

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
May 20, 2014

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

Mr. Chair:

Your Committee on Executive Matters and Legal Affairs, which considered Bill 31 (2014) entitled:

"A BILL FOR AN ORDINANCE RELATING TO AGENCY REPORTING REQUIREMENTS,"

introduced on April 3, 2014, and which passed First Reading at the April 16, 2014 Council meeting reports as follows:

The purpose of this Bill is to implement City agency reporting requirement recommendations for which there is consensus between the Council and City Administration.

Your Committee deferred action on this Bill at its April 22, 2014 meeting.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON JUN 4 2014

COMMITTEE REPORT NO. 156

REPORT OF THE COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

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Your Committee amended the Bill a CD1 version that makes the following changes:

- A. Amends Section 3 of Bill 31 (2014) as follows:
 - 1. Retains the current requirement for the arts coordinator within the Mayor's Office of Culture and the Arts (MOCA) to conduct an annual inspection and inventory of the City's movable and permanent works of art.
 - 2. Retains the current requirement that the arts coordinator provide the Mayor and Council with an annual report on MOCA's art preservation and maintenance program and on its budgetary needs for that program and for the inventory for the upcoming fiscal year.
 - 3. Requires the arts coordinator to provide the report on the inspection and inventory biennially to the City Clerk, rather than annually to the City Council and Mayor as is currently required.
- B. Corrects a date in Section 1.
- C. Makes technical and nonsubstantive amendments for purposes of style and clarity.

Mr. Jim Williston, Office of Council Services, provided a brief review of the Bill and testified in support of the CD1 version.

It is not the Council's intent by enacting this ordinance to address the ordinances relating to the child care coordinator or the child care advisory board.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

JUN 4 2014

COMMITTEE REPORT NO.

156

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

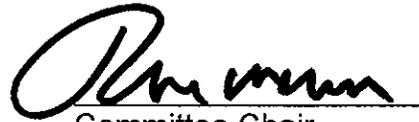
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Your Committee on Executive Matters and Legal Affairs is in accord with the intent and purpose of Bill 31 (2014), as amended herein, and recommends that it pass Second Reading and be scheduled for a Public Hearing, in the form attached hereto as Bill 31 (2014), CD1. (Ayes: Menor, Anderson, Chang, Fukunaga, Harimoto, Manahan, Martin, Pine - 8; Noes: None; Excused: Kobayashi - 1.)

Respectfully submitted,


Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON JUN 4 2014

COMMITTEE REPORT NO. 156



A BILL FOR AN ORDINANCE

RELATING TO AGENCY REPORTING REQUIREMENTS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Council Findings and Purpose. The Council finds that in April of 2013 the Council Chair requested the City Administration to review a proposal to repeal or modify a number of agency reporting requirements that had, over time, been enacted into ordinance but may now be unnecessary or have inaccurate references. Via Mayor's Message 7, dated January 27, 2014, the Administration agreed with most of the recommendations contained in the proposal, but recommended in some instances that certain reports be retained, but provided less frequently and that certain reporting requirements be clarified.

The purpose of this ordinance is to implement City agency reporting requirement recommendations for which there is consensus between the Council and City Administration. By doing so, this ordinance will relieve agencies from having to file unnecessary reports and reduce the frequency of the filing of other reports. This ordinance also updates references to City agencies that have been renamed since the enactment of the ordinances requiring them to file reports with the Council.

SECTION 2. Section 3-2.7, Revised Ordinances of Honolulu 1990, as amended ("Art in city buildings") is amended by amending subsection (d) to read as follows:

"(d) [On or about March 1 of each year, the director of finance shall report to the council the amount of money appropriated for art pursuant to Section 3-2.7 which lapsed as of December of the immediately preceding calendar year.] Monies which the commission was unable to expend or encumber in the immediately preceding calendar year for the acquisition of works of art prior to their lapsing pursuant to Revised Charter Section 9-106.3 may be reappropriated in the capital budget effective July 1 of the fiscal year next following the lapsing of such funds."

SECTION 3. Section 3-2.8, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 3-2.8 Art inspection, inventory and maintenance.

(a) In order to preserve and account for the city's movable and permanent works of art, the mayor's designated coordinator and liaison to the commission, henceforth referred to as the arts coordinator, shall:



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position to be presented by the mayor and administration on matters concerning the anticipated collective bargaining with the exclusive representative of a bargaining unit including city employees.

- (b) Prior to signing any agreement on matters concerning collective bargaining with the exclusive representative of a bargaining unit including city employees, or as soon thereafter as practicable, the mayor or designated representative shall appear at a council or committee meeting and report on the wages, hours, terms and conditions being agreed to."]

SECTION 5. Section 6-47.1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 6-47.1 Use of wastewater system facility charges.

- (a) All moneys received as wastewater system facility charges are intended to recover an equitable share of the value of the capacity in the backup facilities which were or will be constructed to serve that new applicant for sewer service or an existing sewer user and shall be deposited into the sewer fund created by Section 14-8.1 and shall be accounted for and expended for the expansion of and addition to the capacity of wastewater facilities. Unencumbered or lapsed wastewater facility charge moneys shall remain in the sewer fund earmarked for the stated wastewater facility charge purpose and shall not become available for other sewer fund uses.
- (b) For the purposes of this section, "wastewater system facility charges" and "backup facilities" mean the same as defined in Section 14-1.2.
- [(c) The director of finance shall provide a separate accounting of the moneys received and expended as wastewater system facility charges in the director's quarterly fiscal report.]"

SECTION 6. Section 6-50.2, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 6-50.2 Purpose.

All proceeds from the sale of surplus animals from the Honolulu Zoo shall be deposited into the zoo animal purchase fund. Donations made to the Honolulu Zoo, specifically for the purchase of animals, shall also be deposited into this fund. All monies deposited into this fund shall be expended for the acquisition of zoo animals for



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- (2) "Liquor or intoxicating liquor" means the same as is defined in HRS Section 281-1[.]; and
- (3) "Office building" means any building with, or group of connected buildings with an aggregate of, 20,000 square feet or more of office space, excluding common areas; provided that office space shall not include any portion of a building used for resort, retail or educational purposes.

An office building, as defined in this subsection, which is occupied by city agencies, in whole or in part, shall be subject to the requirements of this subsection, except where the city agencies are already participating in a recycling program under Section 9-1.11.

The owner of a liquor-serving establishment or office building may petition the chief for an exemption from the recycling requirements of this subsection in part or in full if the owner can demonstrate that the establishment or office building, as the case may be, does not generate a sufficient amount of the designated recyclable material to warrant separate collection for recycling.

The owner of a liquor-serving establishment or office building may petition the chief to suspend the applicability of this subsection to the applicant if the applicant demonstrates that recycling service for the items the applicant is required to recycle is unavailable to the applicant, or that the cost of recycling the applicable recyclable materials exceeds the cost of disposing of those same items at the HPOWER facility or the city's landfills. If the chief grants the application, the requirements of this subsection shall be suspended until such time as recycling service becomes available to the applicant, or the cost of the recycling service is less than or equal to the cost of disposal of the recyclable items at the HPOWER facility or the city's landfills. The chief shall, from time to time, review the availability and cost of the recycling service to those persons for whom the requirements of this subsection have been suspended. For the purposes of this subsection, the "cost of the recycling service" shall include only those costs that the recycler would charge the owner of a liquor-serving establishment or office building, whichever is applicable, for picking up and disposing of the items to be recycled, and the cost of disposal of the items to be recycled at the HPOWER facility or the city's landfills shall include the city's tipping fee and the cost of transporting the recyclable items to either of the aforementioned disposal facilities. If the chief determines that the requirements of this subsection shall no longer be suspended with regard to a particular liquor-serving establishment or office building, the chief shall notify the owner of the



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For purposes of this subsection,

"Permittee" means the promoter, sponsor, exhibitor, league, or other person who obtains a permit for the purpose of conducting a special event at Waipio Peninsula Soccer Park, Central Oahu Regional Park, Hans L'Orange baseball facility, recreational fields, gymnasiums, or other recreational facility.

"Special events" include but are not limited to:

- (1) Athletic practices and events involving:
 - (A) Professional teams;
 - (B) Collegiate teams;
 - (C) National amateur teams;
 - (D) For-profit organizations; and
 - (E) Teams and organizations utilizing the facilities for tournament play;
 - (2) International, national or regional events; and
 - (3) Entertainment events.
- [(c) The director shall provide the council with a semiannual report setting forth the permit fees established at Waipio Peninsula Soccer Park, Central Oahu Regional Park, and Hans L'Orange baseball facility, or other recreational facility, including recreational fields and gymnasiums and the amount of fees collected for each facility. The report shall be submitted no later than 30 days following the end of the January 1 – June 30 and July 1 – December 31 reporting periods.
- (d)](c) The director of parks and recreation shall adopt rules pursuant to HRS Chapter 91, having the force and effect of law, for the implementation, administration, and enforcement of this section, including procedures and criteria for the waiver of permit fees."

SECTION 10. Section 10-7.2, Revised Ordinances of Honolulu 1990, as amended, is repealed:



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otherwise in this section, the board shall be governed by the provisions of Section 13-103, Revised Charter of Honolulu 1973, as amended.

[(c) The board shall report at least quarterly to the mayor and the city council on the board's activities, findings and recommendations.]"

SECTION 13. Section 12-1.22, Revised Ordinances of Honolulu 1990, as amended, is repealed:

"Sec. 12-1.22 Annual reports.

The director shall submit to the council, prior to the council's consideration of the annual executive branch operating budget request, a report, with recommendations deemed appropriate by the director, pertaining to all matters relating to the administration of this article."

SECTION 14. Section 12-5.11, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 12-5.11 Limitation of pedicabs.

(a) The city council shall establish a limit on the number of pedicabs used to carry fare-paying passengers for hire operating in the City and County of Honolulu upon a finding of public convenience and necessity based on the recommendation by the director of transportation services. The director of transportation services [shall make an annual recommendation] may periodically recommend modification of the established limit to the city council based upon the director of transportation services' study and review, which shall include, but not be limited to, the following:

- (1) The effect on the consumer;
- (2) The number of pedicabs for hire already in operation;
- (3) Whether existing transportation is adequate to meet the public needs;
- (4) The probable effect of pedicab for hire service on traffic conditions, especially in the Waikiki resort areas;
- (5) The effect on revenues of existing holders of taxi business licenses;



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SECTION 17. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Martin

DATE OF INTRODUCTION:

April 3, 2014
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu