

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

October 7, 2016

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on September 22, 2016, makes reference to County Communication 15-157, from Presiding Officer Pro Tempore Michael P. Victorino, relating to Hawaii State Association of Counties matters.

Your Committee notes each year HSAC may compile a package of proposals and priorities to be presented to the State Legislature, pursuant to Section 13C of the HSAC Bylaws. Only those proposals and priorities approved by all four county councils are included in the annual HSAC Legislative Package.

Your Committee further notes it previously reported on this matter through Committee Report 16-143. At its meeting of September 16, 2016, the Council adopted Resolutions 16-115, 16-116, 16-117, and 16-118, respectively entitled:

1. "APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ENABLE COUNCILMEMBERS TO FREELY ATTEND COMMUNITY MEETINGS";
2. "APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO TRANSIENT ACCOMMODATIONS TAX";
3. "APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A

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STATE BILL TO ALLOW PERSONS WITH DISABILITIES TO INDICATE ON THEIR IDENTIFICATION CARDS THEIR DISABILITY”; and

4. “APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE REVENUE FOR EACH COUNTY’S AFFORDABLE HOUSING FUND THROUGH A ONE PERCENT CONVEYANCE TAX.”

Your Committee considered additional proposals for inclusion in the 2017 HSAC Legislative Package, including proposed State bills with the following purposes:

- to allow certain **government records** to be shared among councilmembers where no commitment to vote on the matter is made or sought;
- to allocate a total of \$250,000 to the counties for each of the next two fiscal years for the identification and mapping of **important agricultural lands**;
- to encourage the counties and the State Land Use Commission to engage in **comprehensive, regional reclassification of land** after the adoption of updates to the counties’ general plans; and
- to reform the process of **collective bargaining negotiations**.

Government Records Proposal

By correspondence dated August 29, 2016, the Chair of your Committee transmitted a proposed resolution entitled “APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES

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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.” The purpose of the proposed resolution is to approve for inclusion in the 2017 HSAC Legislative Package a proposed State bill, entitled “A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS,” to allow certain government records to be shared among county councilmembers and other members of “boards” subject to the State Sunshine Law, where no commitment to vote on the matter is made or sought.

Your Committee notes the proposed State bill would allow documents already considered open to the public to be freely shared.

Your Committee further notes the proposed State bill is similar to Senate Bill 465 (2015), Senate Draft 1, which was passed by the State Senate Committee on Judiciary and Labor on February 13, 2015, incorporating language suggested in testimony by the Office of Information Practices. The bill was passed by the State Senate on third and final reading by a 24-0 vote on March 10, 2015.

Your Committee voted 6-0 to recommend adoption of the proposed resolution. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, Cochran, and Crivello voted “aye.” Committee members Guzman, Hokama, and White were excused.

Important Agricultural Lands Proposal

By correspondence dated September 15, 2016, the Chair of your Committee transmitted a proposed resolution entitled “APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO IMPORTANT AGRICULTURAL LANDS.” The purpose of the proposed resolution is to approve for inclusion in the 2017 HSAC Legislative Package a proposed

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State bill, entitled "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," to allocate a total of \$250,000 to the counties for each of the next two fiscal years for the identification and mapping of important agricultural lands pursuant to Section 205-47, Hawaii Revised Statutes.

Your Committee voted 7-0 to recommend adoption of the proposed resolution. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, and Guzman voted "aye." Committee members Hokama and White were excused.

Reclassification of Land Proposal

By correspondence dated September 15, 2016, the Chair of your Committee transmitted a proposed resolution entitled "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." The purpose of the proposed resolution is to approve for inclusion in the 2017 HSAC Legislative Package a proposed State bill, entitled "A BILL FOR AN ACT RELATING TO LAND USE," to expressly allow the counties to engage in comprehensive, regional reclassification of land after the adoption of updates to the counties' general plans.

Your Committee notes the reclassification of land after the adoption of a general plan update would promote consistency in land use designations.

Your Committee voted 7-0 to recommend adoption of the proposed resolution. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, and Guzman voted "aye." Committee members Hokama and White were excused.

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Collective Bargaining Negotiations Proposal

By correspondence dated September 16, 2016, the Chair of your Committee transmitted a proposed resolution entitled "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, AND TO RECEIVE UPDATES FROM THE ADMINISTRATION ON BARGAINING UNIT NEGOTIATIONS." The purpose of the proposed resolution is to approve for inclusion in the 2017 HSAC Legislative Package a proposed State bill, entitled "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," to allow a representative of each county council to be present as a non-voting participant in negotiations with relevant bargaining units and to receive updates on those negotiations.

Your Committee revised the proposed resolution to revise the proposed State bill by providing the counties with a greater proportion of votes in negotiations for Bargaining Units 11 and 12, for firefighters and police officers, respectively, consistent with a proposal submitted by the Council Chair. Specifically, the revised proposed State bill would lower the Governor's vote allocation for Bargaining Units 11 and 12 from four to one, with each of the four mayors retaining one vote. Your Committee noted that the counties employ most members of Bargaining Unit 11 and all members of Bargaining Unit 12. Moreover, the State firefighters' salaries are funded by airport-related fees, not tax revenue. Therefore, because county taxpayers are primarily responsible for funding collective bargaining agreements for Bargaining Units 11 and 12, it is appropriate for the counties to receive a larger proportion of votes in negotiations.

Your Committee voted 6-0 to recommend adoption of the revised proposed resolution. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, Crivello, and White voted "aye." Committee members Cochran, Guzman, and Hokama were excused.

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Your Committee is in receipt of a revised proposed resolution, entitled "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," incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS the following:

1. That Resolution _____, attached hereto, entitled "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," be ADOPTED;

2. That Resolution _____, attached hereto, entitled "APPROVING FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO IMPORTANT AGRICULTURAL LANDS," be ADOPTED;

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3. That Resolution _____, attached hereto, entitled "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," be ADOPTED; and

4. That Resolution _____, attached hereto, entitled "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," be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL P. VICTORINO, Chair

Resolution

No. _____

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.

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;

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: _____

Resolution

No. _____

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. _____

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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____.B. NO.____

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: _____

Resolution

No. _____

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. _____

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"

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____.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

Resolution

No. _____

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,

Resolution No. _____

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: _____