

Hawaii State Association of Counties

Counties of Kauai, Maui and Hawaii, City & County of Honolulu



MINUTES
HSAC EXECUTIVE COMMITTEE MEETING
April 2, 2012
Honolulu Hale, Council Chambers
Honolulu, Hawaii

I. CALL TO ORDER

The HSAC Executive Committee was called to order by President Mel Rapozo at 10:06 a.m. The following members comprised a quorum:

County of Kauai:	President Mel Rapozo
County of Hawaii:	Vice-President K. Angel Pilago
City and County of Honolulu:	Secretary Stanley Chang
County of Maui:	Treasurer Joseph Pontanilla
Others Present:	Honolulu Councilmember Nestor Garcia Honolulu staff Kekoa McClellan Honolulu staff Kimberly Ribellia Honolulu staff Mark Segami Honolulu staff Gavin Kennedy Honolulu staff Denisse Gee Kauai staff Ashley Bunda Maui staff Kirstin Hamman

II. APPROVAL OF AGENDA

The Committee approved the agenda with no amendments.

III. MINUTES

The Committee approved the minutes of the March 19, 2012, Executive Committee meeting.



IV. REPORTS

A. Treasurer's Reports.

The Committee deferred the following item to the next meeting at the request of Treasurer Pontanilla.

1. Treasurer's Report for March 2012, as submitted by the HSAC Treasurer.

B. County Reports

1. Maui County Report. Treasurer Pontanilla reported that over the next two months, the Council will be conducting public hearings to review departmental budget requests for FY 2013. Additionally, the Council is reviewing charter amendments proposed by the Charter Commission this month.
2. Hawaii County Report. Vice-President Pilago reported that the Council will also be engaged in the budget process for the FY 2013 budget. The Council has two proposed charter amendments under review to: a) Establish a County Council attorney position; and b) Make the Corporation Counsel position an elected position. He informed the Committee that he was part of a 14 person County delegation to Hawaii County sister city Ormoc City, Philippines to evaluate Ormoc City's geothermal energy initiatives and determine how these initiatives could be translated to the County.
3. City and County of Honolulu Report. Secretary Chang reported that Bill 59 relating to food trucks is scheduled to be approved at a special Council meeting due to pending litigation against certain food truck vendors. Vice-President Pilago asked Secretary Chang for further clarification about Bill 59. Secretary Chang explained that Bill 59 remedies an old ordinance which forbade vendors, peddlers, or hucksters to stay longer than 15 minutes in one location. Under Bill 59, food truck vendors would be able to park in a stall's designated maximum time limit. Vice-President Pilago expressed interest in Bill 59 as he stated that Hawaii County is experiencing a similar issue. Secretary Chang also informed the Committee that Bill 10 which bans non-biodegradable plastic bags provided to customers will be heard in the standing committee this week. The Council is also in the midst of the budget process and CD1 amendments were due last week.
4. Kauai County Report. President Rapozo reported that the Council starts the budget process tomorrow. He informed the Committee

that the Council unanimously approved the Police Commission's funding request to hire an outside attorney to seek a declarative judgment regarding the extent of mayoral powers under the charter to suspend the Police Chief. President Rapozo stated that this is not just a Kauai county issue but has state-wide ramifications. He also gave an overview of the charter amendments being considered by the Council, including: a) Giving the Council the power to remove the County Attorney; b) Making the County Attorney an elected position; c) Defining the word "shall" as mandatory; and d) Clarifying that the disciplining of a commission-appointed department head is reserved solely for the appointing authority not the Mayor.

- C. NACo Report. There was no NACo Report.
- D. WIR Report. There was no WIR Report. However, President Rapozo informed the Committee that the Kauai Council voted last Wednesday to remove Nadine Nakamura from the WIR seat to be replaced by Tim Bynum with Dickie Chang as alternate.

V. UNFINISHED BUSINESS

- A. Discussion regarding the hiring of an HSAC Executive Director.

Treasurer Pontanilla requested that this item be deferred until the Maui Council had completed their budget so that action could be taken on this item in the Council's policy committee.

President Rapozo informed the Committee that the ED resolution was deferred by the Kauai Council last Wednesday by the request of Council members who had several clarifying questions that they wanted answered before voting on the resolution.

The item was deferred.

- B. Communication from HSAC Vice-President K. Angel Pilago proposing an amendment to the HSAC bylaws Section 5 (2) regarding the election of officers.

Vice-President Pilago requested to withdraw this item because the Hawaii County Council concluded that the proposed amendment to the bylaws would jeopardize the institutional knowledge of the Committee.

Treasurer Pontanilla commented that he supported the portion of the amendment which limited a member of the Committee to two years

holding the same office. He requested deferral of this item rather than withdrawal.

President Rapozo also expressed support of the two-year limiting provision. However, he voiced concerns with the remaining provisions of the amendment which mandated an automatic rotation of Committee officers through each county without consideration of tenure or experience.

As the sponsor of the proposed amendment, Vice-President Pilago provided context to his request to withdraw this item. He stated that when he initially proposed the amendment there was stability in the Hawaii County Council. However, at the present time, he will not be running for Council office and that the next Hawaii County Council will most likely be composed of entirely new Councilmembers. In light of these political considerations, he and the current Hawaii County Council felt that the proposed amendment might compromise the stability and institutional knowledge of the Committee.

President Rapozo requested and Treasurer Pontanilla agreed to prepare another bylaw amendment comprised of only the two-year limit in office provision for the next Committee meeting.

This item was withdrawn.

- C. Communication from Chair Danny A. Mateo, Maui County Council, nominating Elle K. Cochran, Maui County Council, to the NACo Environment, Energy and Land Use Steering Committee.

Treasurer Pontanilla requested to defer this item as HSAC bylaws limit the number of members approved to receive travel reimbursement from HSAC to two members. He informed the Committee that the current HSAC members approved were Councilmembers Cachola and Victorino who serve on the Transportation and Membership NACo steering committees, respectively. He advised the Committee that a bylaw amendment would be needed to increase the limit beyond two members receiving reimbursement by HSAC.

President Rapozo stated that there is a larger policy issue for the Committee to consider beyond budget considerations. He stated that the Committee should evaluate and decide which two steering committees would be most beneficial to the State of Hawaii and thus eligible for HSAC reimbursement. He requested staff to provide the Committee with a comprehensive list of NACo steering committees for the next meeting so that the Committee may review and prioritize the two steering committees whose members will be reimbursed by HSAC. He further suggested that

a bylaw amendment specifying which two NACo steering committees would be eligible for reimbursement might be proposed for a Committee vote at the General meeting in June to encourage participation by the larger membership.

Vice-President Pilago emphasized the Committee's need for flexibility and adaptability when considering which two NACo steering committees would be chosen. In his experience, NACo steering committees are chosen based on which subject matter topics are important to the counties in any given year and as such, may change from year to year. He cautioned that if two specific NACo steering committees are written into the bylaws, every time the Committee wishes to make a change, an amendment must be drafted, proposed, discussed, and passed by unanimous consent.

President Rapozo agreed with Vice-President Pilago regarding amending the bylaws. He stated that further discussion is still needed regarding the methodology by which the Committee chooses the two NACo steering committee members who receive reimbursement as increasing numbers of Councilmembers throughout the State are being nominated to various NACo steering committees.

This item was deferred.

VI. NEW BUSINESS

- A. Discussion regarding whether NACo and WIR alternates are eligible to receive travel reimbursements and act as sitting members when attending NACo and WIR meetings.

President Rapozo called on Maui staff member Kirstin Hamman to present her findings. Ms. Hamman informed the Committee that according to NACo staff, the NACo Board of Directors does not recognize NACo alternates and alternates would not be allowed to vote as a proxy. In regards to WIR, NACo staff clarified that Hawaii has two representatives on the WIR Board of Directors but only one vote, and no distinction is made between a director and an alternate. As such, Alternate Smart was able to cast votes at the WIR conference. However, she would not have been able to vote as a proxy for NACo.

Vice-President Pilago stated that the Hawaii County Council had apprised Brittany Smart before she attended the WIR conference that she was only his alternate to HSAC, not WIR, and thus would not receive reimbursement from HSAC for incurred related costs. He further stated that WIR directors are nominated by the Committee and approved by the individual councils. Since Alternate Smart had not completed that vetting process she was not recognized as the alternate to his WIR directorship.

He expressed concerns that Alternate Smart had voted as a proxy, even though Hawaii County Council had not approved her as his WIR alternate. The item was received and filed.

- B. Discussion regarding the written response from Carbonaro DeMichele CPAs relating to HSAC's tax related questions.

Treasurer Pontanilla summarized that Carbonaro DeMichele CPAs issued a written response that stated that under IRS §170(c), HSAC cannot receive donations to be used specifically for the purpose of supporting the campaign efforts of an individual HSAC member seeking election as a NACo officer without jeopardizing its tax-exempt status.

Treasurer Pontanilla suggested that HSAC host a hospitality suite at the NACo conference as it has in the past.

This item was received and filed.

- C. Communication from HSAC Vice-President K. Angel Pilago regarding the Hawaii County Council's HSAC representative and alternative, and nomination for the WIR Board of Directors for FY 2013.

Vice-President Pilago informed the Committee that Hawaii County Council through Reso 231-12 had appointed him to continue as its HSAC representative and Councilmember Brittany Smart as his alternate. Additionally, the Council nominated him to continue as a WIR Director.

President Rapozo reminded the Committee that HSAC bylaws mandate each Council to appoint one of its members to serve as an officer by April 15th.

This item was received and filed.

VII. ANNOUNCEMENTS

- A. Schedule next meeting.

The Executive Committee meeting was scheduled for May 25, 2012 at Honolulu Hale.

- B. Other Announcements.

There were no other announcements.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:55 a.m.

Very truly yours,

A handwritten signature in black ink, appearing to read 'STC', is written over the typed name 'STANLEY CHANG'.

STANLEY CHANG
Secretary
Hawaii State Association of Counties