

# Hawai'i State Association of Counties (HSAC)

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

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MINUTES  
HSAC EXECUTIVE COMMITTEE MEETING  
February 10, 2017  
Honolulu Hale, Committee Meeting Room  
530 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 Stacy Crivello at 10:16 a.m. The following members comprising a quorum were present:

County of Maui:

President Stacy Crivello,  
County of Maui Councilmember

County of Hawai'i:

Vice President Dru Kanuha  
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:

Valerie Poindexter, County of Hawai'i Council  
Chair

Honolulu staff Brandon Mitsuda, Council Liaison,  
Honolulu City Council Administrative Support  
Services;

Honolulu staff Francisco Figueiredo, Legislative  
Aide, Office of Councilmember Ikaika Anderson;  
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.  
, Charter Communications



## II. APPROVAL OF AGENDA

President Crivello requested approval to rearrange the agenda items to be able to receive testimony from Charter Communications representatives following County Reports, and to defer consideration of Michael Victorino's lobbyist proposal to the end of the agenda.

Secretary Rapozo moved for approval of the Agenda as amended, seconded by Vice President Kanuha, and unanimously carried.

## III. MINUTES

- A. Minutes of the January 17, 2017, HSAC Executive Committee meeting, as submitted by the HSAC Secretary.

Secretary Rapozo moved for approval of the Minutes of the January 17, 2017, HSAC Executive Committee Meeting, seconded by Vice President Kanuha, and unanimously carried.

## IV. REPORTS

- A. Treasurer's Report

1. Treasurer's Report for December 2016, as submitted by the HSAC Treasurer.

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

- B. County Reports

1. City and County of Honolulu Report. Treasurer Anderson reported that the City Council passed out numerous resolutions on January 25, 2017 pertaining to the Mayor's cabinet appointments. The City Council accepted a gift of funds, a memorial plaque, and placement of the memorial plaque in honor of mothers everywhere at Hanauma Bay; a resolution naming a portion of Maunaloa Bay Beach Park after Joe Lukela, who was the last konohiki of the area; a resolution naming a city entertainment venue in honor of the Late Tom Moffat; a resolution requesting the city and state administrations to collaborate on affordable workforce housing; and adopted resolution 17-29, approving HSAC's appointment of a



WIR board member. A permitted interactive group was established to investigate funding options for the Honolulu High Capacity Transit Corridor Project (Rail Project) with state, city, and federal officials. Members include Treasurer Anderson, Council Chair Ron Menor, Councilmember Joey Manahan, and Councilmember Kimberly Pine. Finally, Honolulu's legislative branch is conducting its annual support effort of the Hawai'i Food Bank.

2. County of Hawai'i Report. Vice President Kanuha reported that the Hawai'i County Council approved the nomination of Kaua'i County Councilmember Arryl Kaneshiro as a member of the NACo Board of Directors. The Hawai'i County Council forwarded a resolution to the legislature requesting funding options and assistance for invasive species control on Hawai'i island due to the fire ant infestation and possible containment/eradication efforts, because of the disastrous effects it has on environment, economy, agriculture, and the people. Hawai'i County is also requesting assistance with the rapid Ohia death. The Ohia forest makes up 90% of forest lands on Hawai'i Island. Biologists have identified these fungi as two new species that have never been documented, which has made it more difficult to determine the proper protocol to stop the spread of the disease.
3. County of Kaua'i Report. Secretary Rapozo reported that Kaua'i is addressing a threat of coffee beetles because of plants imported by Home Depot that bypassed the mandatory inspection process. Secretary Rapozo stated that the venue for the 2017 HSAC Annual Conference will be the Kōloa Landing Resort in Po'ipū. Room rates are \$199 per night with resort fees waived, which price is good for three days pre and post conference dates. A golf tournament is scheduled for Monday, June 19, 2017, at a site to be determined later. The welcome reception is scheduled for the evening of June 19, 2017, following by the conference on Tuesday, June 20, 2017. Secretary Rapozo welcomed and encouraged members to take advantage of the pre-conference room rate, and depending on interest, activities may be coordinated for Saturday and Sunday. Secretary Rapozo also requested assistance for obtaining sponsorships for the conference.
4. County of Maui Report. President Crivello reported that due to ocean currents, the Land Use Committee meeting on Lāna'i have been canceled. Moloka'i is working on its community update plan.



The pressure is to finish, so that other Maui districts are able to work on their community plans. Maui's Northshore greenway bike path, after 20 years, is on its final phase. Maui is also researching implementation of rescue tubes at unmanned beaches, similar to Kaua'i County. President Crivello also noted concern with affordable housing, specifically in Lahaina, where developments have come in, obtained income tax credits, and using the IRS loophole are able to sell the development after 15 years and/or tenants are faced with paying market rates.

There being no objections, the foregoing County Reports were received for the record.

Charter Communications. Secretary Rapozo reported that Charter Communications recently purchased Oceanic Cable, and he met with representatives who are concerned with legislation being considered by the Legislature that will affect county home rule.

Carl Caliboso, representing Charter Communications (Charter), recently acquired Time Warner Cable nationally and its local subsidiaries that provide cable TV service and broadband internet throughout the State. Mr. Caliboso stated that some of the measures are labeled as "providing streamlined permitting" or "exemptions from permitting" for the installation of small cell wireless facilities and devices. Of particular concern are HB 624, HD1, relating to the installation of infrastructure, and HB 625, HD1, relating to infrastructure, SB 760 and SB 1201, which are similar. All bills have passed initial committees and are being sent to the second committees as amended. As currently proposed, these measures raise uneven playing field concerns for Charter. Charter believes that everyone located in the rights-of-way should be treated the same. Proponents claim that the proposed rules actually level the playing field for wireless broadband technologies, but wireless broadband technologies do not have the same obligations that are imposed on cable operations that provide broadband to occupy the right-of-way. The proposed legislation will allow unfranchised entities to circumvent the right-of-way authorization process, bypassing procedures and safeguards applicable to cable operators. Charter's obligations are to obtain a cable television franchise which is fully vetted and regulated by the state Department of Commerce and Consumer Affairs, which is the local franchising authority for cable TV. Charter pays 5% of their revenue for occupancy and use of the right-of-way, which amounts to millions of dollars over the course of a year. As part of the franchise, Charter provides capital support for public education and government access facilities, some other fee services and other valuable benefits to occupy the right-of-way, which are not imposed on the wireless carriers.



HB 624 provides for an expedited process and exemptions from county permitting requirements, which apply to not just the antenna, but a wide range of wires and equipment associated with the antenna. Proponents of the bills are trying to make it appear that this is just installing an antenna on a utility pole, but it involves the building of a fully ubiquitous network of wires, facilities, and equipment strung out throughout the right-of-way in between poles and on all sorts of municipal structures, such as streetlights. The definition of a small wireless facility includes all other wireless or wire line equipment associated with the structure. A small wireless facilities network means a collection of interrelated, small wireless or wire line facilities designed to deliver wireless communication services. This entire network of equipment, cables, and other related services would be exempt from county permitting requirements, state permitting requirements, and even some PUC rules and regulations regarding pole replacement. Act 151, which was passed in 2011, details the exemptions in place for the installation of broadband technology services and broadband facilities. The proposed measures would greatly expand the exemptions from state and county permitting requirements to wireless facilities, which further diminish the counties' regulatory authority over the occupancy and use of the rights-of-way. DCCA provided testimony stating serious concerns with HB 624 and strongly recommended against its approval. Mr. Caliboso stated that the regulatory exemptions may have been appropriate when permits and approvals had already been granted, but not necessarily for the addition of new infrastructure and even new technologies which have not been dealt with yet.

HB 625 requires the counties to permit co-location of small wireless facilities or small wireless facilities networks on county structures, county utility poles, and county light standards under limited conditions. For example, in ag rural areas, counties are not allowed to impose any special or conditional use permits when the facilities are to be located in the rights-of-way or agricultural or rural districts. This allows wireless carriers to gain far broader access to the rights-of-way, which will be exempt from county permitting requirements. Proponents of this measure have contended that without these provisions, companies will be forced to make their investments elsewhere to be able to install 5G capabilities. Truth is that competition and demand drives investment, not rights-of-way policy. These measures also do not establish any obligation on the part of these companies to build these facilities in rural areas. They will build where it is most dense, because the greater return on investment is where the need is. There is no promise that wireless broadband access will be expanded into rural areas.



Mr. Caliboso asked that the counties review the proposed measures, which are unfair to cable TV providers, and more importantly, diminish county regulatory authority over these types of installations.

HB 624 HD1 and HB 625 HD1 are moving to the second committee for hearing. SB 760 and SB 1201 were heard and are moving to the second committee for hearing also. The amended senate drafts are not available for review at this time.

Council Chair Valerie Poindexter, Hawai'i County, stated that good broadband connection for healthcare services is not available in the rural areas on Hawai'i island. She believed that these measures would be beneficial for the people, especially because of the desperate need for TeleMed services in rural communities. Mr. Caliboso agreed with the importance of Council Chair Poindexter's concern. He clarified that the reference to small cell wireless is not a reference to smaller wireless companies, such as Verizon, AT&T, T-Mobile, etc. Small cell wireless means smaller infrastructure which are attached to poles. The opportunity to install small cell wireless by providing exemptions from permitting authority does not include any obligation to build in rural areas. Council Chair Poindexter suggested a possible amendment that includes the obligation to build in rural communities with great health care needs if no broadband services are available. President Crivello noted that it would be advantageous for counties to have input to be able to condition the permits to provide services. Secretary Rapozo added that these measures require the counties to allow co-location of any small cell wireless and exempts them from any county permitting processes.

Members expressed appreciation to Charter Communications for bringing this matter to their attention.

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

Treasurer Anderson reviewed his 2016 NACo Fall Board of Directors and Rural Action Caucus Meetings report dated December 11, 2016, a copy of which is attached to the Agenda.

Treasurer Anderson moved for approval of the report, seconded by Vice President Kanuha, and unanimously carried.

President Crivello noted that 16 Hawai'i representatives will be attending the 2017 NACo Legislative Conference. Meetings with Senator Mazie Hirono and Representative Colleen Hanabusa have been scheduled for February 27, 2017, and with Senator Brian Schatz on



March 1, 2017. A meeting with Representative Tulsi Gabbard has not been confirmed. President Crivello added that topics of discussion need to be submitted prior to the scheduled meetings.

President Crivello noted that Councilmember Riki Hokama, Maui County, recommended that because of the large contingent attending from Hawai'i, members should consider scheduling an evening together.

Treasurer Anderson moved to approved expenses for an HSAC Fellowship Dinner for the Hawai'i delegation in Washington, D.C., seconded by Vice President Kanuha, and unanimously carried.

D. Western Interstate Region (WIR) Report

There was no WIR report.

V. NEW BUSINESS

- A. Maui County Council Resolution 17-12, adopted on January 20, 2017, approving the nomination of Arryl Kaneshiro to the NACo Board of Directors and Dru Kanuha to the WIR Board of Directors.

Secretary Rapozo moved to receive the communication for the record, seconded by Vice President Kanuha, and unanimously carried.

- B. Honolulu City Council Resolution 17-29 adopted on January 25, 2017, approving the nomination of Dru Kanuha to the WIR Board of Directors.

Secretary Rapozo moved to receive the communication for the record, seconded by Vice President Kanuha, and unanimously carried.

- C. Hawai'i County Council Resolution 46-17, adopted on January 25, 2017, approving the nomination of Dru Kanuha to the WIR Board of Directors.

Secretary Rapozo moved to receive the communication for the record, seconded by Vice President Kanuha, and unanimously carried.

- D. Discussion and consideration of proposed HSAC bylaw amendment submitted by Secretary Mel Rapozo, to clarify the officers' rotation schedule and procedure.

Secretary Rapozo stated that a conflict was created in the HSAC Bylaws when the officer rotation schedule was established. The proposed



amendment will clarify the procedure for setting officers following the rotation schedule.

Treasurer Anderson noted that the reason behind setting a rotation schedule was for fairness to each county and providing each an opportunity to serve in each Board of Director position, and that there would not be a rapid changeover once a member is no longer serving as a councilmember.

Secretary Rapozo stated that with the rotation, there is no opportunity to deviate should a member be unwilling to serve in the officer position.

Vice President Kanuha stated concern with unseasoned members fulfilling the duties required of officers, but also realized it is incumbent on the councils to nominate appropriate members.

Secretary Rapozo moved to amend item 2, Section 5 of the Bylaws, seconded by Treasurer Anderson, and unanimously carried.

- E. Discussion and consideration of proposed HSAC bylaw amendment submitted by President Stacy Crivello, to allow members of the Executive Committee to travel and attend the WIR Conference.

President Crivello stated that the Executive Committee is allowed to attend the two NACo conferences, but she felt that members should be given a third option to attend the WIR conference as the second travel expense.

Treasurer Anderson moved to amend item 3, Section 21 of the Bylaws, seconded by Vice President Kanuha, and unanimously carried.

- F. Approving the nomination of Councilmember Yuki Lei Sugimura to the Board of Advisors of the Center for Alternative Dispute Resolution.

Secretary Rapozo moved to approve the nomination as submitted, seconded by Treasurer Anderson, and unanimously carried.

- G. Discussion on HSAC's operations capacity and resources.

President Crivello requested discussion on HSAC's operations capacity and resources, taking the following points into consideration:

- 1) Changing leadership in July 2017;



- 2) Providing opportunities for each county to be familiarized with leadership roles;
- 3) Transition also brings about risk of inconsistencies in operations.

Secretary Rapozo concurred with the need to discuss this matter. He asked what course the membership wanted to take. President Crivello stated that consistency is important, especially with HSAC's finances. President Crivello stated that it is important to recognize whether each county has the capacity (staff) to fulfill the role of any HSAC officer. Secretary Rapozo agreed, and believed that the Executive Committee members are capable of formulating a slate of officers. Vice President Kanuha stated his disagreement with a rotation schedule.

Secretary Rapozo moved to reconsider the vote on amending Bylaw Section 5 (Agenda item V., D.), seconded by Vice President Kanuha, and unanimously carried.

Secretary Rapozo withdrew his motion to amend Bylaw Section 5. Vice President Kanuha withdrew his second to the motion. There were no objections.

Further discussion regarding Bylaw Section 5 was deferred until the March 2017 Executive Committee meeting.

## VI. OLD BUSINESS

### A. 2017 State Legislative Session update and discussion on lobbying efforts.

Kit Zulueta, Maui County staff, reported that out of the 10 bills included in the Hawai'i State Association of Counties Legislative Package, 8 have been heard. Of the 8, 3 are moving forward, which are: 1) relating to government records (public agency meetings), 2) relating to emergency medical services (ambulances), and 3) tort liability. The tort liability measure included in the HSAC Legislative Package was not heard, but a similar bill, SB 562, passed. The 4 bills deferred are: 1) important ag lands, 2) collective bargaining, 3) sunshine law committee meetings, and 4) disability cards. The drone bill will be heard and decided on February 22, 2017. A similar collective bargaining bill, SB 332, is being heard. The TAT and uncontested traffic infraction bills have not been heard. Other TAT proposals being heard are SB 1290 and HB 1586.



Scott Ishikawa, Becker Communications, thanked the members for their efforts on working with the media prior to opening of the legislative session. HSAC started with 13 media opportunities, and details of 11 are attached to the agenda. Two were interviews starring Secretary Rapozo and Maui Council Chair Mike White. As part of the communications plan, the op-ed would have been unveiled before the session, but the pre-media coverage was sufficient. Mr. Ishikawa noted that taking into consideration the information regarding the new TAT proposals, HSAC's op-ed will need to be revised, and requested direction regarding timing for submitting the op-ed. President Crivello stated that reacting to the Legislature's action on a TAT measure is too late. It is important that constituents be educated on this matter, and HSAC needs to be proactive. Secretary Rapozo believed it important for the op-ed to be published soon, and include information regarding the Legislature's latest proposal to phase out TAT to the counties in three years.

Members discussed coordinating grassroots and Union support for the February 14, 2017 hearing on HB 1586.

Secretary Rapozo moved to approve moving forward with publishing the op-ed, to include HSAC's displeasure with HB 1586 and its ramifications to the counties, and follow-up with a press conference, seconded by Vice President Kanuha, and unanimously carried.

Members requested that, where possible, all four HSAC officers be signatory to the op-ed. Secretary Rapozo noted the importance of getting the op-ed published before the 14<sup>th</sup>. Mr. Ishikawa requested that an HSAC Executive Committee member be available on or prior to the 14<sup>th</sup> for a media interview.

V. H. Discussion and consideration of hiring a lobbyist for the 2017 State Legislative session.

President Crivello stated that because of recent developments at the Legislature, it may be ideal to contract with Michael Victorino as a lobbyist for the remainder of the legislative session.

President Crivello noted that she will confirm with Mr. Victorino whether the rate proposed is inclusive of costs, such as airfare, etc. Members discussed the Duties and Responsibilities as proposed by Mr. Victorino. Items 7 and 8 will be deleted, an item that states "Other duties as directed by the HSAC Executive Committee" will be added, and Item 2 will be re-worded to clarify "encourage and coordinate support of HSAC



by unions, etc.” Members expressed the importance of providing clear direction regarding Mr. Victorino’s duties and responsibilities. Treasurer Anderson added that an amendment to HSAC’s budget is necessary to fund this contract using the HSAC Promotions line item.

Secretary Rapozo moved to approve retention of Michael Victorino as HSAC Lobbyist, beginning as soon as possible in February through May when the Legislature adjourns, at a cost of \$5,250, pending a signed contract between HSAC and Michael Victorino, seconded by Treasurer Anderson, and unanimously carried.

## VII. ANNOUNCEMENTS

### A. Scheduling of the next meeting.

The next Executive Committee meeting is scheduled for Friday, March 17, 2017, at 10 a.m. on O’ahu.

### B. Other announcements.

There were no other announcements.

## VIII. ADJOURNMENT

The meeting was adjourned at 1:05 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mel Rapozo".

MEL RAPOZO, Secretary  
Hawai’i State Association of Counties