

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
October 29, 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 13-262 entitled:

"RESOLUTION AMENDING THE RULES OF THE COUNCIL RELATING TO WRITTEN TESTIMONY,"

introduced on October 22, 2013, reports as follows:

The purpose of this Resolution is to amend Rule 5 of the Council Rules to promote the early submission of written testimony for the benefit of both the Council and the public. The rule change would require that written testimonies received twenty four (24) hours in advance of a committee or council meeting be posted online twelve (12) hours prior to that meeting.

Acting City Clerk Glen Takahashi testified on behalf of City Clerk Bernice K.N. Mau and provided general comments. He informed the committee that they anticipate their office would be able to comply with the rule change and post written testimonies online twelve (12) hours prior to the start of a meeting when the testimonies are received twenty four (24) hours in advance of the meeting. Mr. Takahashi also shared that they are presently working with the Department of Information Technology to allow this to occur by January 8, 2014.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON NOV 13 2013

COMMITTEE REPORT NO. 333

**REPORT OF THE COMMITTEE ON
EXECUTIVE MATTERS AND LEGAL AFFAIRS**

Voting Members

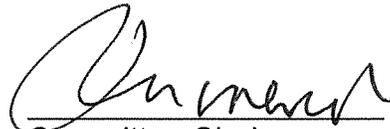
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Your committee received oral testimony from Ms. Choon James who provided general comments.

Your Committee on Executive Matters and Legal Affairs is in accord with the intent and purpose of Resolution 13-262 and recommends its adoption. (Ayes: Anderson, Chang, Kobayashi, Martin, Pine, Menor - 6; Noes: None; Excused: Fukunaga, Harimoto, Manahan - 3.)

Respectfully submitted,



Committee Chair

At the 11/13/13 Council meeting, the Resolution was amended and subsequently adopted in the form attached hereto as Resolution 13-262, FD1.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON NOV 13 2013

COMMITTEE REPORT NC 333



RESOLUTION

AMENDING THE RULES OF THE COUNCIL RELATING TO WRITTEN TESTIMONY.

WHEREAS, the State Office of Information Practices ("OIP") has applied Chapter 92, Part I, the State's "Sunshine Law" to the county councils as well as to State and county administrative boards and commissions; and

WHEREAS, Hawaii Revised Statutes §92-3, which is part of the State's "Sunshine Law," provides in part: "The boards shall afford all interested persons an opportunity to submit data, views, or arguments in writing, on any agenda item. The boards shall afford all interested persons an opportunity to present oral testimony on any agenda item. The boards may provide for reasonable administration of oral testimony by rule" [emphasis added]; and

WHEREAS, Council Rules permit any member of the public wishing to present written or oral testimony on an item on a Council or Council Committee agenda to do so; and

WHEREAS, it would be useful for Councilmembers to have Internet access to written testimonies on a measure in advance of the Council or Committee meeting at which the measure will be considered in order that they may be fully informed on the measure under consideration, and at the meeting, to follow up on submitted written testimony with questions on issues raised by or ambiguities in the testimony; and

WHEREAS, members of the public wishing to testify orally on a measure would benefit from having an opportunity to review written testimony submitted on the measure; and

WHEREAS, the Council wishes to amend Rule 5 of the Council Rules to promote the early submission of written testimony to the benefit of both the Council and the public; however, it is the Council's intent that any noncompliance with the rule amended by this resolution should not invalidate any duly adopted or enacted measure, and that the amended rule not preclude the Clerk from posting written testimonies in addition to or earlier than as required by this rule; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that Rule 5 of the Rules of the Council shall be amended to read as follows:



RESOLUTION

"RULE NO. 5

CITY CLERK

- A. The clerk shall be appointed and serve the council in accordance with ROH Section 4-9.1 and Section 3-301, RCH.
- 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.
- C. The clerk shall include in the journal of proceedings any written remarks requested by a member to be included in the journal, provided that the remarks are provided to the clerk prior to the posting of the agenda for the next regular council meeting or prior to the statutory deadline for the clerk to make the minutes available to the public, whichever comes first.
- D. Written testimonies filed with the clerk at least 24 hours prior to the scheduled commencement of a council standing committee or council meeting that expressly pertains to an item on the meeting's agenda shall be posted by the clerk on the website at least 12 hours prior to the scheduled commencement of the meeting.

The time periods in this subsection pertaining to the filing of testimonies exclude weekend and holiday hours, but the time periods prescribed for posting shall include holiday and weekend hours."

; and

BE IT FURTHER RESOLVED that in the foregoing "resolved" clause new rule language is underscored; and



RESOLUTION

BE IT FINALLY RESOLVED that this Resolution shall take effect on February 1, 2014.

INTRODUCED BY:

Carol Fukunaga

DATE OF INTRODUCTION:

October 22, 2013
Honolulu, Hawaii

Councilmembers