same powers with respect to the personnel of the office of council services as department heads of the executive branch, unless otherwise expressly limited by charter or ordinance. The attorneys in the office of council services shall be licensed to practice in Hawaii and in good standing before the Supreme Court of the State of Hawaii.
- (b) Be authorized to administer oaths and, in the name of the council, subpoena witnesses and compel the production of books, papers, documents, records, and any government record as that term is defined in HRS Section 92F-3, relevant to a financial or performance audit authorized by the council. This authorization is granted to the director or a person duly designated by the director in exercise of the council's investigative power established in Revised Charter Section 3-120.

(Added by Ord. 94-52; Am. Ord. 94-89)

Sec. 4-3.4 Director--Appointment, tenure, removal, compensation, vacancy.

- (a) The presiding officer of the council shall appoint, with the concurrence of the council, a director of the office of council services, who shall serve for a term of six years, and thereafter until a successor is appointed. The council, by a two-thirds vote of its entire membership, may remove or suspend the director from office, but only for cause.
- (b) If the office of the director becomes vacant, the deputy director shall become the acting director until a successor is duly appointed.
- (c) The salary of the director shall be equal to that of the majority of executive department heads who are subject to the salary commission. If no majority of such department heads is entitled to the same salary, then the salary of the director shall be equal to the salary of the director of budget and fiscal services.

(Added by Ord. 94-89; Am. Ord. 03-34)

Article 4. Legislative Hearings and Procedures

Sections:

- 4-4.1 Purpose.**
- 4-4.2 Definitions.**
- 4-4.3 Establishment of investigating committees.**
- 4-4.4 Finances and staff.**
- 4-4.5 Membership—Quorum--Voting.**
- 4-4.6 Hearings.**
- 4-4.7 Issuance of subpoenas.**
- 4-4.8 Notice to witnesses.**
- 4-4.9 Conduct of hearing.**
- 4-4.10 Right to counsel and submission of questions.**
- 4-4.11 Testimony.**
- 4-4.12 Interested persons.**
- 4-4.13 Contempt.**
- 4-4.14 Penalties.**
- 4-4.15 Government officers and employees to cooperate.**
- 4-4.16 Limitation.**

Sec. 4-4.1 Purpose.

The purpose of this article is to establish procedures governing legislative investigating committees to provide for the creation and operation of legislative investigating committees in a manner which will enable them to perform properly the powers and duties vested in them, including the conduct of hearings, in a fair and impartial manner, consistent with protection of the constitutional rights of persons called to testify at such hearings and preservation of the public good. (Sec. 4-4.1, R.O. 1978 (1983 Ed.))

Sec. 4-4.2 Definitions.

As used in this article:

"Hearing" means any meeting in the course of an investigatory proceeding, other than a preliminary conference or interview at which no testimony is taken under oath, conducted by an investigating committee for the purpose of taking testimony or receiving other evidence. A hearing may be open to the public or closed to the public in conformance with HRS Section 92-5.

"Investigating committee" means any of the following which are authorized to compel the attendance and testimony of witnesses or the production of books, records, papers and documents for the purpose of securing information on a specific subject for the use of the city council:

- (1) A standing committee;
- (2) A special committee; or
- (3) A committee of the whole of the city council.

"Public hearing" means any hearing open to the public, or the proceedings of which are made available to the public. (Sec. 4-4.2, R.O. 1978 (1983 Ed.))

Sec. 4-4.3 Establishment of investigating committees.

- (a) An investigating committee may exercise its powers pursuant to Revised Charter Section 3-120 or by council resolution by which the committee was established or from which it derives its investigatory powers.
 - (b) The resolution establishing an investigating committee shall state the committee's purposes, powers, duties and duration (when ascertainable), the subject matter and scope of its investigatory authority, and the number of its members.
- (Sec. 4-4.3, R.O. 1978 (1983 Ed.); Am. Ord. 96-58)

Sec. 4-4.4 Finances and staff.

Each investigating committee may employ such professional, technical, clerical or other personnel as necessary for the proper performance of its duties, to the extent of funds made available to it for such purpose and subject to such restrictions and procedures relating thereto as may be provided by law or any applicable rules or procedures of the city council. (Sec. 4-4.4, R.O. 1978 (1983 Ed.))

Sec. 4-4.5 Membership—Quorum--Voting.

- (a) An investigating committee shall consist of not less than five members.
- (b) A quorum shall consist of a majority of the total authorized membership of the committee.

- (c) No action shall be taken by a committee at any meeting unless a quorum is present. The committee may act by a majority vote of the members present and voting at a meeting at which there is a quorum.
(Sec. 4-4.5, R.O. 1978 (1983 Ed.))

Sec. 4-4.6 Hearings.

- (a) An investigating committee may hold hearings appropriate for the performance of its duties, at such times and places as the committee determines.
- (b) Each member of the committee shall be given at least three days' written notice of any hearing to be held. The notices shall include a statement of the subject matter of the hearing. A hearing, and any action taken at a hearing, shall not be deemed invalid solely because notice of the hearing was not given in accordance with this requirement.
- (c) Any investigating committee shall not conduct a hearing unless a quorum is present.
(Sec. 4-4.6, R.O. 1978 (1983 Ed.))

Sec. 4-4.7 Issuance of subpoenas.

- (a) The presiding officer of either the city council or any committee of the council, as the case may be, may issue subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of books, documents or other evidence, in any matter pending before either the council or committee, as the case may be.
- (b) Every investigating committee may issue, by majority vote of all its members, subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of books, documents or other evidence, in any matter pending before the committee.
- (c) Any subpoena issued under the authority of the city council or its authorized committee shall run in the name of the City and County of Honolulu and shall be addressed to any or all of the following officers: the sergeant at arms or bailiff of the city council; the sheriff or the sheriff's deputies; the chief of police of any county or the chief of police's deputies; any police officer of the state or any county. The subpoena shall be signed by the officer authorized to issue it, shall set forth the officer's official title, shall contain a reference to Revised Charter Section 3-120 or resolution, or other means, by which the taking of testimony or other evidence was authorized, and shall, in the case of a summons or subpoena, set forth in general terms the matter or question with reference to which the testimony or other evidence is to be taken.
- (d) Any officer to whom such process is directed, if within such officer's territorial jurisdiction, shall forthwith serve or execute the same upon delivery thereof to the officer without charge or compensation, except in the case of the sheriff or the sheriff's deputies where the council shall pay the customary service fee plus the mileage expenses.
(Sec. 4-4.7, R.O. 1978 (1983 Ed.); Am. Ord. 96-58)

Sec. 4-4.8 Notice to witnesses.

- (a) Service of a subpoena requiring the attendance of a person at a hearing of an investigating committee shall be made at least five days prior to the date of the hearing unless a shorter period of time is authorized by majority vote of all the members of the committee in a particular instance when, in their opinion, the giving of five days' notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.
- (b) Any person who is served with a subpoena to attend a hearing of an investigating committee also shall be served with a copy of the resolution or the charter provision establishing the committee, a copy of the ordinance under which the committee functions, a general statement informing such person of the subject matter of the committee's investigation or inquiry, and a notice that such person may be accompanied at the hearing by counsel of such person's own choosing.
(Sec. 4-4.8, R.O. 1978 (1983 Ed.))

Sec. 4-4.9 Conduct of hearing.

- (a) All hearings of an investigating committee shall be public unless the committee, by two thirds vote of all its members, determines that a hearing should not be open to the public in a particular instance.
- (b) The chair of an investigating committee, if present and able to act, shall preside at all hearings of the committee and shall conduct the examination of witnesses or supervise examination by other members of the committee, the committee's counsel, or members of the committee's staff who are so authorized. In the chair's absence or disability, the vice chair shall serve as presiding officer. In the absence or disability of both the chair and the vice chair, an acting chair shall be selected from among the remaining members of the committee.
(Sec. 4-4.9, R.O. 1978 (1983 Ed.))

Sec. 4-4.10 Right to counsel and submission of questions.

- (a) Every witness at a hearing of an investigating committee may be accompanied by counsel of such person's own choosing, who may advise the witness as to such person's rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.
- (b) Any witness at a hearing, or such person's counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as are appropriate to the subject matter of the hearing.
(Sec. 4-4.10, R.O. 1978 (1983 Ed.))

Sec. 4-4.11 Testimony.

- (a) An investigating committee shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced, which record shall include rulings of the chair, questions of the committee and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee, and such other matters as the committee or its chair may direct.
- (b) All testimony given or adduced at a hearing shall be under oath or affirmation unless the requirement is dispensed with in a particular instance by majority vote of the committee members present at the hearing.

- (c) The presiding officer of either the city council or of an investigating committee may administer an oath or affirmation to a witness at a hearing of such committee.
 - (d) The presiding officer at a hearing may direct a witness to answer any relevant question or furnish any relevant book, paper or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by majority vote of the committee members present, disobedience shall constitute a contempt. The proper court, upon request of the council, shall have power to compel obedience to any process of the council and require such witness to answer questions put to such person as aforesaid and to punish as contempt of the court, any refusal to comply therewith without good cause shown therefor.
 - (e) A witness at a hearing or such person's counsel, with the consent of a majority of the committee members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter and scope of the committee's investigation or inquiry.
 - (f) A witness at a hearing, upon such person's advance request and at such person's own expense, shall be furnished a certified transcript of his testimony at the hearing.
 - (g) Testimony and other evidence given or adduced at a hearing closed to the public shall not be made public unless authorized by majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.
 - (h) All information of a defamatory or highly prejudicial nature received by or for the committee other than in an open or closed hearing shall be deemed to be confidential. No such information shall be made public unless authorized by majority vote of all of the members of the committee for legislative purposes, or unless its use is required for judicial purposes.
- (Sec. 4-4.11, R.O. 1978 (1983 Ed.))

Sec. 4-4.12 Interested persons.

- (a) Any person whose name is mentioned or who is otherwise identified during a hearing of an investigating committee and who, in the opinion of the committee, may be adversely affected thereby, may, upon such person's request or upon the request of any member of the committee, appear personally before the committee and testify in such person's own behalf, or with the committee's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing.
- (b) Upon the consent of a majority of its members, an investigating committee may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance or submission of evidence shall limit in any way the investigating committee's power of subpoena.
- (c) Any person who appears before an investigating committee pursuant to this section shall have all the rights, privileges and responsibilities of a witness provided by this article.

(Sec. 4-4.12, R.O. 1978 (1983 Ed.))

Sec. 4-4.13 Contempt.

- A person shall be in contempt if such person:
- (a) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify or, having appeared, fails or refuses to testify under oath or affirmation;
 - (b) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper or other document subpoenaed by or on behalf of an investigating committee; or
 - (c) Commits any other act or offense against an investigating committee which, if committed against the city council, would constitute a contempt.

(Sec. 4-4.13, R.O. 1978 (1983 Ed.))

Sec. 4-4.14 Penalties.

- (a) A person guilty of contempt under this article shall be fined not more than \$1,000.00 or imprisoned not more than one year or both. Prosecutions in such cases shall be as provided by law for the prosecution of misdemeanors.
- (b) If any investigating committee fails in any material respect to comply with the requirements of this article, any person subject to a subpoena or a subpoena duces tecum who is injured by the failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and the failure shall be a complete defense in any proceeding against the person for contempt or other punishment.
- (c) Any person other than the witness concerned or such person's counsel who violates Section 4 4.11(g) or (h) shall be fined not more than \$500.00 or imprisoned not more than six months, or both. The corporation counsel or special counsel for the city council, depending upon the discretionary judgment of the city council on such person's own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for trial of the issue and imposition of the penalties provided herein. Nothing in this subsection shall limit any power which the city council may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(Sec. 4-4.14, R.O. 1978 (1983 Ed.))

Sec. 4-4.15 Government officers and employees to cooperate.

The officers and the employees of the state and of each county shall cooperate with any investigating committee or committees or with their representatives and furnish to them or to their representatives such information as may be called for in connection with the investigative and research activities of the committees. (Sec. 4-4.15, R.O. 1978 (1983 Ed.))

Sec. 4-4.16 Limitation.

Nothing contained in this article shall be construed to limit or prohibit the acquisition of evidence or information by an investigating committee by any lawful means not provided for herein. (Sec. 4-4.16, R.O. 1978 (1983 Ed.))

Article 5. Registration of Voters at Driver's Licensing Sites

Sections:

- 4-5.1 Arrangement for voter registration at driver's licensing sites.**
- 4-5.2 "Driver's licensing site" defined.**

Sec. 4-5.1 Arrangement for voter registration at driver's licensing sites.

- (a) The city clerk, subject to the availability of funds, may arrange for the registration of voters:
 - (1) At driver's licensing sites;
 - (2) During the days and hours when the driver's licensing sites are open to the general public, except when the registration of voters is closed under state law; and
 - (3) As:
 - (A) Part of or simultaneous to the processing of applications for an original, renewed or duplicate driver's license, or
 - (B) A function distinct from and conducted before or after the processing of applications for an original, renewed, or duplicate driver's license.
- (b) Any arrangement for the registration of voters with personnel or facilities under the control of another city agency at driver's licensing sites shall require the approval of the appropriate head of the other agency.

(Added by Ord. 89-148)

Sec. 4-5.2 "Driver's licensing site" defined.

- (a) For the purposes of this article, "driver's licensing site" means a location where the general public may apply for an original, renewed or duplicate driver's license or instruction permit.
- (b) For the purposes of this article, "driver's license" and "instruction permit" mean the same as defined under Section 41 16.1.

(Added by Ord. 89-148)

Article 6. Services for Deaf and Hard-of-Hearing Persons Regarding Council and Committee Meetings

Sections:

- 4-6.1 Definitions.**
- 4-6.2 Real time captioning of televised council or committee meeting.**
- 4-6.3 Qualified interpretive services.**
- 4-6.4 Substitution of more advanced system.**
- 4-6.5 Council chair responsibility.**

Sec. 4-6.1 Definitions.

For the purpose of this article:

"Committee meeting" means a regular meeting, special meeting, hearing, or informational meeting of a standing committee, special committee, or advisory committee of the council.

"Council meeting" means a regular meeting, special meeting, public hearing, or informational meeting of the full council.

"Qualified interpreter" means an interpreter who is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary.

"Qualified interpretive services" mean the services of a qualified interpreter.

"Real time captioning" means the simultaneous transcription of spoken words during a televised council or committee meeting for appearance on a television screen.

"Regular council meeting" means a council meeting fulfilling the requirement of Revised Charter, Section 3-107.8.

"Televised council or committee meeting" means a council or committee meeting which is televised on a live or delayed basis under a broadcast production of the council.

(Added by Ord. 94-37)

Sec. 4-6.2 Real time captioning of televised council or committee meeting.

- (a) Subject to the provisions of this article, the council:
 - (1) Shall provide for the real time captioning of each televised regular council meeting; and
 - (2) May provide for the real time captioning of any other televised council or committee meeting at the discretion of the council chair.
- (b) The real time captioning provided pursuant to this section shall:
 - (1) Transcribe the spoken words of each participant at the televised council or committee meeting; and
 - (2) Be visible on all properly equipped televisions tuned to the televised council or committee meeting.
- (c) The council shall include terms and conditions to implement this section in each contract with a person responsible for the broadcast production of televised council and committee meetings.
- (d) This section shall not be construed as requiring:
 - (1) The real time captioning of any council or committee meeting which is not televised; or
 - (2) The real time captioning of any portion of a council or committee meeting televised under a noncouncil broadcast production.
- (e) The council shall conduct a pilot program of the real time captioning of selected televised council and committee meetings. The purpose of the pilot program shall be to discover and then correct problems associated with real time captioning prior

to full implementation. The council shall review the pilot program and, if necessary, modify this article and the real time captioning to be provided.

Full implementation of real time captioning in accordance with this section shall be initiated upon adoption by the council of an authorizing resolution.

(Added by Ord. 94-37)

Sec. 4-6.3 Qualified interpretive services.

- (a) Except as provided under subsection (b), the council shall make available qualified interpretive services for a deaf or hard-of-hearing person requesting the services to personally attend a council or committee meeting and understand or participate in the proceedings. The council shall make the services available at no charge to the requesting deaf or hard-of-hearing person.
- (b) The council shall not be required to make available qualified interpretive services for a deaf or hard-of-hearing person at a council or committee meeting when:
 - (1) A qualified interpreter cannot be retained for the deaf or hard-of-hearing person after reasonable effort by the council;
 - (2) The request for qualified interpretive services is not made before a deadline established by the council chair for a council meeting or a committee chair for a committee meeting; or
 - (3) The cost of the qualified interpretive services would place an undue financial burden on the council, as determined and justified in writing by the council chair.
- (c) This section shall not be construed as requiring the council to pay for the services of a qualified interpreter retained without the appropriate council approval. The council shall have no responsibility or liability for those services.

(Added by Ord. 94-37)

Sec. 4-6.4 Substitution of more advanced system.

The council may substitute a more advanced system for real time captioning or qualified interpretive services when:

- (a) The system becomes commercially available at an affordable cost to the council; and
- (b) The system improves the accessibility of deaf and hard-of-hearing persons to council and committee meetings.

(Added by Ord. 94-37)

Sec. 4-6.5 Council chair responsibility.

The council chair shall establish policies and be responsible for implementation of this article. The policies shall be consistent with this article. (Added by Ord. 94-37)

**Article 7. Report on Status of
Anticipated or Ongoing Collective Bargaining**

Sections:

- 4-7.1 Definitions.**
- (4-7.2 Repealed by Ord. 14-24. Report by mayor or designated representative on anticipated or ongoing collective bargaining matters.)**
- 4-7.2 Reserved.**
- 4-7.3 Mayor's prerogative to withhold information.**
- 4-7.4 Executive session.**
- 4-7.5 Mayoral authority in collective bargaining.**
- 4-7.6 Nonapplicability to council or committee meeting on other collective bargaining issue--Nonapplicability to investigating committee meeting.**

Sec. 4-7.1 Definitions.

For the purpose of this article:

"Bargaining unit" means a bargaining unit of public employees established pursuant to HRS Section 89 6.

"Collective bargaining" means the same as defined under HRS Section 89-2.

"Committee" means a standing committee, special committee, or committee of the whole of the council. The term does not include a council established committee, the membership of which includes persons who are not councilmembers.

"Committee meeting" means a regular or special meeting of a committee.

"Cost items" means the same as defined under HRS Section 89-2.

"Council meeting" means a regular or special meeting of the council.

"Exclusive representative" means the same as defined under HRS Section 89-2.

"Impasse" means the same as defined under HRS Section 89-2.

"Ongoing collective bargaining" means the collective bargaining negotiation and impasse resolution process undertaken before the public employers and exclusive representative of a bargaining unit enter into a written agreement on wages, hours, and other terms and conditions of employment.

"Public employer" means the same as defined under HRS Section 89-2.

(Added by Ord. 98-49)

(Sec. 4-7.2 Report by mayor or designated representative on anticipated or ongoing collective bargaining matters. Repealed by Ord. 14-24.)

Sec/ 4-7.2 Reserved.

Sec. 4-7.3 Mayor's prerogative to withhold information.

At a council or committee meeting, the mayor or designated representative may withhold information if determining that disclosure will result in:

- (1) A prohibited practice charge under HRS Chapter 89;
- (2) The breach of a written or oral confidentiality agreement with the exclusive representative, another public employer, the Hawaii labor relations board, or a mediator, fact finding board, or arbitration panel;
- (3) The violation of an existing, valid written agreement with the exclusive representative;
- (4) The violation of any law; or
- (5) The weakening of the public employers' position in the collective bargaining negotiations.

(Added by Ord. 98-49)

Sec. 4-7.4 Executive session.

At the recommendation of the corporation counsel, the council or committee may recess a meeting and convene in executive session to discuss an ongoing collective bargaining matter with the mayor or designated representative. The corporation counsel shall make such a recommendation if finding that, based on the matter to be discussed, an executive session is permissible under HRS Chapter 92 and the revised charter. (Added by Ord. 98-49)

Sec. 4-7.5 Mayoral authority in collective bargaining.

This article shall not affect the mayor's authority under HRS Chapter 89 regarding collective bargaining with an exclusive representative of city employees. (Added by Ord. 98-49)

Sec. 4-7.6 Nonapplicability to council or committee meeting on other collective bargaining issue--Nonapplicability to investigating committee meeting.

- (a) This article shall not apply to a council or committee meeting at which a collective bargaining agreement executed by the public employers and exclusive representative is to be considered. This article also shall not apply to a council or committee meeting at which a term or condition of an executed collective bargaining agreement is to be considered. This article also shall not apply to a council or committee meeting at which a proposed appropriation for a collective bargaining cost item is to be considered. A council or committee meeting on an executed agreement or a term, condition, or cost item of such an agreement shall be subject to other applicable provisions of law, charter, ordinance, or council rule.
- (b) This article shall not apply to a hearing or meeting of a council investigating committee established pursuant to Article 4. Such a hearing or meeting shall be subject to Article 4.

(Added by Ord. 98-49)

Article 8. Public Infrastructure Maps

Sections:

4-8.1 General provisions.

4-8.2 Procedure for the adoption and revision of public infrastructure maps.

4-8.3 Types of public infrastructure to be shown on public infrastructure map.

4-8.4 Applicability criteria.

Sec. 4-8.1 General provisions.

- (a) The city council shall adopt public infrastructure maps reflecting major public infrastructure projects, as defined in Section 4-8.4, that impact adopted growth policies or needed public facility policies for each of the development plan areas in the City and County of Honolulu as each of the development plans is revised and adopted pursuant to the 1992 charter amendments.
- (b) The public infrastructure maps shall not be deemed part of the development plans, shall be adopted by resolution, and shall be revised by resolution in accordance with the procedures set forth in Section 4-8.2. The city shall, when making any land use decision, consider the potential impact of the decision on those proposed projects that are represented by symbols on the public infrastructure maps.
- (c) The public infrastructure maps shall include symbols showing the general locations of major public infrastructure, as defined in Section 4-8.4. Symbols for publicly funded facilities for a development plan area for which a public infrastructure map has been adopted shall be shown on the applicable public infrastructure map prior to the appropriation of land acquisition or construction funds. In addition, no funds for land acquisition or construction shall be expended or encumbered for a project unless either the symbol for the project is shown on the public infrastructure map or the project does not meet the applicability criteria specified in Section 4-8.4 and, therefore, a symbol for the project is not required to be on the public infrastructure map. However, when time is of the essence in order for the city to comply with a state or federal consent decree or court-ordered deadlines, or when there is an imminent threat to public health, safety or property, funding for capital improvement projects may be initiated and appropriations may be made therefor without amending the public infrastructure map.
- (d) The department of planning and permitting shall consider all phases of a project when determining whether a project meets the applicability criteria specified in Section 4-8.4. All phases of a project shall be presented to the council prior to its adoption of the resolution revising the public infrastructure map to include a symbol for the project. Intentional parceling of projects to avoid the designation of a project as "major public infrastructure" pursuant to Section 4-8.4 shall be prohibited.

Land acquisition for the purpose of preserving open space or protecting scenic viewplanes shall not constitute parceling and shall not require a revision to the public infrastructure map. Future use of the land for any public improvement project of a type which meets the criteria specified in Section 4-8.4, however, will require a revision to the public infrastructure map.

(e) Any questions of interpretation regarding whether a project requires placement of a symbol therefor on the public infrastructure map, or relocation of an existing symbol, shall be resolved by the city council.

(Added by Ord. 99-69; Am. Ord. 02-03, 07-37)

Sec. 4-8.2 Procedure for the adoption and revision of public infrastructure maps.

(a) During the initial preparation of the public infrastructure maps, projects that are designated on the public facilities map for each development plan area on the effective date of the new area development plan, that are of a type enumerated in Section 4-8.3 and that meet the criteria set forth in Section 4-8.4 shall have a symbol therefor placed on the public infrastructure map for that development plan area. The public infrastructure maps shall be drawn at a scale no smaller than 1:24,000 (one inch on the map equals no more than two thousand feet).

(b) Revisions of the public infrastructure maps shall be made by council resolution. The council shall consider the public infrastructure map in its review of the city's annual budget. Any public infrastructure map symbol may be administratively deleted by the department of planning and permitting once the improvement or land acquisition is completed. The council shall be informed of the administrative deletion of any public infrastructure map symbol.

(c) The council resolution revising the map shall include, but not be limited to:

- (1) The general location of the proposed public infrastructure; and
- (2) A description of the project including a description of the project's size and function.

(d) Revisions of the public infrastructure maps shall be made only for those public infrastructure projects that are of a type enumerated in Section 4-8.3, that meet the criteria set forth in Section 4-8.4, and that are consistent with the general plan, the development plans, any applicable special area plans, and the appropriate functional plans.

Any revision of a public infrastructure map may be proposed by the director of planning and permitting or proposed by the council. Upon introduction of a council-proposed resolution to revise a public infrastructure map, the city clerk shall transmit a copy of the resolution to the director of planning and permitting.

The department of planning and permitting shall have 75 days following introduction of the council-proposed resolution to review the proposal, consult with other governmental agencies and with appropriate community organizations, and prepare a report to the council making a recommendation to the council. Unless a report is received by the council, the council shall not take action on the resolution prior to the expiration of the 75 days except on a motion supported by two thirds of the entire membership of the council.

The need to revise by resolution the location of an existing symbol when a selected site differs from the location of a symbol on the public infrastructure map shall be determined by department of planning and permitting on a case-by-case basis based on the distance between the two locations, different environmental and urbanization conditions between the two locations, a change in the neighborhood board area, and past public comments. The director of planning and permitting shall timely notify the council of any decision that an existing symbol need not be relocated, and that decision shall be subject to review and action by the council pursuant to Section 4-8.1(e).

(Added by Ord. 99-69; Am. Ord. 02-03, 07-37)

Sec. 4-8.3 Types of public infrastructure to be shown on public infrastructure map.

(a) Symbols for the following types of public improvement projects shall be shown on the public infrastructure maps, provided they meet the applicability criteria specified in Section 4-8.4:

- (1) Corporation yard;
- (2) Desalination plant;
- (3) Drainage way (open channel);
- (4) Fire station;
- (5) Government building;
- (6) Golf course (municipal);
- (7) Park (includes neighborhood, urban, community, district and regional parks, beach/shoreline parks, dog parks, nature parks and preserves, zoos and botanical gardens, and stream greenbelts);
- (8) Police station;
- (9) Parking facility;
- (10) Water reservoir;
- (11) Sewage treatment plant;
- (12) Solid waste facility;
- (13) Rapid transit corridor;
- (14) Transit station (includes park and rides, bus transit centers, and rapid transit stations);
- (15) Major collector or arterial roadway;
- (16) Sewage pump station; and
- (17) Potable water well.

(b) The alignment of linear facilities, and the location of project boundaries, shall be considered approximate and conceptual.

(Added by Ord. 99-69; Am. Ord. 02-03, 06-50, 07-001, 07-37)

Sec. 4-8.4 Applicability criteria.

"Major public infrastructure" means any public improvement project that is of a type enumerated in Section 4-8.3 and that meets any one or more of the following criteria:

- (1) It has a significant impact on surrounding land uses or the natural environment;
- (2) It establishes a new facility;
- (3) It substantially changes the function of an existing facility; or

- (4) It involves modification (replacement or renovation) of an existing facility which would permit significant new development or redevelopment.
(Added by Ord. 99-69; Am. Ord. 02-03, 07-37)

Article 9. Office of the City Clerk

Sections:

4-9.1 City clerk—Appointment, tenure, removal, compensation.

Sec. 4-9.1 City clerk—Appointment, tenure, removal, compensation.

- (a) The city clerk shall be appointed by the council to serve for a term of six years and thereafter until a successor is appointed. The council, by two-thirds vote of its entire membership, may remove or suspend the city clerk from office, but only for cause.
- (b) The salary of the city clerk shall be equal to that of the majority of executive department heads who are subject to the salary commission. If no majority of such department heads is entitled to the same salary, then the salary of the city clerk shall be equal to the salary of the director of budget and fiscal services.

(Added by Ord. 03-34)

Article 10. Office of the City Auditor

Sections:

4-10.1 City auditor—Appointment, tenure, removal, compensation.

Sec. 4-10.1 City auditor—Appointment, tenure, removal, compensation.

- (a) The city auditor shall be appointed by the council to serve for a term of six years as provided in RCH Section 3-501 and thereafter until a successor is appointed. The council, by two-thirds vote of its entire membership, may remove or suspend the city auditor from office for cause.
- (b) The salary of the city auditor shall be equal to that of the majority of executive department heads who are subject to the salary commission. If no majority of such department heads is entitled to the same salary, then the salary of the city auditor shall be equal to the salary of the director of budget and fiscal services.

(Added by Ord. 03-34)

Article 11. Council Committees

Sections:

4-11.1 Standing committees—Quorum—Number of votes necessary to validate acts.

Sec. 4-11.1 Standing committees—Quorum—Number of votes necessary to validate acts.

- (a) The number of members necessary to constitute a quorum for a council standing committee to do business shall be a majority of the number of voting members to which the committee is entitled.
- (b) The number of members necessary to make the action of a council standing committee valid shall be:
- (1) When a majority is required, a majority of the number of voting members to which the committee is entitled; or
 - (2) When a supermajority vote is required, that supermajority of the number of voting members to which the committee is entitled.
- (c) The numbers specified in subsections (a) and (b) shall be unaffected by a nonvoting member of a standing committee serving as a voting member under particular circumstances, such as due to the lack of a quorum of voting members or to break a tie vote, pursuant to council rules.

(Added by Ord. 08-16)