

# Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu

200 S. High Street, Wailuku, Hawaii 96793 (808) 270-7665

[www.hicounties.com](http://www.hicounties.com)



## A G E N D A

### HSAC EXECUTIVE COMMITTEE MEETING

Monday, October 24, 2016, at 10 a.m. or soon thereafter

Mission Memorial Hearings Room

550 South King Street

Honolulu, Hawaii 96813

#### I. CALL TO ORDER

#### II. APPROVAL OF AGENDA

#### III. MINUTES

- A. Minutes of the September 26, 2016 HSAC Executive Committee meeting

#### IV. REPORTS

##### A. Treasurer's Report

1. Treasurer's Report for September 2016

##### B. County Reports

1. City and County of Honolulu Report
2. County of Hawaii Report
3. County of Kauai Report
4. County of Maui Report

##### C. National Association of Counties (NACo) Report

##### D. Western Interstate Region (WIR) Report

#### V. NEW BUSINESS

- A. Communication from Honolulu City Clerk Glen Takahashi submitting a State bill for inclusion in the 2017 Hawaii State Association of Counties Legislative Package, as approved by the Council on October 5, 2016. The bill would require the State Department of Health to regulate residential and commercial noise (Resolution 16-266).

- B. Communication from Maui County Clerk Danny Mateo submitting four State bills for inclusion in the 2017 Hawaii State Association of Counties Legislative Package, as approved by the Maui County Council on October 7, 2016. The bills have the following respective purposes:

1. To allow certain government records to be shared among councilmembers where no commitment to vote on the matter is made or sought (Resolution 16-124).
2. To allocate \$250,000 to the counties in the next two fiscal years for the identification and mapping of Important Agricultural Lands (Resolution 16-125).



3. To allow counties to petition the State Land Use Commission for regional district boundary amendments after adoption of general plan updates (Resolution 16-126).
4. To allow a representative of each county council to participate as a non-voting member in bargaining unit negotiations, to allow each county council to receive updates on relevant bargaining unit negotiations, and to change the allocation of votes for Bargaining Units 11 and 12 (Resolution 16-127).

C. 2017 State Legislative Session update and discussion on lobbying efforts

**VI. ANNOUNCEMENTS**

A. Scheduling of the next meeting

B. Other announcements

**VII. ADJOURNMENT**

# Hawai'i State Association of Counties (HSAC)

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MINUTES  
HSAC EXECUTIVE COMMITTEE MEETING  
September 26, 2016  
Mission Memorial Meetings Room  
550 South King Street  
Honolulu, Hawai'i 96813

## I. CALL TO ORDER

The HSAC Executive Committee was called to order by HSAC President and County of Maui Councilmember Michael Victorino at 9:22 a.m. The following members comprising a quorum were present:

- County of Maui: President Michael Victorino,  
County of Maui Councilmember
- County of Hawai'i: Vice President Dennis "Fresh" Onishi,  
County of Hawai'i Councilmember
- County of Kaua'i: Secretary Mel Rapozo,  
County of Kaua'i Council Chair
- City and County of Honolulu: Treasurer Ikaika Anderson,  
City and County of Honolulu Councilmember
- Others Present: Gladys C. Baisa, County of Maui Councilmember  
Honolulu staff Lisa-Ann Kimura, Staff Attorney,  
Office of Council Services;  
Honolulu staff Brandon Mitsuda, Council Liaison,  
Honolulu City Council Administrative Support  
Services;  
Honolulu staff Francisco Figueiredo, Legislative  
Aide, Office of Councilmember Ikaika Anderson;  
Honolulu Intern Nelson Mukai, Office of  
Councilmember Ikaika Anderson;  
Mary Schmidtke, Senior Advisor, Office of  
Councilmember Brandon Elefante, City &  
County of Honolulu  
County of Maui staff Kit Zulueta, Communication  
Director, Office of Council Services;



Kaua'i staff Aida Kawamura, Legislative Assistant,  
Office of Council Services;  
Scott Ishikawa, Becker Communications, Inc.

## II. APPROVAL OF AGENDA

Vice President Onishi moved for approval of the Agenda as circulated, seconded by Treasurer Anderson, and unanimously carried.

## III. MINUTES

A. Minutes of the August 22, 2016 HSAC Executive Committee meeting, as submitted by the HSAC Secretary.

Vice President Onishi moved for approval of the Minutes of the August 22, 2016 HSAC Executive Committee Meeting, seconded by Secretary Rapozo, and unanimously carried.

There being no objections, public testimony was received out of order relating to emergency medical services.

Primary speaker – Ian Santee, Deputy Director, Honolulu Emergency Services Department

Others present – Mark Rigg, Director, Honolulu Emergency Services Department

Clay Chan, Department of Health Emergency Medical Services Injury Prevention Branch

Speedy Bailey, Vice President, AMR Hawai'i

Tito Villanueva, AMR Hawai'i – Kaua'i

Mr. Santee provided a brief summary of the history of emergency medical services in Hawai'i.

Mr. Chan extended his apologies for the absence of Dr. Alvin C. Bronstein from the HSAC Meeting as he was traveling out of state and expressed the positive relationship between the State and provider agencies. President Victorino expressed his appreciation to the State and provider agencies for their services. President Victorino inquired as to how much reimbursement the State receives from AMR services. Mr. Chan stated that approximately \$42 million is reimbursed to the State through reimbursements from cases that are transferred to a medical facility.



Mr. Santee clarified that the provider agencies are attempting to put forth before the State Legislature a concerted effort to obtain funding approval, which includes one (1) ambulance for Hawai'i County and another for Kaua'i County in the fiscal year 2018 biennium budget, as requested by the provider agencies. The request for fiscal year 2019, the request is for an ambulance for the Kaka'ako area. All provider agencies have agreed to support each other's proposals.

Secretary Rapozo clarified that when the emergency medical services proposal before HSAC is discussed, the Committee should discuss amending the proposal to include the County of Hawai'i ambulance service so that the HSAC proposal is consistent with what the State and provider agencies are lobbying for.

Mr. Rigg explained to the Committee that the State EMS Department is working hard under Dr. Bronstein's leadership to put forth a unified effort with the partner agencies.

EMS representatives clarified upon an inquiry from Vice President Onishi that the County of Maui's needs have not been identified as critical for the two biennium budgets that have been requested, but that needs could change and requests could be further amended. It was also stated that should funding be available for only one (1) ambulance the State Legislature would be the deciding body. If the decision is left to the State EMS Department, the data would justify any further decisions as to the order of priority. The representatives also stated that in the past three (3) years, no funding was received for new ambulances.

Vice President Onishi stated that the Volcano area unit was provided by County funding.

President Victorino stated that Ma'alaea has a response vehicle unit that was put in place in 2013.

EMS representatives clarified that the State EMS Department and the partner agencies are doing their best to convince the State Legislature to put funding towards this effort and to show them the financial benefit that the EMS services provides in generating revenue to offset any perceived notion of the cost to provide these services.

Secretary Rapozo stated that he will work to prepare an amendment to identify two (2) ambulances for the County of Hawai'i and the County of Kaua'i. Secretary Rapozo further stated that if funding is only provided for one (1) ambulance, that he would prefer that the State EMS Department and partner agencies deal with prioritization of which county would receive the funding.



Vice President Onishi asked the EMS representatives to let HSAC know if the priorities for the State EMS group change so that HSAC can lobby appropriately.

#### IV. REPORTS

##### A. Treasurer's Report

1. Treasurer's Report for the month of August 2016, as submitted by the HSAC Treasurer.

Vice President Onishi moved to approve the HSAC Treasurer's Report for the Month of August 2016, seconded by Secretary Rapozo, and unanimously carried.

##### B. County Reports

1. City and County of Honolulu Report. Treasurer Anderson reported that the Legislative Branch is preparing for Honolulu City Lights and the Honolulu City Legislative Christmas Tree display at Honolulu Hale. He further reported that discussions related to the Rail Project are underway to find a way forward to get the transit system past Ala Moana Shopping Center and as far as the University of Hawai'i at Mānoa which includes a proposal to the Federal Transit Administration (FTA) to consider allowing the City and County of Honolulu to amend the full-funding grant agreement to Middle Street instead of Ala Moana Shopping Center and then partner with the Federal government on the extension that runs to UH-Mānoa via Ala Moana Shopping Center. Treasurer Anderson stated that the Council is also entertaining a proposal he introduced related to a permitted interaction group to investigate funding options for the Rail Project with State, City, and Federal officials and another proposal which establishes a Council position regarding extension of the County's surcharge on the State General Excise Tax and a permitted interaction group to present, discuss, and negotiate the position with State officials. Treasurer Anderson explained that his reasoning for these two (2) proposals is to send a message to the State and others that there are at least four (4) members of the City Council and a more unified message regarding the funding and various other options related to the Rail Project.



2. County of Hawai'i Report. Vice President Onishi reported that a Polystyrene Task Force has completed the second of three (3) meetings, which has involved various stakeholders. Vice President Onishi explained that the timeline for implementation of a comprised solution may be too short of a time period.
3. County of Kaua'i Report. Secretary Rapozo reported that the County of Kaua'i recently held the Hawai'i Congress of Planning Officials (HCPO) Conference, where the County of Kaua'i received a planning award. Secretary Rapozo stated that any waste to energy efforts has been canceled by Mayor Carvalho.
4. County of Maui Report. President Victorino reported that Maui County experienced very heavy rains which caused major damage to various parks in the county. The estimated timeframe is 3-6 months before safety concerns and other structural concerns can be addressed. President Victorino expressed his gratitude to the many local, State, and Federal partners who have provided support during this weather event and the aftermath. President Victorino also stated that the County is currently working to reinforce seawalls along Honoapi'ilani Highway due to erosion and rising tides. President Victorino lastly explained that the County and State partners have been participating in lively discussion regarding the extension of Kahului Airport which has been opposed by many environmentalists.

Vice President Onishi moved to receive the foregoing County Reports for the record, seconded by Secretary Rapozo, and unanimously carried.

C. National Association of Counties (NACo) Report

Vice President Onishi stated that the NACo report is being finalized and will be submitted at the next meeting.

There being no objections, the NACo Report was deferred.

D. Western Interstate Region (WIR) Report

President Victorino moved to approve the WIR Report, as submitted by Council Chair Mike White and Councilmember Daniel K. Paleka, Jr. The report was written by Troy N. Hashimoto, Executive Assistant to Council Chair Mike White, and dated September 1, 2016. The motion to approve was seconded by Treasurer Anderson, and unanimously carried.



## V. UNFINISHED BUSINESS

- A. Communication from Kaua'i County Council Chair Mel Rapozo submitting four State bills for inclusion in the 2017 Hawai'i State Association of Counties Legislative Package, as approved by the Council on August 3, 2016. The bills have the following respective purposes:
1. To delete the sunset provision for the liability exceptions for county lifeguards (*Previously approved for transmittal to the county councils*).
  2. To direct the traffic fines and forfeitures collected for uncontested traffic infractions to the county in which the citation was issued.
  3. To exempt from civil service positions of non-elected chief executive officers or heads of the executive branch of county government.
  4. To appropriate funds to the Department of Health for Fiscal Year 2018 for the purchase of an ambulance vehicle and the operational costs for one ambulance unit, including equipment, supplies, and personnel costs for State-certified emergency medical services personnel, for a 24-hour ambulance unit for the County of Kaua'i.

Secretary Rapozo moved to approve item number 2 (uncontested traffic fines) for inclusion in the 2017 HSAC Legislative Package, seconded by Treasurer Anderson, and unanimously carried.

Secretary Rapozo moved to approve item number 3 (civil service exemption) for inclusion in the 2017 HSAC Legislative Package, seconded by Vice President Onishi.

Secretary Rapozo explained that this item stemmed from the County of Kaua'i's experience with discussions regarding establishing a County Manager form of government and opinion received from the State Attorney General on said matter.

Treasurer Anderson stated that he personally does not support the County Manager system, but would support the proposal if HSAC decides to include it in the legislative package.

Vice President Onishi and President Victorino expressed their opposition to the proposal based on their counties' needs. President Victorino stated that the Maui County Council received a conflicting opinion from their corporation counsel regarding what would be needed to establish a County Manager system, during their deliberations.



The motion was then put and failed by a vote of 2:2 (Vice President Onishi and President Victorino voting no.)

Action on item number 4 (EMS) was deferred, pending amendments to be incorporated into the proposal for two (2) ambulances, one (1) for Kaua'i County and one (1) for Hawai'i County.

## VI. NEW BUSINESS

- A. Communication for Honolulu City Clerk Glen Takahashi submitting two State bills for inclusion in the 2017 Hawai'i State Association of Counties Legislative Package, as approved by the Council on September 7, 2016. The bills have the following respective purposes:
1. To mandate the State Department of Health to adopt and implement administrative rules to enforce residential and commercial noise standards.
    - Testimony in support submitted by Honolulu City Councilmember Trevor Ozawa
  2. To regulate operators of unmanned aircraft systems
    - Testimony in support submitted by Honolulu City Councilmember Brandon Elefante

Unmanned Aircraft Systems. Treasurer Anderson explained that Councilmember Elefante submitted this proposal for inclusion in the 2017 HSAC Legislative Package to address concerns regarding the increase use of drones.

Vice President Onishi asked whether the Federal Aviation Administration (FAA) provided information as to whether the State or counties could implement such regulations. Treasurer Anderson stated that based on the information he has received, the counties or State could move forward with such regulations. Vice President Onishi requested a written statement from the FAA regarding this topic and referenced Councilmember Elefante's written testimony.

President Victorino expressed the need for increased regulations and rules due to experiences he has heard of drones invading the privacy of citizens, but would like to see the documentation from the FAA.



The FAA Frequently Asked Questions (FAQ) sheet related to unmanned aircraft systems was distributed. President Victorino clarified that the proposal is focused only on areas under county jurisdiction.

Vice President Onishi moved for approval of item number 2 (drones) for inclusion in the 2017 HSAC Legislative Package, seconded by Treasurer Anderson, and unanimously carried.

Noise Standards. Treasurer Anderson explained that this proposal was put forth by Councilmember Ozawa as his office has received numerous noise complaints from various sources (speakers, construction, etc.). Treasurer Anderson clarified that Councilmember Ozawa's proposal is to improve enforcement and adopt rules to address residential and commercial noise standards.

Secretary Rapozo expressed his support of the proposal as the County of Kaua'i has also experienced many complaints from residents regarding noise and the lack of rules or enforcement at the State level.

Councilmember Gladys Baisa stated concern in that the counties are not notified of the processing of administrative rules and are not able to provide testimony during that process. She also noted that this may be an issue of homerule. Councilmember Baisa stated that this might be a good proposal which could be further strengthened by county ordinances.

Vice President Onishi explained that as it relates to the raising of chickens in a residential area, that is prohibited in the County of Hawai'i. The raising of chickens is only allowed on agricultural land. Vice President Onishi further explained that the County of Hawai'i does have a specific ordinance related to barking dogs. He further stated that his island also has concerns regarding noise from low-flying helicopters and has received mixed messages about which jurisdiction has responsibility for noise violations.

President Victorino stated the importance of bringing all stakeholders to the table to discuss these types of issues and the responsibilities of each stakeholder. President Victorino expressed concern with the homerule issue and with equipping county personnel to carry out the enforcement efforts to address noise. President Victorino stated that he would like the counties to have the ability to establish noise rules and regulations and is therefore unable to support Councilmember Ozawa's proposal. President Victorino further stated that this proposal is not the method to address the outcome that Councilmember Ozawa would like to realize.



Treasurer Anderson stated that many residents do not realize that the Hawai'i Administrative Rules (HAR) exist and there is no procedure to amend the HAR that is understandable. Treasurer Anderson stated that if this proposal fails, he will recommend to Councilmember Ozawa to submit a proposed statutory amendment which addresses the changes he would like to effectuate as a mandatory requirement.

Vice President Onishi moved for approval of item number 1 (noise) for inclusion in the 2017 HSAC Legislative Package, seconded by Secretary Rapozo, and failed by a vote of 3:1 (President Victorino voting no.)

Treasurer Anderson noted that Councilmember Ozawa will be submitting a revised proposal for consideration for inclusion in the 2017 HSAC Legislative Package.

- B. Communication from Maui County Clerk Danny Mateo submitting four State bills for inclusion in the 2017 Hawai'i State Association of Counties Legislative Package, as approved by the Council on September 16, 2016. The bills have the following respective purposes:
1. To enable councilmembers to freely attend community and educational meetings.
  2. To implement the recommendations of the State-County Functions Working Group relating to the transient accommodations tax.
  3. To allow persons with disabilities to indicate on their identification cards their disability.
  4. To increase revenue for each county's affordable housing fund through a one percent conveyance tax.

Councilmember Meeting Attendance. President Victorino and Councilmember Baisa stated their support for item 1 and noted the lengthy discussion regarding this issue in past sessions.

Secretary Rapozo moved for approval of item number 1 for inclusion in the 2017 HSAC Legislative Package, seconded by Vice President Onishi, and unanimously carried.



Transient Accommodations Tax (TAT). Treasurer Anderson asked for clarification on the exact proposal that is being requested. President Victorino clarified that the proposal would be to implement the recommendations, including percentages, of the TAT Working Group. Secretary Rapozo confirmed the same. Treasurer Anderson requested that HSAC during its meeting with the Governor later in the afternoon, float the idea of the Governor including a higher appropriation to the counties via the TAT in his executive budget.

Vice President Onishi stated that both he and Treasurer Anderson met with Governor Ige last Friday and talked with him about the TAT. Vice President Onishi stated that he mentioned that the counties would appreciate an additional \$25-30 million in TAT revenue, but provided no commitment on behalf of HSAC. Governor Ige told Vice President Onishi and Treasurer Anderson that he would meet with his Director of Finance and would have figures available to share with HSAC on what could possibly be filtered to the counties. Vice President Onishi expressed his interest in working with the Governor to find a compromise instead of requesting a high figure that would not be palatable. President Victorino expressed his disappointment that representatives of HSAC provided figures to the Governor without the consent of the remaining HSAC Executive Committee members, as it was previously agreed that no figures would be provided without prior consent of the HSAC Executive Committee as a whole. Treasurer Anderson clarified that no specific figures were committed to by either party involved in Vice President Onishi and Treasurer Anderson's meeting with Governor Ige. Vice President Onishi stated that the intention of the meeting was just to get a "feel" as to whether it was worth the investment of time, and whether the Governor could assist the counties as opposed to going through the more difficult route working with so many individual legislators. Vice President Onishi further stated that he decided to meet with the Governor as his previous attempts to get a meeting scheduled through HSAC were unsuccessful.

Secretary Rapozo stated that he would like to focus the discussion on the Working Group's recommendation and nothing else, as every proposal considered is based on the data provided by the Working Group.

Vice President Onishi stated that HSAC needs to be realistic as to what the Governor or the State Legislature will provide in TAT revenue increases to the counties. Vice President Onishi also noted that HSAC needs to remember that the Legislature did provide for the counties to enact a GET surcharge, yet no neighbor island county took that opportunity.



Secretary Rapozo reminded the members that the counties and mayors failed to cohesively put forth a proposal and unified message during the last session, but is hopeful of the effort of an active campaign with the assistance of Becker Communications to enlist other organizations to assist HSAC in lobbying for increased TAT revenues for the counties. Secretary Rapozo noted that in his discussion with Senate President Kouchi, it appears as if the Legislature is positioned to most likely provide the option of a GET surcharge, removing the ten percent (10%) administrative fee that the State withholds, instead of any increase to the allocation of TATs to the counties. Secretary Rapozo also noted that approximately one-third (1/3) of the revenue generated may be earmarked for State highway projects.

Treasurer Anderson confirmed that he had heard similar proposals discussed by legislators, however, the surcharge would be available to the counties in perpetuity or until otherwise amended.

President Victorino asked members to please give advanced notice should any individual member be inclined to meet with the Governor or legislators on HSAC business in the future.

There being no objections, items number 2 (TAT) was deferred until the conclusion of a meeting with Governor David Y. Ige in the afternoon.

#### ID Cards for Persons with Disabilities.

Secretary Rapozo moved for approval of item number 3 for inclusion in the 2017 HSAC Legislative Package, seconded by Vice President Onishi, and unanimously carried.

#### Affordable Housing Conveyance Tax.

President Victorino noted that testimony was provided by Councilmember Elle Cochran on item 4.

Secretary Rapozo expressed his interest to see this proposal move forward so that the County of Kaua'i can have further discussion with the County's Department of Finance regarding this proposal.



Vice President Onishi clarified the potential difficulty in getting this passed when increases in other revenue options such as increasing the GET were not well received. Vice President Onishi also pointed to the variations in market sales and development in each county as a cause for concern.

President Victorino stated that the threshold was set at \$1 million so that it would not adversely impact the residential market.

Vice President Onishi stated that the percentage increase could potentially be higher, if the target market is those with expensive second homes. President Victorino stated that organizations in the County of Maui were opposed to any increase, and a higher percentage would definitely pose a problem for those organizations on Maui and would ultimately lead to Maui Councilmembers voting against that increased conveyance tax percentage.

Secretary Rapozo moved for approval of item number 4 for inclusion in the 2017 HSAC Legislative Package, seconded by Vice President Onishi, and unanimously carried.

There being no objections, the meeting recessed at 12:02 p.m. The meeting reconvened at 12:07 p.m. and proceeded with agenda item V.A.4 (EMS), as follows:

Secretary Rapozo moved to approve item V.A.4 (EMS), as amended to reflect a request for two ambulances, one for Kaua'i County and one for Hawai'i County, seconded by Vice President Onishi, and unanimously carried.

President Victorino noted that Maui County will be transmitting four (4) additional measures for consideration for inclusion in the HSAC Legislative Package. The measures include distribution of documents as referenced in the Sunshine Law, IAL funding for mapping, comprehensive boundary amendment following the general plan update, and representation in bargaining unit negotiations with respect to Bargaining Units 11 and 12.

There being no objections, the meeting was recessed at 12:33 p.m. The meeting reconvened at 3:14 p.m., and proceeded with agenda item VI.C, as follows:



C. 2017 State Legislature update and discussion on lobbying efforts.

President Victorino stated his appreciation to Governor Ige for meeting with HSAC. President Victorino further stated that it does not seem likely that the Governor would likely release any additional TAT revenue to the counties.

Relating to the tort liability proposal, Treasurer Anderson felt that the Governor did not fully understand the issue and would need to obtain more information before making any type of commitment. Vice President Onishi concurred and felt that more education is needed from HSAC on all measures that HSAC is proposing. President Victorino expressed the importance of the tort liability issue as perhaps the most important issue facing the counties with respect to the financial liability ramifications. Vice President Onishi stated that the question that needs to be answered is why does the State Legislature not make the tort liability provision a permanent provision.

Secretary Rapozo stated that HSAC needs to continue its work on the media campaign proposed by Becker Communications, Inc. Vice President Onishi pointed out the importance of having someone with a financial or economics background to provide an explanation regarding the increase in TAT revenue, but a decrease in GET revenues. President Victorino stated that he will check on the availability of Paul Brewbaker or a representative from the State Council on Revenues, to provide a briefing to the HSAC Executive Committee. Mr. Ishikawa noted that he is able to contact Mr. Brewbaker if that is the wish of the Committee.

President Victorino stated that his feeling is that Governor Ige concurred with the EMS proposal.

President Victorino and Councilmember Baisa felt that Governor Ige was not aware of the Sunshine Law issues and that he learned a lot from HSAC members.

The meeting proceeded with agenda item VI.B.2 (TAT) as follows:

Secretary Rapozo stated that a decision needs to be made regarding whether HSAC is moving forward with that TAT proposal or pursuing other options. Mr. Ishikawa inquired as to the earliest possible date HSAC could begin lobbying the State Legislature on HSAC proposals. President Victorino clarified that the earliest HSAC could start lobbying would be in November after the General Election and once the Legislature's leadership has been determined. President Victorino and Councilmember Baisa expressed their interest in starting lobbying efforts as early as possible in November.



Secretary Rapozo moved to approve item number VI.B.2 (TAT) for inclusion in the 2017 HSAC Legislative Package, seconded by Treasurer Anderson, and unanimously carried.

## VII. ANNOUNCEMENTS

### A. Scheduling of the next meeting.

The next Executive Committee meeting is scheduled for Monday, October 24, 2016, 10 a.m. on O‘ahu.

### B. Other announcements.

There were no other announcements.

## VIII. ADJOURNMENT

Treasurer Anderson moved to adjourn the meeting at 4:01 p.m., seconded by Vice President Onishi, and unanimously carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mel Rapozo", with a long horizontal flourish extending to the right.

MEL RAPOZO, Secretary  
Hawai‘i State Association of Counties

# Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu

200 S. High Street, Wailuku, Hawaii 96793 (808) 270-7665

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October 18, 2016

Councilmember Michael P. Victorino, President  
Hawaii State Association of Counties  
200 S. High Street, 8<sup>th</sup> Floor  
Wailuku, HI, 96793

Dear President Victorino:

**SUBJECT: TREASURER'S REPORT FOR SEPTEMBER 2016**

Attached please find a report of the Association's revenues and expenses for the period of September 1 through September 30, 2016.

Malama Pono,

Ikaika Anderson  
HSAC Treasurer

Attachment

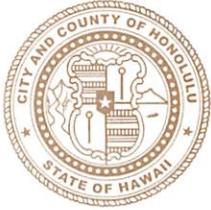


**Treasurer's Report for September 2016**

HSAC started the month of September with a balance of \$190,587.03, expended \$5,483.79 and we had a deposit of \$1,193.49 and we ended the month of September with a balance of \$186,296.73.

Hawaii State Association of Counties  
**REVENUES COLLECTED AND EXPENSES PAID**  
 Period: September 1, 2016 through September 30, 2016

BEGINNING BALANCE				\$190,587.03
	Current Period September	FY 2017 Year to Date	FY 2017 Budget	
<b>REVENUES</b>				
Membership Fees	\$0.00	\$0.00	\$43,680.00	
Conference Income	\$0.00	\$0.00	\$15,000.00	
Interest Income	\$0.00	\$0.00	\$28.00	
Corporate Sponsorship		\$0.00	\$0.00	
Miscellaneous	\$3.09	\$9.73	\$0.00	
NACo Prescription Drug	\$1,190.40	\$1,984.40	\$6,000.00	
Fund Balance, prior FY		\$0.00	\$107,164.00	
<b>Total</b>	<b>\$1,193.49</b>	<b>\$1,994.13</b>	<b>\$171,872.00</b>	
<b>Total Receipts This Period</b>				<b>\$1,193.49</b>
<b>EXPENSES</b>				
<b>HSAC</b>				
Executive Committee Travel-Air, Ground, Lodging & Membership	\$1,126.69	\$2,169.96	\$17,500.00	
Auditing Services	\$0.00	\$0.00	\$5,000.00	
Stationery	\$0.00	\$205.75	\$150.00	
Miscellaneous	\$288.36	\$714.51	\$2,000.00	
Online Quickbooks Monthly Fee	\$41.55	\$124.65	\$500.00	
<b>Special Committees</b>				
Travel		\$0.00	\$500.00	
Miscellaneous		\$0.00	\$100.00	
<b>NACo</b>				
Board Travel-Air, Ground, and Lodging	\$2,934.00	\$6,840.54	\$20,000.00	
Steering Committees Travel-Air, Ground & Lodging	\$0.00	\$0.00	\$6,000.00	
Promotional	\$0.00	\$0.00	\$250.00	
Dues	\$0.00	\$0.00	\$27,268.00	
Miscellaneous	\$150.79	\$928.88	\$1,000.00	
<b>WIR</b>				
WIR Travel-Air, Ground and Lodging	\$942.40	\$942.40	\$10,500.00	
WIR Promotional	\$0.00	\$0.00	\$0.00	
WIR Dues	\$0.00	\$0.00	\$3,804.00	
WIR Miscellaneous	\$0.00	\$0.00	\$1,000.00	
WIR 2015 Conference	\$0.00	\$0.00	\$0.00	
<b>OTHER</b>				
Adjustments for Travel and Related Expenses	\$0.00	\$0.00	\$6,295.00	
National Conference Fund	\$0.00	\$0.00	\$44,000.00	
Prescription Drug Scholarship Program	\$0.00	\$0.00	\$6,500.00	
County Leadership Institute Attendee	\$0.00	\$0.00	\$3,000.00	
Prescription Drug Promotion	\$0.00	\$0.00	\$5,000.00	
HSAC Promotion	\$0.00	\$734.85	\$11,505.00	
<b>Total</b>	<b>\$5,483.79</b>	<b>\$12,661.54</b>	<b>\$171,872.00</b>	
<b>Total Expenses This Period</b>				<b>\$5,483.79</b>
<b>ENDING BALANCE</b>				<b>\$186,296.73</b>



## OFFICE OF THE CITY CLERK

CITY AND COUNTY OF HONOLULU  
530 SOUTH KING STREET, ROOM 100  
HONOLULU, HAWAII 96813-3077  
TELEPHONE: (808) 768-3810 • FAX: (808) 768-3835

GLEN I. TAKAHASHI  
CITY CLERK

KIMBERLY L. RIBELLIA  
DEPUTY CITY CLERK

October 6, 2016

The Honorable Michael P. Victorino, President  
Hawaii State Association of Counties, Executive Committee  
c/o Kit Zulueta  
Maui County Council  
200 South High Street  
Wailuku, Maui, Hawaii 96793

Dear President Victorino:

This is to inform you that the following Resolution 16-266, relating to the inclusion in the 2017 Hawaii State Association of Counties legislative package of a proposal that would mandate the State Department of Health to enforce residential and commercial noise standards, was adopted by the Council of the City and County of Honolulu on Wednesday, October 5, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen I. Takahashi", is written over a faint, circular stamp or watermark.

GLEN I. TAKAHASHI  
City Clerk

mk

Attachments



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## RESOLUTION

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RELATING TO THE INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE OF A PROPOSAL THAT WOULD MANDATE THE STATE DEPARTMENT OF HEALTH TO ENFORCE RESIDENTIAL AND COMMERCIAL NOISE STANDARDS.

WHEREAS, the Director of the State Department of Health (DOH) administers Chapter 342F (Noise Pollution) of the Hawaii Revised Statutes (HRS); and

WHEREAS, HRS Section 342F-1 defines "pollution," for purposes of HRS Chapter 342F, as "excessive noise; and

WHEREAS, HRS Section 342F-1 further defines the term "excessive noise" as meaning:

[t]he presence of sound as measured by standard testing devices as established by the noise rules adopted by the department [of health] of a volume or in quantities and for durations which endangers human health, welfare or safety, animal life, or property or which unreasonably interferes with the comfortable enjoyment of life and property in the State or in such areas of the State as are affected thereby.

and

WHEREAS, in 1996, the DOH adopted Hawaii Administrative Rules, Title 11, Chapter 46, titled "Community Noise Control," which states that the purpose of the chapter is to:

[d]efine the maximum permissible sound levels, and to provide for the prevention, control, and abatement of noise pollution in the State from the following excessive noise sources: stationary noise sources; and equipment related to agricultural, construction, and industrial activities. It is also the purpose of this chapter to establish noise quality standards to protect public health and welfare, and to prevent the significant degradation of the environment and quality of life.

and



---

**RESOLUTION**

---

WHEREAS, the DOH has not regulated residential and commercial noise in the State, except for noise from stationary sources and equipment; and

WHEREAS, the Council is often asked to address noise complaints in the community through legislation on the county level, but none of the county agencies or departments are sufficiently equipped or appropriately trained to respond to community noise control complaints on a local level; and

WHEREAS, the DOH has the authority, skill and equipment to prevent, control, and abate noise complaints in the State; and

WHEREAS, approval of all counties is required to include a proposal in the 2017 Hawaii State Association of Counties (HSAC) legislative package; now, therefore,

**BE IT RESOLVED** by the Council of the City and County of Honolulu that it approves, for inclusion in the 2017 HSAC legislative package, a proposal, attached as Exhibit A, that would, if enacted, mandate the Department of Health to regulate the control of residential and commercial noise; and



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. 16-266

**RESOLUTION**

BE IT FINALLY RESOLVED that a copy of this Resolution be transmitted to the President of the Hawaii State Association of Counties.

INTRODUCED BY 

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

OCT 4 2016  
Honolulu, Hawaii

Councilmembers

**EXHIBIT A**

\_\_\_\_.B. NO.\_\_\_\_

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## A BILL FOR AN ACT

1 RELATING TO NOISE CONTROL.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

3 SECTION 1. Section 342F-3(a), Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "(a) In addition to any other power or duty prescribed by  
6 law and in this chapter, the director shall prevent, control,  
7 and abate noise pollution in the State. The director shall  
8 regulate the control of residential and commercial noise. In  
9 the discharge of this duty, the director may make, amend, and  
10 repeal state rules controlling and prohibiting noise pollution.  
11 All rules shall be adopted pursuant to chapter 91. Any person  
12 heard at the public hearing shall be given written notice of the  
13 action taken by the department with respect to the rules."

14 SECTION 2. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon approval.

16

17

INTRODUCED BY: \_\_\_\_\_

## **JUSTIFICATION SHEET**

**PROPOSER:** Hawaii State Association of Counties

**TITLE:** A Bill for an Act Relating to Noise Control

**PURPOSE:** The proposed bill will require the Director of the Department of Health to regulate the control of residential and commercial noise.

**MEANS:** Amend Section 342F-3 of the Hawaii Revised Statutes

**JUSTIFICATION:** The proposed bill is necessary because the Department of Health has failed to address the control of residential and commercial noise standards.

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**RESOLUTION 16-266**

Introduced: 10/04/16 By: TREVOR OZAWA

Committee: COUNCIL

Title: RESOLUTION RELATING TO THE INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE OF A PROPOSAL THAT WOULD MANDATE THE STATE DEPARTMENT OF HEALTH TO ENFORCE RESIDENTIAL AND COMMERCIAL NOISE STANDARDS.

Voting Legend: \* = Aye w/Reservations

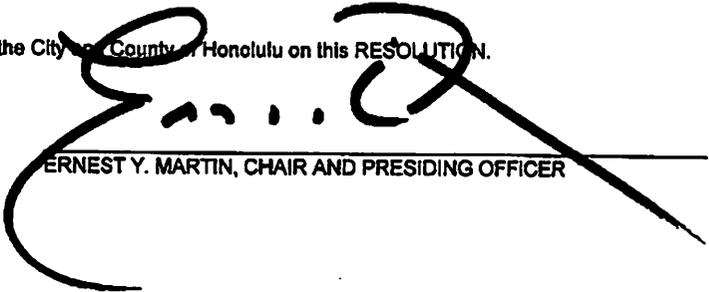
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10/05/16 COUNCIL RESOLUTION ADDED TO THE AGENDA.  
9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.  
RESOLUTION 16-266 WAS ADOPTED.  
9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

---

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

  
\_\_\_\_\_  
GLEN I. TAKAHASHI, CITY CLERK

  
\_\_\_\_\_  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER

DANNY A. MATEO  
County Clerk



JOSIAH K. NISHITA  
Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

October 10, 2016

RECEIVED  
2016 OCT 10 AM 11:28  
OFFICE OF THE  
COUNTY COUNCIL

Honorable Michael P. Victorino  
Hawaii State Association of Counties  
Executive Committee  
200 South High Street  
Wailuku, HI 96793

Dear Sir:

Respectfully transmitted is a copy of Resolution Nos. 16-124 – 16-127, which were adopted by the Council of the County of Maui at its meeting held on October 7, 2016.

Respectfully,

A handwritten signature in black ink, appearing to read "Danny A. Mateo". The signature is written in a cursive style with a long, sweeping underline.

DANNY A. MATEO  
County Clerk

/lks

Enclosure

# Resolution

No. 16-124

APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW CERTAIN GOVERNMENT RECORDS TO BE SHARED AMONG COUNCILMEMBERS WHERE NO COMMITMENT RELATING TO A VOTE ON THE MATTER IS MADE OR SOUGHT

WHEREAS, based on interpretations by the Supreme Court of Hawaii, Councilmembers and other public “board members” subject to the State Sunshine Law are prevented from transmitting government records to each other related to board business; and

WHEREAS, amending the Sunshine Law to allow Councilmembers and other boards to share public records with colleagues, as long as no voting commitment is made or sought, would increase government transparency and efficiency, as the documents would be available for public disclosure in advance of meetings; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit “A,” to allow certain government records to be shared among Councilmembers where no commitment relating to a vote on the matter is made or sought, is approved for inclusion in the 2017 Hawaii State Association of Counties Legislative Package; and
2. That a copy of this resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

\_\_\_B. NO. \_\_\_

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# A BILL FOR AN ACT

RELATING TO GOVERNMENT RECORDS

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 92-2.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "Permitted interactions of members. (a) Two members of a  
4 board may discuss between themselves matters relating to  
5 official board business to enable them to perform their duties  
6 faithfully, as long as no commitment to vote is made or sought  
7 and the two members do not constitute a quorum of their board.

8           (b) Two or more members of a board, but less than the  
9 number of members [~~which~~] that would constitute a quorum for the  
10 board, may be assigned to:

11           (1) Investigate a matter relating to the official business  
12 of their board; provided that:

13           (A) The scope of the investigation and the scope of  
14 each member's authority are defined at a meeting of the  
15 board;

**EXHIBIT "A"**

\_\_\_\_.B. NO. \_\_\_\_\_

1 (B) All resulting findings and recommendations are  
2 presented to the board at a meeting of the board; and

3 (C) Deliberation and decisionmaking on the matter  
4 investigated, if any, occurs only at a duly noticed meeting  
5 of the board held subsequent to the meeting at which the  
6 findings and recommendations of the investigation were  
7 presented to the board; or

8 (2) Present, discuss, or negotiate any position [~~which~~]  
9 that the board has adopted at a meeting of the board; provided  
10 that the assignment is made and the scope of each member's  
11 authority is defined at a meeting of the board prior to the  
12 presentation, discussion, or negotiation.

13 (c) Discussions between two or more members of a board, but less  
14 than the number of members which would constitute a quorum for  
15 the board, concerning the selection of the board's officers may  
16 be conducted in private without limitation or subsequent  
17 reporting.

18 (d) Board members present at a meeting that must be canceled for  
19 lack of quorum or terminated pursuant to section 92-3.5(c) may  
20 nonetheless receive testimony and presentations on items on the  
21 agenda and question the testifiers or presenters; provided that:

\_\_\_\_.B. NO. \_\_\_\_\_

1 (1) Deliberation or decisionmaking on any item, for which  
2 testimony or presentations are received, occurs only at a duly  
3 noticed meeting of the board held subsequent to the meeting at  
4 which the testimony and presentations were received;

5 (2) The members present shall create a record of the oral  
6 testimony or presentations in the same manner as would be  
7 required by section 92-9 for testimony or presentations heard  
8 during a meeting of the board; and

9 (3) Before its deliberation or decisionmaking at a  
10 subsequent meeting, the board shall:

11 (A) Provide copies of the testimony and presentations  
12 received at the canceled meeting to all members of the  
13 board; and

14 (B) Receive a report by the members who were present  
15 at the canceled or terminated meeting about the testimony  
16 and presentations received.

17 (e) Two or more members of a board, but less than the number of  
18 members [~~which~~] that would constitute a quorum for the board,  
19 may attend an informational meeting or presentation on matters  
20 relating to official board business, including a meeting of  
21 another entity, legislative hearing, convention, seminar, or

\_\_\_\_.B. NO. \_\_\_\_\_

1 community meeting; provided that the meeting or presentation is  
2 not specifically and exclusively organized for or directed  
3 toward members of the board. The board members in attendance may  
4 participate in discussions, including discussions among  
5 themselves; provided that the discussions occur during and as  
6 part of the informational meeting or presentation; and provided  
7 further that no commitment relating to a vote on the matter is  
8 made or sought.

9 At the next duly noticed meeting of the board, the board members  
10 shall report their attendance and the matters presented and  
11 discussed that related to official board business at the  
12 informational meeting or presentation.

13 (f) Discussions between the governor and one or more members of  
14 a board may be conducted in private without limitation or  
15 subsequent reporting; provided that the discussion does not  
16 relate to a matter over which a board is exercising its  
17 adjudicatory function.

18 (g) Discussions between two or more members of a board and the  
19 head of a department to which the board is administratively  
20 assigned may be conducted in private without limitation;

\_\_\_ .B. NO. \_\_\_

1 provided that the discussion is limited to matters specified in  
2 section 26-35.

3 (h) A member of a board may provide, by memorandum or other  
4 means of transmittal, other members of the board any government  
5 record for which disclosure is required by section 92F-12;  
6 provided that:

7 (1) No commitment relating to a vote on the matter is made  
8 or sought by the board member in the means of transmittal; and

9 (2) No additional discussion other than a statement  
10 describing the government record and the issue related to the  
11 government record shall be included in the transmittal.

12 ~~(h)~~ (i) Communications, interactions, discussions,  
13 investigations, and presentations described in this section are  
14 not meetings for purposes of this part."

15 SECTION 2. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: \_\_\_\_\_

**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

**It is HEREBY CERTIFIED that RESOLUTION NO. 16-124 was adopted by the Council of the County of Maui, State of Hawaii, on the 7th day of October, 2016, by the following vote:**

<b>MEMBERS</b>	<b>Michael B. WHITE Chair</b>	<b>Donald S. GUZMAN Vice-Chair</b>	<b>Gladys C. BAISA</b>	<b>Robert CARROLL</b>	<b>Eleanora COCHRAN</b>	<b>Donald G. COUCH, JR.</b>	<b>S. Stacy CRIVELLO</b>	<b>G. Riki HOKAMA</b>	<b>Michael P. VICTORINO</b>
<b>ROLL CALL</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>

  
\_\_\_\_\_  
COUNTY CLERK

# Resolution

No. 16-125

APPROVING FOR INCLUSION IN THE 2017  
HAWAII STATE ASSOCIATION OF COUNTIES  
LEGISLATIVE PACKAGE A STATE BILL RELATING  
TO IMPORTANT AGRICULTURAL LANDS

WHEREAS, Article XI, Section 3, of the Hawaii State Constitution establishes the State's duty to "conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands"; and

WHEREAS, to fulfill this duty, the State Legislature established the Important Agricultural Lands statute, Part III of Chapter 205, Hawaii Revised Statutes, by Act 183 (2005); and

WHEREAS, Section 205-47(a), Hawaii Revised Statutes, states: "Each county shall identify and map potential important agricultural lands within its jurisdiction . . ."; and

WHEREAS, Section 8 of Act 183 (2005) appropriated \$75,000 for Fiscal Year 2005-2006 to assist the counties with these activities; and

WHEREAS, the County of Kauai used the funding to develop a methodology to identify potential important agricultural lands on Kauai; and

WHEREAS, the counties have not received any further State funds to assist with their identification and mapping duties under the Important Agricultural Lands statute; and

WHEREAS, it is appropriate to allocate \$62,500 to each county for each of the next two fiscal years to assist with implementing the Important Agricultural Lands statute; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," allocating \$250,000 to the counties in both Fiscal Year 2017-2018 and Fiscal Year 2018-2019, is approved for

**Resolution No. 16-125**

inclusion in the 2017 Hawaii State Association of Counties  
Legislative Package; and

2. That a certified copy of this resolution be transmitted to the  
Hawaii State Association of Counties Executive Committee.

pia:misc:003(2)areso07:kcw

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO IMPORTANT AGRICULTURAL LANDS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Article XI, section 3 of the Hawaii State  
2 Constitution establishes the State's duty to "conserve and  
3 protect agricultural lands, promote diversified agriculture,  
4 increase agricultural self-sufficiency and assure the  
5 availability of agriculturally suitable lands" and provides  
6 protections for lands identified as important agricultural  
7 lands. In service of this duty, the legislature enacted Act  
8 183, Session Laws of Hawaii 2005, which was codified in part III  
9 of chapter 205, Hawaii Revised Statutes.

10           Act 183 directed each county to work with government and  
11 community stakeholders to, within sixty months of receipt of  
12 State funds for the purpose, identify and map potential  
13 important agricultural lands within its jurisdiction and make  
14 recommendations to the State Land Use Commission for the  
15 designation of these lands as important agricultural  
16 lands. Once designated, agricultural operations on important  
17 agricultural lands are eligible for a variety of State and

**EXHIBIT "A"**

1 county assistance and incentive programs including grants and  
2 other funding assistance, tax incentives, favorable  
3 infrastructure and permit requirements, and farm and business  
4 education assistance. The legislature finds that, to date, most  
5 counties have not received State funds to assist with their  
6 identification and mapping duties under Act 183.

7 The purpose of this Act is to implement Act 183 in  
8 accordance with the State's constitutional duty to protect  
9 important agricultural lands by providing funds to the counties  
10 for the identification and mapping of important agricultural  
11 lands.

12 SECTION 2. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$250,000, or so much  
14 thereof as may be necessary for fiscal year 2017-2018, and the  
15 same sum or so much thereof as may be necessary for fiscal year  
16 2018-2019, for grants-in-aid to the counties for the  
17 identification and mapping of important agricultural lands  
18 pursuant to section 205-47, Hawaii Revised Statutes, to be  
19 allocated as follows:

- 20 (1) \$ 62,500 to the County of Hawaii;
- 21 (2) \$ 62,500 to the City and County of Honolulu;
- 22 (3) \$ 62,500 to the County of Kauai; and

\_\_\_\_.B. NO. \_\_\_\_\_

1           (4) \$ 62,500 to the County of Maui.

2           The sums appropriated shall be expended by the department  
3 of business, economic development, and tourism for the purposes  
4 of this Act.

5           SECTION 3. This Act shall take effect on July 1, 2017.

INTRODUCED BY: \_\_\_\_\_

**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

**It is HEREBY CERTIFIED that RESOLUTION NO. 16-125 was adopted by the Council of the County of Maui, State of Hawaii, on the 7th day of October, 2016, by the following vote:**

<b>MEMBERS</b>	<b>Michael B. WHITE Chair</b>	<b>Donald S. GUZMAN Vice-Chair</b>	<b>Gladys C. BAISA</b>	<b>Robert CARROLL</b>	<b>Eleanora COCHRAN</b>	<b>Donald G. COUCH, JR.</b>	<b>S. Stacy CRIVELLO</b>	<b>G. Riki HOKAMA</b>	<b>Michael P. VICTORINO</b>
<b>ROLL CALL</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>

  
\_\_\_\_\_  
COUNTY CLERK

# Resolution

No. 16-126

APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW COUNTIES TO PETITION THE STATE LAND USE COMMISSION FOR REGIONAL DISTRICT BOUNDARY AMENDMENTS AFTER ADOPTION OF GENERAL PLAN UPDATES

WHEREAS, State law requires the counties to adopt general plans and update them on a regular basis; and

WHEREAS, there is no specific provision for the counties to seek district boundary amendments for lands identified for reclassification in updated general plans; and

WHEREAS, allowing the counties to petition the State Land Use Commission for regional district boundary amendments needed after adoption of updates to their county general plans would ensure that recommendations made in the plan are processed in an orderly, efficient, and timely manner; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to allow counties to petition the State Land Use Commission for regional district boundary amendments after adoption of general plan updates, is approved for inclusion in the 2017 Hawaii State Association of Counties Legislative Package; and
2. That a certified copy of this resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO LAND USE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to aid the counties  
2 in implementing their general plans by submitting them to the  
3 State Land Use Commission for comprehensive redistricting, where  
4 appropriate.

5           The State Land Use Law, Act 187, now codified as Chapter  
6 205, Hawaii Revised Statutes, was originally adopted in 1961, in  
7 part to address inadequate long-term land use planning on the  
8 county level. Previously, agricultural land had been converted  
9 for residential or other uses in a haphazard manner, without  
10 consideration of any cohesive or efficient pattern of using  
11 land. Prime agricultural land was being converted to  
12 residential use with subdivisions located away from public  
13 services.

14           The State Land Use Law identified four land-use districts,  
15 each with its own standards and boundaries. To ensure the  
16 orderly development of land for the public welfare, the State  
17 Land Use Commission was established and charged with setting

**EXHIBIT "A"**

003(2)abill07

\_\_\_\_.B. NO. \_\_\_\_\_

1 standards and determining the boundaries of the urban, rural,  
2 agricultural, and conservation districts. The process for  
3 redistricting of lands is referred to as a "district boundary  
4 amendment" which may be done on petition by private landowners,  
5 developers, and State and county agencies.

6 Pursuant to Section 205-18, Hawaii Revised Statutes, the  
7 office of planning is required to undertake a review of the  
8 classification and districting of all lands in the State, within  
9 five years from December 31, 1985, and every fifth year  
10 thereafter. However, there have been only three 5-year boundary  
11 reviews. The focus of these review efforts by the office of  
12 planning has been on the Hawaii State plan, county general  
13 plans, and county development and community plans. Although the  
14 office of planning may initiate comprehensive, state land use  
15 boundary amendments after completion of its five-year boundary  
16 review of plans, it has seldom done so. This is a missed  
17 opportunity to ensure that state land use districts conform to  
18 county plans.

19 Under current practice, district boundary amendments are  
20 done, almost exclusively, on a case-by-case basis, driven by  
21 landowners and developers. This project-by-project review is  
22 not only far from comprehensive, but time-consuming and

\_\_\_\_.B. NO. \_\_\_\_\_

1 expensive, adding to the cost of housing and doing business in  
2 the state. With the emphasis on individual amendments, the  
3 perspective of regional planning is largely lost.

4       The Hawaii State Planning Act, Chapter 226, Hawaii Revised  
5 Statutes, was enacted in 1978, requiring counties to adopt long-  
6 range comprehensive plans to identify where growth and  
7 preservation should occur. The counties now develop and adopt  
8 their general plans in compliance with the Act, taking into  
9 account population and demographic projections, infrastructural  
10 needs, and conservation of natural and cultural resources. The  
11 county adoption process involves public engagement and  
12 sophisticated geographical information systems. The plans  
13 typically have 20-year time frames with updates every 10 years.

14       Since 1978, each of the counties has developed modern  
15 planning departments with capable professionals able to not only  
16 prepare detailed plans, but to follow through with implementing  
17 them. These plans, however, can be difficult to implement at  
18 the state level if district boundaries are determined on a  
19 project-by-project basis and not reviewed in a regional,  
20 comprehensive manner. Allowing the counties to submit their  
21 general plans to the commission for review and to request land  
22 use district boundary amendments where appropriate would

1 accomplish the intent of Act 187 to further efficient land use  
2 patterns, aid the counties in implementing their general plans,  
3 and reduce the cost of permitting that is passed along to  
4 consumers.

5 SECTION 2. Section 205-18, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 §205-18 Periodic review of districts. (a) The office of  
8 planning shall undertake a review of the classification and  
9 districting of all lands in the State, within five years from  
10 December 31, 1985, and every fifth year thereafter. The office,  
11 in its five-year boundary review, shall focus its efforts on  
12 reviewing the Hawaii state plan, county general plans, and  
13 county development and community plans. Upon completion of the  
14 five-[-]year boundary review, the office shall submit a report  
15 of the findings to the commission. The office may initiate  
16 state land use boundary amendments which it deems appropriate to  
17 conform to these plans. The office may seek assistance of  
18 appropriate state and county agencies and may employ consultants  
19 and undertake studies in making this review.

20 (b) The counties may submit their general plans to the  
21 commission for review and request land use boundary amendments

\_\_\_\_.B. NO. \_\_\_\_\_

1 for those lands designated for urban, rural, agricultural, and  
2 conservation uses in conformance with those plans.

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

6

7

8 INTRODUCED BY: \_\_\_\_\_

9

10 pia:misc:003(2)abill07:kcw

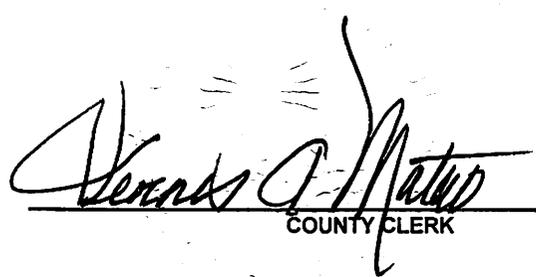
**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

**It is HEREBY CERTIFIED that RESOLUTION NO. 16-126 was adopted by the Council of the County of Maui, State of Hawaii, on the 7th day of October, 2016, by the following vote:**

<b>MEMBERS</b>	<b>Michael B. WHITE Chair</b>	<b>Donald S. GUZMAN Vice-Chair</b>	<b>Gladys C. BAISA</b>	<b>Robert CARROLL</b>	<b>Eleanora COCHRAN</b>	<b>Donald G. COUCH, JR.</b>	<b>S. Stacy CRIVELLO</b>	<b>G. Riki HOKAMA</b>	<b>Michael P. VICTORINO</b>
<b>ROLL CALL</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>

  
\_\_\_\_\_  
COUNTY CLERK

# Resolution

No. 16-127

APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW A REPRESENTATIVE OF EACH COUNTY COUNCIL TO PARTICIPATE AS A NON-VOTING MEMBER IN RELEVANT BARGAINING UNIT NEGOTIATIONS, TO RECEIVE UPDATES FROM THE ADMINISTRATION ON BARGAINING UNIT NEGOTIATIONS, AND TO CHANGE THE ALLOCATION OF VOTES FOR BARGAINING UNITS 11 AND 12

WHEREAS, employment costs, largely determined through bargaining unit negotiations, are a significant and growing part of county budgets; and

WHEREAS, because the county councils have the duty to appropriate funds for employment costs for the counties, councils' knowledge of bargaining unit negotiations regarding those costs is essential for effective municipal financial planning; and

WHEREAS, currently, the mayors or their representatives are participants in bargaining unit negotiations; and

WHEREAS, adding councilmember participation in bargaining unit negotiations would ensure both branches of county government have full information on current and anticipated employment costs; and

WHEREAS, enactment of State legislation to allow each county council to have a representative participate as a non-voting member in bargaining unit negotiations would result in financial planning benefits to the counties; and

WHEREAS, it is important for the county councils to receive updates from the administration on bargaining unit negotiations to properly appropriate funding to the departments for their annual budgets; and

WHEREAS, State law provides the Governor with votes equal to the four mayors for bargaining units 11 and 12; and

WHEREAS, because county employees make up a majority of these bargaining units, it is appropriate the mayors receive a majority vote as the counties' administrative heads; now, therefore,

**BE IT RESOLVED** by the Council of the County of Maui:

1. That the proposed State bill, attached as Exhibit "A," to allow a representative of each county council to be present as a non-voting participant in negotiations with relevant bargaining units, to receive updates from the administration on bargaining unit negotiations, and to give the mayors a greater share of the votes for bargaining units 11 and 12, is approved for inclusion in the 2017 Hawaii State Association of Counties Legislative Package; and
2. That a certified copy of this resolution be transmitted to the Hawaii State Association of Counties Executive Committee.

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# A BILL FOR AN ACT

RELATING TO COLLECTIVE BARGAINING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to allow a  
2 representative of each county council to be present as a non-  
3 voting participant in negotiations with bargaining units if the  
4 relevant county has employees in the particular bargaining unit.

5           County councils have the duty to appropriate funds for  
6 their counties. Councils' knowledge of bargaining unit  
7 negotiations and associated costs is essential to enable  
8 effective financial planning for the counties.

9           SECTION 2. Section 89-6, Hawaii Revised Statutes, is  
10 amended by amending subsection (d) to read as follows:

11           "(d) For the purpose of negotiating a collective  
12 bargaining agreement, the public employer of an appropriate  
13 bargaining unit shall mean the governor together with the  
14 following employers:

15           (1) For bargaining units (1), (2), (3), (4), (9), (10),  
16           (13), and (14), the governor shall have six votes and  
17           the mayors, the chief justice, and the Hawaii health  
18           systems corporation board shall each have one vote if

**EXHIBIT "A"**

\_\_\_\_.B. NO. \_\_\_\_\_

1           they have employees in the particular bargaining unit;  
2           and one representative from each county council shall  
3           be allowed to attend as a non-voting participant  
4           during negotiations if their county has employees in  
5           the particular bargaining unit;

6           (2) For bargaining units (11) and (12), the governor shall  
7           have [~~four votes~~ one vote and the mayors shall each  
8           have one vote; and one representative from each county  
9           council shall be allowed to attend as a non-voting  
10           participant during negotiations if their county has  
11           employees in the particular bargaining unit;

12           (3) For bargaining units (5) and (6), the governor shall  
13           have three votes, the board of education shall have  
14           two votes, and the superintendent of education shall  
15           have one vote; and

16           (4) For bargaining units (7) and (8), the governor shall  
17           have three votes, the board of regents of the  
18           University of Hawaii shall have two votes, and the  
19           president of the University of Hawaii shall have one  
20           vote.

21           (5) The mayor or the mayor's representative shall provide  
22           timely updates relating to bargaining unit

\_\_\_\_.B. NO. \_\_\_\_\_

1           negotiations to the county councils in an executive  
2           meeting.

3           Any decision to be reached by the applicable employer group  
4 shall be on the basis of simple majority, except when a  
5 bargaining unit includes county employees from more than one  
6 county. In that case, the simple majority shall include at  
7 least one county."

8           SECTION 3. Statutory material to be deleted is bracketed  
9 and in strikethrough. New statutory material is underscored.

10          SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: \_\_\_\_\_

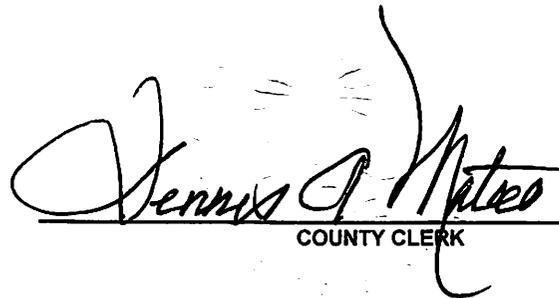
**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

**It is HEREBY CERTIFIED that RESOLUTION NO. 16-127 was adopted by the Council of the County of Maui, State of Hawaii, on the 7th day of October, 2016, by the following vote:**

<b>MEMBERS</b>	<b>Michael B. WHITE Chair</b>	<b>Donald S. GUZMAN Vice-Chair</b>	<b>Gladys C. BAISA</b>	<b>Robert CARROLL</b>	<b>Eleanora COCHRAN</b>	<b>Donald G. COUCH, JR.</b>	<b>S. Stacy CRIVELLO</b>	<b>G. Riki HOKAMA</b>	<b>Michael P. VICTORINO</b>
<b>ROLL CALL</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>

  
\_\_\_\_\_  
COUNTY CLERK