

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

Monday, October 28, 2019 • 10:30 a.m.

Honolulu Hale, Committee Meeting Room
530 South King Street • Honolulu, HI 96813

I. CALL TO ORDER

The HSAC Executive Committee was called to order by HSAC President Joey Manahan at 10:46 a.m. The following members comprising a quorum were present:

City and County of Honolulu: President Joey Manahan
Council Member, City and County of Honolulu

County of Kaua'i: Vice President Ross Kagawa
Council Chair, County of Kaua'i

County of Hawai'i: Secretary Ashley Kierkiewicz
Council Member, County of Hawai'i

County of Maui: Treasurer Kelly King
Council Chair, County of Maui

Others Present: Aida Kawamura, Legislative Assistant, Office of Council
Services, County of Kaua'i

Shelly Espeleta, Legislative Analyst, Office of Council
Services, County of Maui

Anela Keko'olani, Administrative & Committee Analyst,
Office of Joey Manahan, City and County of Honolulu

George White, Office of Council Services
City and County of Honolulu

Kamakana Watanabe, Office of Council Services
City and County of Honolulu



II. APPROVAL OF AGENDA

Secretary Kierkiewicz moved to approve the agenda, with a second by Vice President Kagawa.

The motion to approve the agenda of the October 28, 2019 meeting of the HSAC Executive Committee carried unanimously.

III. MINUTES

Vice President Kagawa motioned to approve the minutes of the October 10, 2019 meeting of the HSAC Executive Committee. Treasurer King seconded the motion, which carried unanimously.

IV. REPORTS

A. Treasurer's Report

Treasurer King shared that reimbursement checks will be mailed directly to the respective counties.

1. Treasurer's Report for August and September 2019

Treasurer King noted that the City & County of Honolulu continued to serve as treasurer between July and September. President Manahan explained the need to reconcile financial reports for August and September 2019 as work was being done incorrectly and incompletely for several months, resulting in a build up of errors over time. He explained his and Maui County staff caught the inaccuracies, worked quickly to resolve, and updated formulas in the spreadsheet to avoid future errors. President Manahan also noted that a check for \$7,000 for Becker Communications was issued in May 2019, but not cashed until July 2019.

Treasurer King shared that Quickbooks was helping a lot. President Manahan also provided the Executive Committee with July's report for reference. Vice President Kagawa made a motion to approve the August, September and amended July 2019 Treasurer Reports, with a second by Secretary Kierkiewicz. President Manahan provided an overview of August and September reports. Treasurer King noted odd income for Corporate Sponsorship (\$114.30), and hoped to learn who this is from and what its intended purpose is.



2. Status update relating to the transition of the role of Treasurer to Maui

It was noted earlier by Treasurer King that Maui County officially took over as treasurer in September 2019.

B. County Report

President Manahan requested that the Executive Committee postpone County updates as a meeting of this body recently occurred. No objections were made.

C. National Association of Counties (NACo) Report

No update provided.

D. Western Interstate Region (WIR) Report

No update provided.

V. NEW BUSINESS

A. 2019 HSAC Annual Conference Report and Profit Loss Statement

- Secretary Kierkiewicz asked for clarification if the annual conference is supposed to be a fundraiser. Treasurer King replied, to her knowledge, it is not a fundraiser so did not approach as such. She spent significant time focused on content, and not making money.
- Vice President Kagawa shared that for a long time, HSAC leaders tried to put in what they could to make each conference a success. He explained the group does not have many ways to generate revenue to pay for things like Mr. Okudara's services. He cautioned that if the conference wasn't used as a fundraiser, HSAC would be in trouble at some point. Vice President Kagawa said hosting is like a tradition, and if counties know it's their turn to host, to be proactive in respective County budgets for personnel OT. He elaborated further concerns around being strapped in the future and not being able to expend on important activities such as lobbying and conference travel if the conference did not generate revenue. He felt strongly that the conference's role was to bring money in to help with ongoing activities, and that in the future we may need to charge a bit more to cover inflation.
- Treasurer King noted if HSAC wanted it to be a fundraiser, it should be in the bylaws. She explained there was a lot of turnover in Maui County, with new leadership beginning in January. She shared there was not a lot of time to make the conference happen. She noted 2020 is being hosted by County of Hawai'i, and appreciated Secretary Kierkiewicz starting the planning early. Treasurer King said she was assured by the former HSAC President, Council Member Valerie Poindexter, that the goal of the conference was not to raise funds, which is why Maui dropped the golf tournament and instead chose to focus on content overall.
- Vice President Kagawa said previous HSAC leaders were competitive, and tried to out-raise each other when it was their County's turn to host. He felt you were successful right off the bat if you simply had the conference. He believes that for HSAC to operate efficiently, the group



needs to raise money and create a conference that generates a profit. He noted that earlier this year, it was questionable if Maui would have a conference so he appreciated all the hard work to pull it off.

- Treasurer King said she would have spent more time going after sponsors than creating good content if she knew it was a fundraiser.
- Vice President Kagawa wanted to know what was raised in the past. He mentioned Kaua'i did potluck type food events in the past to keep costs down and to provide an authentic experience.
- President Manahan believed there was a different dynamic and circumstances this time around. He stressed the need to be clear that the conference is a fundraiser, as there are not many opportunities to raise money.
- Treasurer King said she understood there is a history that the conference is a fundraiser, but that going forward, it is important to be clear on an institutional basis that this is a venue to raise money as the direction she received was contrary. President Manahan said the body could entertain an amendment to the bylaws.
- Secretary motions to close file the 2019 conference report, and Profit & Loss Statement, with a second by Vice President Kagawa. The motion carried unanimously.

B. Amendment to HSAC Bylaws related to Officers

- Treasurer King introduced an amendment to the bylaws to create a standing rotation of Executive Committee positions between the Counties. She said this stemmed from Maui County being the HSAC Treasurer for an eight year period.
- Vice President Kagawa shared that when Mike Victorino was part of HSAC, he really wanted to be president and have that experience under his belt as he began to consider running for Mayor. Going forward, the Executive Committee could start an informal rotation. There is a general feeling that if certain folks are better fit for the position, or have the time to spend, they should be slotted in that position. For example, it's great for President Manahan to be here, serving in this capacity, as he has the longest tenure, and connection to State Legislature. If the Executive Committee passes this, we're restricted. All positions have their positives, and various work.
- Treasurer King expressed it would be fairer to do the rotation because of the amount of work it takes for Maui to be treasurer. She noted that the transition has been hard, with lots of staff overtime. Knowing what position each County would serve means incoming delegate can anticipate what's ahead. She wouldn't have agreed to Maui taking on the Treasurer position, knowing now what it entailed.
- Vice President Kagawa discussed the stability of past Executive Committees. Council Members Victorino, Onishi, and Rapozo were delegates for a long time. Treasurer King makes a good point about fairness, but it's also good to have flexibility and to consider one's experience. Is our mission to be fair or to have good leadership?



- Secretary Kierkiewicz recognized the value of Treasurer King's point of view, but agreed with Vice President Kagawa in that Executive Committee assignments be made based on which delegate is the best fit for each position.
- Treasurer King said that she's already made a commitment to Maui Office of Council Services that Maui County won't be treasurer next year.
- President Manahan ended the discussion by noting that if the committee can't decide on assignments, perhaps falling back to a rotation among counties would be in order. He encouraged members to think about this and postponed this matter until November.

VI. OLD BUSINESS

A. Proposal of Okudara and Associates to the HSAC to Perform Legislative Functions

At this time the Executive Committee entered into a discussion with Mr. Jon Okudara.

- President Manahan recapped the body initially offered Mr. Okudara \$40,000 for legislative advocacy. HSAC's nonprofit status precludes it from entering into agreements greater than 20 percent of its overall budget, so Mr. Okudara's contract is for \$36,000 which he has graciously agreed to. The agreement has been amended to reflect the new time frame, and work from previous months has been compressed. President Manahan shared that he worked with Mr. Okudara for several years, having met him at the Legislature, and noting he is very reputable, knowledgeable and experienced in moving legislation.
- Vice President Kagawa stressed how fortunate HSAC is to have Mr. Okudara. He noted all the work Mr. Okudara has done pro-bono to support HSAC for the upcoming legislative session, prior to having a signed contract. Vice President Kagawa heeded the group to listen to Mr. Okudara because he has the experience to know what it takes to be successful.
- Treasurer King asked Mr. Okudara if he would assist with the HSAC legislative briefing, and requested his opinion on Maui's invasive species fund. Mr. Okudara said he would help with the briefing and would develop a working group to review the package. He noted that some things need to be fixed or don't have a chance because they break rules. He offered to redraft the concepts in better forms, but also noted how late the body is in the process so work needed to happen quickly. He noted interesting concepts such as the motor vehicle disposal fee as something to get into play so it's considered this session.
- Secretary Kierkiewicz requested a vote be taken to capture the revised contract for the record.
- Vice President Kagawa motioned to accept the revised proposal and agreement for HSAC to engage Okudara for the 2020 legislative session, with a second by Treasurer King. The motion carried unanimously.

B. 2020 HSAC Legislative Package Proposal Submittals from Kaua'i County

- Vice President Kagawa presented two vehicle related fee bills. He shared police express strains on their budget as there aren't enough folks to handle the calls. He also presented the tort lia-



bility bill that's consistently been in the HSAC package. Mr. Okudara said he will review the bills and make improvements where necessary. He suggested bringing workers such as police and lifeguards out to testify as they have a greater impact than attorneys. He also noted that these kinds of updates to fees was a good strategy, but that the proposal for invasive species needed refinement as an appropriation isn't sustainable.

- Treasurer King wanted to include as many bills in the package as possible to increase HSAC's chance for success. Mr. Okudara shared that many bills will come up, including concepts HSAC may want to support.
- Secretary Kierkiewicz noted her conversations with members of the Finance Committee, who advised a tighter package such as six to eight bills, and things like fee equity (ie. with U-Drives) stood a chance.
- Treasurer King's end goal is more money to deal with the invasive species problem. Mr. Okudara noted the situation's complexity as some agricultural products are under DOA while others are under DLNR. Treasurer King expressed concern the body was running out of time to work this out. Mr. Okudara urged speaking with both departments and finding a way to cause some kind of discussion.

C. 2020 HSAC Legislative Package Proposal Submittals from Maui County

- Treasurer King presented two bills related to cesspools; the first to extend reporting deadlines for the cesspool working group, and the second to extend the sunset date for the cesspool conversion tax credit as well as remove geographical limitations on where the credit could be used. She also hoped to relax the Sunshine Law so Council Members can show up to the same public event. On vacation rentals, she explained the State says counties have the authority to regulate, but her Corporation Counsel disagrees and is seeking clarity from the AG. She wanted counties to be granted explicit authority to regulate hosting platforms. She noted the need to address sea level rise and hoped to secure monies for counties to mitigate and manage retreat. Treasurer King also noted the intoxicants related measure being pushed by SHOPO. She noted when current Lt. Governor Josh Greene was in the State Senate, he introduced this measure which would lower the intoxicant levels threshold of a vehicle driver from .08 to .05. She mentioned Utah passed a similar measure.

D. 2020 HSAC Legislative Package Proposal Submittals from Hawai'i County

- Secretary Kierkiewicz presented a concept by her colleague Council Member Tim Richards, which would increase the counties TAT allocation to be used exclusively for maintenance of parks and recreational spaces as these are forward facing assets frequented by visitors, and they needed to be preserved and properly taken care of. She also explained the suggested update to Section 201H to align with Section 205, which would clarify that a county's legislative body has the authority to make boundary amendments for projects 15 acres or less that are not designated important agricultural lands or conservation lands. She noted this was something that came out of the recent Housing Summit convened by Senator Brian Schatz, and that it would be one less hurdle in the quest to develop affordable housing.



- Vice President Kagawa said he could vouch for the 201H clarification and not wanting to go to LUC if it could be avoided as it was another hurdle.
- Treasurer King mentioned another bill concept from the Housing Summit to expand a county's ability to grant boundary amendments to 25 acres, and hoped HSAC would testify in favor of it. She also mentioned a bill related to the SHPD process that would allow a county archaeologist to review applications. She supported automatic approval of applications if reviews were not completed in 30 days, with challenges being subject to a Supreme Court hearing.
- Secretary Kierkiewicz expressed optimism in Treasurer King's SHPD reform, and noted that in addition to county's having the ability to conduct archaeological reviews that developers needed to understand and properly complete the 6E form, and that money needed to be allocated to support digitization of SHPD documents as many maps are currently only available for review via hardcopy.
- Treasurer King shared Maui has money in its budget for an archaeologist, and is waiting for HRS authority.

E. 2020 HSAC Legislative Package Proposal Submittals from Honolulu City & County

- President Manahan introduced Trish La Chica of the Hawai'i Public Health Institute to provide context behind Honolulu's proposed vaping bill. Ms. La Chica shared prior attempts of regulating turned into a bill to fund kidney dialysis during conference committee. She noted the State should have ability to legislate e-cigarettes, but that counties should have right to implement stricter policies if they want.
- Matt Wire of Council Member Tommy Waters office shared Hawai'i ranks second in the nation for e-cig use by high school students, with 25 percent currently vaping (1:4 high school students, 1:6 middle schoolers). He shared Resolution 19-243, which urges the legislature to repeal statutory language restricting county's ability to adopt additional ordinances that regulate cigarette/tobacco/e-cigarette devices, passed out of Public Safety and Welfare Committee.
- Treasurer King asked for clarification if language exempts smoke-free laws or hampers regulation of sale. Ms. La Chica said the goal is to amend so counties have authority, or repeal altogether, noting the (tobacco) industry wants weaker regulation.
- President Manahan asked if e-cigs are taxed. Ms. La Chica Trish said no, which is why they are so cheap (99 cents starter kit with 66mg of nicotine). Mr. Okudara said need to get authority in order to tax. Ms. La Chica said there's a need to regulate where e-cigs are sold.
- Vice President Kagawa asked who HPHI's lobbyist was last session. Ms. La Chica said their efforts are not at the level as big tobacco, and lobbying efforts are on top of other healthy living priorities.
- Treasurer King asked for clarification of the process, and if the body could vote to add on bills once priorities are identified. George White and Kamakana Watanabe clarified that the body must approve bills in order for HSAC to advocate for them.
- Mr. Okudara said he would prepare bills in the form they will be introduced, and provide electronic, editable versions by mid-November. President Manahan said the body would convene via conference call to approve the final package.



VI. ANNOUNCEMENTS

A. Scheduling the Next HSAC EC Meeting

The body would determine electronically a suitable date to meet in December to discuss its package presentation to the Legislature.

B. Other Announcements

Secretary Kierkiewicz shared the 2020 HSAC conference needed to be moved to June 24-27 because the previously identified date conflicted with Hawai'i on the Hill and that an international festival was planned for the following weekend.

Treasurer King asked about accessing the new HSAC website. Secretary Kierkiewicz shared former HSAC President Council Member Valerie Poindexter recreated the new website from scratch after the original site was hacked, and that she would only provide login and password details to individuals that had Wordpress experience.

VII. ADJOURNMENT

Secretary Kierkiewicz motioned to adjourn the meeting, with a second by Vice President Kagawa. The motion carried unanimously. President Manahan adjourned the meeting at 12:57p.m.

A handwritten signature in black ink, appearing to read "Ashley L. Kierkiewicz", is written over a horizontal line.

Council Member Ashley L. Kierkiewicz
Secretary, Hawai'i State Association of Counties