

REPORT OF THE COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

Voting Members

Ron Menor, Chair; Carol Fukunaga, Vice-Chair,
Ikaika Anderson, Stanley Chang, Breene Harimoto, Ann H. Kobayashi,
Joey Manahan, Ernest Y. Martin, Kymberly Marcos Pine

Committee Meeting Held
August 20, 2013

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Executive Matters and Legal Affairs, to which was referred Resolution 13-171 entitled:

"RESOLUTION AMENDING THE RULES OF THE COUNCIL RELATING TO COMMITTEES,"

introduced on July 30, 2013, reports as follows:

The purpose of this Resolution is to amend the following Council Rules relating to Committee Reports (CR):

- a. Council Rule 5, City Clerk

Within 24 hours of CR being signed (excluding weekend or holiday hours), the clerk shall make copies available to the public who requested one and shall post an advance CR on an internet website accessible, without cost, to the public.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON SEP 11 2013

COMMITTEE REPORT NO. 248

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b. Council Rule 11, Committee Reports

State the rationale for any substantive amendments proposed; and to the extent it can be readily determined from the testimony, the CR shall list the institutions, organizations and governmental agencies as well as state the number of individuals submitting testimonies in support of and in opposition to the measure or a particular draft of the measure.

c. Council Rule 19, Bills and Resolutions

The Council shall not take action on a bill or resolution reported out of committee unless: (1) the CR on the measure complies with Council Rule 11(C); (2) the CR has been filed with the office of the clerk; and (3) the CR has been made available to the public at the clerk's office and on the internet at least 48 hours prior to action (action shall not include a postponement, recommittal or granting of an extension of time) being taken.

The Committee Chair explained that Resolution 13-171 attempts to bring into closer alignment the practices and requirements relating to the preparation and publication of committee reports at the City Council with those requirements and practices that have worked well at the State Legislature. Adoption of Resolution 13-171 will also contribute to greater transparency and more informed public decision about any measure that comes before the Council.

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COMMITTEE REPORT NC

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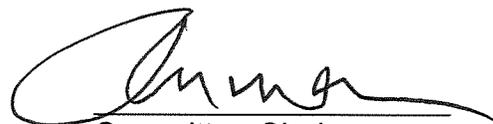
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There were two written testimonies in support of Resolution 13-171 with one offering a recommendation to provide for an automatic means of e-mail notification of any status change involving a bill or resolution before the Council.

Your Committee considered and approved changes to Council Rule 11 that was presented by Deputy Corporation Counsel Gary Takeuchi which clarifies Rule 11(C) by providing that the report on each measure (or a particular draft of a measure) shall list the institutions, organizations and governmental agencies, and state the number of individuals that submit testimony in support of and in opposition to the measure, or that offer comments on the measure.

Your Committee on Executive Matters and Legal Affairs is in accord with the intent and purpose of Resolution 13-171, as amended herein, and recommends its adoption in the form attached hereto as Resolution 13-171, CD1. (Ayes: Chang, Fukunaga, Harimoto, Kobayashi, Manahan, Martin, Pine, Menor - 8; Noes: None; Excused: Anderson - 1.)

Respectfully submitted,


Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

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COMMITTEE REPORT NC 248



RESOLUTION

AMENDING THE RULES OF THE COUNCIL RELATING TO COMMITTEES.

WHEREAS, Section 3-107.2 of the Revised Charter of the City and County of Honolulu, as amended, provides that the Council shall adopt rules governing the organization of its committees, and the transaction of Council business; and

WHEREAS, Council Rule 11 requires the Council's standing committees to "report on all matters referred to them," and provides that the report of a committee on a bill or resolution shall "state clearly the legislative intent and purpose of such bill or resolution, and the amendments, if any, proposed"; and

WHEREAS, committee reports provide important information on measures to:

- (1) Councilmembers who do not serve as voting members of the committee and need the information to cast informed votes on the measure at further stages of the legislative process;
- (2) Members of the public and members of the City Administration who need the information to assist them in providing informed testimony at further stages of the legislative process;
- (3) Members of the City Administration called upon to interpret, implement, or enforce the measure after it has been adopted or enacted;
- (4) Members of the public called upon to comply with the measure after it has been adopted or enacted, and their counsel; and
- (5) Courts and future Councils called upon to interpret the measure;

and

WHEREAS, there is currently no requirement for standing committee reports to inform the reader as to the number of public testimonies presented to the committee in support of and in opposition to any measure or to provide the reason(s) for any amendments recommended by the committee; and

WHEREAS, committee reports are not posted on the City Clerk's public DocuShare website until after they have been formally adopted by the Council; and



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WHEREAS, although the meeting minutes for the Council's standing committees are required by HRS Section 92-9 to "give a true reflection of the matters discussed . . . and the views of the participants," they need not be available to the public until 30 days after the date of the meeting, and in most cases the Council has taken further or even final action on the measure before the deadline for the minutes to be available has passed; and

WHEREAS, without access to the relevant committee reports on a measure, members of the public are deprived of an important aid to their understanding of the measure, its intent and purpose, and any amendments recommended to be made thereto in committee and, lacking this information, the public is handicapped in providing fully informed and useful testimony on a measure and its various amendments to the Council and any subsequent committee (in the case of a consecutive referral); and

WHEREAS, it will encourage the Council's standing committees to draft their reports carefully and in a timely manner if the Council Rules are amended generally to prohibit substantive Council action on a measure unless its corresponding committee report has been made available to the public at the City Clerk's Office and on the internet at least 48 hours prior to that action; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that Council Rule 5 ("City Clerk") is amended by amending subsection B to read as follows:

- "B. It shall be the duty of the clerk to serve in all matters as clerk of the council and its committees, to keep an accurate journal of proceedings, to make accessible to the general public, in a timely manner, all written materials of public record and to perform such other duties as are prescribed by law or assigned by council. Within twenty-four hours of receipt of a signed committee report from a committee chair, the clerk shall make copies available to members of the public who request one, and shall post the advance committee report on an internet website accessible, without cost, to members of the public who have internet access. The twenty-four hours shall not include weekend or holiday hours."

; and

BE IT FURTHER RESOLVED that Council Rule 11 ("Committee Reports") is amended by amending subsection C to read as follows:

- "C. The report of a committee on a bill or resolution shall state clearly the legislative intent and purpose of such bill or resolution, [and] the



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amendments, if any, proposed[.] by the committee to the council, and the rationale for any substantive amendments proposed. The report on each measure (or a particular draft of a measure) shall list the institutions, organizations and governmental agencies, and state the number of individuals that submit testimony in support of and in opposition to the measure, or that offer comments on the measure. If a committee draft of a bill or three-reading resolution shall be reported out of committee in place of the one referred to such committee, the same must agree with the purpose of the one submitted and returned to the council."

; and

BE IT FURTHER RESOLVED that Council Rule 19 is amended to read as follows:

"RULE NO. 19

BILLS AND RESOLUTIONS

- A. Except as provided in paragraph B, any bill or resolution requiring three readings for adoption introduced and placed on the agenda of the council may be passed on first reading prior to referral to a committee or committees by the presiding officer.
- B. Any revision or amendment to the general plan, a development plan, a zoning ordinance, or the subdivision ordinance being proposed by a councilmember shall be subject to ROH Chapter 2, Article 24.
- C. Bills and resolutions requiring three readings for adoption may be passed as a group on first reading by unanimous consent.
- D. A bill appropriating public funds shall not be amended to a floor draft unless either a written description of the proposed amendment or a copy of the amended version has been distributed to each councilmember present. All other bills and resolutions shall not be amended to a floor draft nor pass any reading or be adopted at the meeting at which the floor amendment was made unless a copy of the amended version has been distributed to each councilmember present.
- E. A bill or resolution that is up for third reading or adoption and is amended on the floor to a committee or floor draft shall have final action delayed for at least forty-



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eight hours from the time the amendment is approved. This requirement for a forty-eight hour delay shall not apply to: (1) a committee or floor draft of a bill or resolution for which a copy of the amended version has been posted in accordance with section 92-7, HRS, on the agenda for the meeting as a proposed floor or committee amendment and filed with the office of the clerk for public inspection at least six calendar days before the meeting; (2) a floor draft of a bill appropriating public funds for which a written description of the proposed amendment has been posted and filed with the clerk as provided in paragraph (1) of this subsection; and (3) committee drafts of those bills enumerated in Section 3-202.7(a), (b) and (c), RCH, or to resolutions authorizing eminent domain proceedings as provided in Section 3-202.9, RCH.

- F. The Council shall not take action on a bill or resolution reported out of a standing committee unless the committee's report on the measure complies with Rule 11.C, has been filed with the office of the clerk, and has been made available to the public both at the clerk's office and on the internet at least forty-eight hours prior to the action being taken. For purposes of this subsection, the term "action" shall not include a postponement or recommittal or the granting of an extension of time.

; and

BE IT FURTHER RESOLVED that in the foregoing "resolved" clauses, rule material to be added is underscored and rule material to be deleted is bracketed; and

BE IT FURTHER RESOLVED that the amendments to the Council Rules effected by this resolution shall not apply to committee reports for any standing committee meetings concluded prior to the adoption of this resolution; and



RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution shall be transmitted to the Mayor and Managing Director of the City and County of Honolulu.

INTRODUCED BY:

Carol Fukunaga

Ron Menor

DATE OF INTRODUCTION:

July 30, 2013
Honolulu, Hawaii

Councilmembers