



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 Elefante
Ann H. Kobayashi
Joey Manahan
Kymberly Marcos Pine
Heidi Tsuneyoshi
Tommy Waters

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
TUESDAY, NOVEMBER 12, 2019
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 768-3119.

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, will be available to the public on both the City Council's pilot website: www.honolulucitycouncil.com, as well as the City's legacy DocuShare Website.

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MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("board packet" §92-7.5, HRS) are available for public inspection at the Council Information and Records Section's service window at Room 202 in Honolulu Hale (530 S. King St.).

Accommodations are available upon request to persons with disabilities, please call 768-3119 or send an email to irene.limos@honolulu.gov at least three working days prior to the meeting.

The meeting is viewable by: (1) internet live streaming through www.honolulucitycouncil.com and 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.honolulucitycouncil.tv/>. Copies of older meeting videos may be requested by calling the City Clerk's Office at 768-5822, charges may apply.

FOR ACTION

1. **RESOLUTION 19-278 – WEARING NONACADEMIC HONOR CORDS AT COMMENCEMENT.** Urging the Hawaii State Board of Education to amend the Hawaii Administrative Rules to specifically allow graduating high school students to wear honor cords that represent nonacademic organizations at their commencement exercises.
2. **RESOLUTION 19-236 – APPOINTING A SPECIAL DEPUTY CORPORATION COUNSEL.** Authorizing the Corporation Counsel to appoint a Special Deputy Corporation Counsel to investigate and litigate claims related to discriminatory practices by the mortgage industry and Bank of America that have impacted the Native Hawaiian Community.
3. **RESOLUTION 19-35 – CHARTER AMENDMENT ESTABLISHING TERM LIMIT FOR THE PROSECUTING ATTORNEY.** Initiating amendments to the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) to establish a term limit for the Prosecuting Attorney of the City and County of Honolulu. (Resolution passed first reading on 3/8/19)

PROPOSED CD1 to RESOLUTION 19-35 (Submitted by Councilmember Menor)
– The CD1 (OCS2019-0335/4/4/2019 3:32 PM) makes the following amendments:

- A. Adds a sixth WHEREAS clause to recognize that the incumbent Prosecuting Attorney, if reelected at the 2020 general election, would be permitted to serve that term, but would be ineligible to serve the following term.
- B. Revises Paragraph 3 of the BE IT RESOLVED clause to clarify that any person that wins the 2020 general election for prosecuting attorney shall not be precluded or disqualified from serving as prosecuting attorney for that four-year term, and that reads as follows:

"3. That Article 16 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("Transition Schedule"), be amended to add a new section to be appropriately numbered by the Revisor of the Charter and to read as follows:

"Section 16- . Transition Provisions Concerning the Term Limits for the Prosecuting Attorney.

For purposes of the provisions of Section 8-102 establishing term limits for the prosecuting attorney, the limitation shall include any four-year term or terms to which the prosecuting attorney in office as of the effective date of this section had been elected prior to, as well as any four-year terms to which that prosecuting attorney is elected following, the effective date of this section; provided that nothing in this section shall preclude or disqualify the winner of the 2020 general election for prosecuting attorney from serving as prosecuting attorney for that four-year term."

- C. Makes miscellaneous technical and nonsubstantive amendments to comport with current drafting conventions.

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.

4. Resolution to Retain the Legal Services of Ashford & Wriston, LLP as Special Counsel for the City and County of Honolulu on Behalf of Defendant Vernon Branco in a Legal Action Entitled Tracy T. Yoshimura et al. v. Keith M. Kaneshiro et al., Civil No. 18-00038-LEK-WRP (USDC).
5. Resolution to Retain the Legal Services of Kobayashi Sugita & Goda, LLP as Special Counsel for the City and County of Honolulu on Behalf of Defendant Jacob Delaplane in a Legal Action Entitled Tracy T. Yoshimura et al. v. Keith M. Kaneshiro et al., Civil No. 18-00038-LEK-WRP (USDC)
6. **RESOLUTION 19-283 – CLIMATE CRISIS-RELATED COSTS.** To authorize the Department of the Corporation Counsel to initiate legal action against fossil fuel companies to recover climate crisis-related costs.
7. Resolution to retain the Law Office of Sher Edling LLP to provide legal services as Special Deputy Corporation Counsel for the City and County of Honolulu in a legal action against Fossil Fuel Companies to recover Climate Crisis-Related Costs.

Committee on Executive Matters and Legal Affairs Agenda
Tuesday, November 12, 2019

8. Resolution to request the consent and approval of the City Council to initiate legal action against Louis M. Kealoha

RON MENOR, Chair
Committee on Executive Matters and
Legal Affairs