



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

Voting Members:

Ron Menor, Chair
Carol Fukunaga, Vice-Chair
Ikaika Anderson
Brandon J.C. Elefante
Ann H. Kobayashi
Joey Manahan
Ernest Y. Martin
Trevor Ozawa
Kymberly Marcos Pine

AGENDA

REGULAR MEETING
COMMITTEE MEETING ROOM
TUESDAY, SEPTEMBER 20, 2016
1:00 P.M.

SPEAKER REGISTRATION

Persons wishing to testify are requested to register by 1:00 p.m. as follows:

- a. On-Line at <http://www.honolulu.gov/ccl-testimony-form.html>
- b. By faxing to 768-3827 your name, phone number and the agenda item;
- c. By filling out a registration form in person; or
- d. By calling 768-3817.

Persons who have not registered to testify will be given an opportunity to speak on an item following oral testimonies of the registered speakers.

Each speaker is limited to one-minute presentation.

WRITTEN TESTIMONY

Written testimony may be faxed to 768-3827 or transmitted via the internet at <http://www.honolulu.gov/ccl-testimony-form.html> for distribution at the meeting.

If submitted, written testimonies, including the testifier's address, e-mail address and phone number, may be posted by the City Clerk and available to the public on the City's DocuShare Website.

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Accommodations are available upon request to persons with disabilities, please call 768-3817 or send an email to ltam@honolulu.gov at least three working days prior to the meeting.

The meeting is viewable by: (1) internet live streaming through http://olelo.granicus.com/MediaPlayer.php?publish_id=92; (2) televised live broadcast on Olelo TV Channel 54; or (3) after the meeting, viewable at <http://www.honolulu.gov/council/cclmeetings/ccl-archived-meetings-agendas.html>. Copies of older meeting videos may be requested by calling the City Clerk's Office at 768-5822, charges may apply.

FOR APPROVAL

MINUTES OF AUGUST 23, 2016 MEETING

FOR ACTION

1. **RESOLUTION 16-232** – **REAPPOINTMENT OF MICHAEL A. LILLY TO SERVE ON THE ETHICS COMMISSION.** Confirming the reappointment of Michael A. Lilly to serve on the Ethics Commission of the City and County of Honolulu. (Transmitted by Communication [MM-93](#); Public Hearing held on 9/7/16)
2. **RESOLUTION 16-213** – **(FOR CONDEMNATION)** Providing for the acquisition of land for public use, to wit: public streets, situate at Kakaako, Honolulu, Oahu, Hawaii, and determining and declaring the necessity of the acquisition thereof by eminent domain.
3. **BILL 37 (2016), CD1** – **EXECUTIVE BRANCH OF THE CITY.** Updating Chapter 2 of the Revised Ordinances of Honolulu 1990 to reflect changes in the names and functions of the executive branch of the city. (Bill 37 (2016), CD1 passed second reading and public hearing held on 9/7/16)

PROPOSED CD2 TO BILL 37 (2016), CD1 (Submitted by Councilmember Menor) – The CD2 (OCS2016-0845/9/14/2016 11:58 AM) makes the following amendments:

- A. Based on comments by COR, in Section 7 of the bill, amends proposed new ROH Section 2-4.2(d)(2) to read as follows:

“The director's written recommendations, along with the appropriate proposed ordinance, if any, shall be submitted to the council each year at the same time that the city administration submits the annual executive operating and capital budgets.”
- B. In Section 16 of the bill, replaces the references in proposed new ROH Section 2-8.4 to the "department of transportation services" and the "director of transportation services" with, respectively, the "department [of facility maintenance]" and the "chief engineer."
- C. Based on comments by the Department of Enterprise Services (DES) and COR, in Section 21 of the bill, amends Section 2-13.1(a) to read that the DES Director shall:

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"(a) Have the authority to negotiate contracts for:

(1) Concessions in or on; or

(2) [the]The renting, [or] leasing, or licensing of;

property under the control of the department [of auditoriums, including contracts for concessions], including the auditorium, cultural, entertainment and recreational facilities assigned to the department, pursuant to [the rental policy established by the council;] Chapter 28; provided, that all such contracts shall be executed by the director of [finance.] budget and fiscal services."

D. Based on comments by COR, in Section 23 of the bill, amends the definition of "temporary position count" in ROH Section 2-17.1 to read as follows:

"Temporary position count" means the number of temporary, full time equivalent positions which are authorized for each activity by law. Temporary positions shall include those positions defined in Revised Charter [Sections 6-603 (f) and (g).] subsections 6-1103(f) and (g)."

E. As recommended by COR, in Section 29 of the bill, amends the enumerated powers, duties, and functions of the director of the department of environmental services in ROH Section 2-23.1 to conform to the powers, duties, and functions set forth in Revised Charter Section 6-803.

F. As recommended by COR, adds a new Section 31 to the bill to amend ROH Section 9-1.5(a) by revising a cross-reference to an ROH Section renumbered in Section 30 of the bill. Renumbers subsequent bill sections accordingly.

G. As recommended by COR, in renumbered Section 35 of the bill, amends the definition of "executive agency" to mean "any agency of the executive branch of city government, excluding the board of water supply and the Honolulu Authority for Rapid Transportation."

H. Adds a new Section 36 to the bill, to amend subsection (b) of ROH Section 2-26.1 to correct a reference to the department of water. Renumbers subsequent sections accordingly.

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- I. As requested by the Administration, amends renumbered Section 38 of the bill and adds a new Section 39 to the bill to retain Article 29 and change the name of the department to the Department of Community Services. Renumbers subsequent bill sections accordingly.
 - J. As recommended by COR, in renumbered Section 47 of the bill, amends proposed new ROH subsections 2-___.1(a) and (c) to refer to "planning, engineering, design, and construction" duties.
 - K. Makes miscellaneous technical and nonsubstantive amendments.
- 4. **BILL 53 (2016) – INTERGOVERNMENTAL AND PRIVATE GRANT AGREEMENTS.** Making certain changes to the requirements for intergovernmental and private grant agreements. (Bill 53 passed first reading on 9/7/16)
 - 5. **RESOLUTION 16-249 - CONVERSION OF HARDCOPY RECORDS TO ELECTRONIC FORMAT.** Authorizing the City Council, Agencies and the Boards and Commissions of the City and County of Honolulu to convert hardcopy records to electronic format. (Transmitted by Communication D-627)
 - 6. **RESOLUTION 16-250 – UPDATING THE GENERAL RECORDS SCHEDULE.** Authorizing the revision of the general records schedule for the City Council, the agencies, and the Boards and Commissions of the City and County of Honolulu. (Transmitted by Communication D-628)

INFORMATIONAL BRIEFING

7. PROPOSED AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU

Presentation by a representative from the Charter Commission regarding the 2016 Charter Amendment questions to be placed on the 2016 General Election ballot.

Related communication:

CC-227 from Dave Rae, Chair, 2015-2016 Charter Commission, transmitting the 20 proposed Charter amendment questions for placement on the 2016 General Election ballot.

EXECUTIVE SESSION

The Committee anticipates going 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 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.

8. Resolution authorizing the Department of Corporation Counsel to enter into an intergovernmental agreement with the State of Hawaii, the County of Hawaii, the County of Kauai and the County of Maui to retain and utilize expert consulting and support services on behalf of the public employer in collective bargaining interest arbitration.

RON MENOR, Chair
Committee on Executive Matters and
Legal Affairs