

GLEN I. TAKAHASHI
CITY CLERK

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

DEPT. COMM. NO. 41

November 6, 2019

The Honorable Ron D. Kouchi
Hawaii State Senate President
State Capitol, Room 409
415 S. Beretania Street
Honolulu, HI 96813

Dear President Kouchi:

This is to inform you that the following Resolutions were adopted by the Council of the City and County of Honolulu at its meeting on Wednesday, November 6, 2019. As directed by the Resolutions, copies are attached for your information:

Resolution 19-227, CD1

Urging the Legislature of the State of Hawaii to enact legislation to require tour, airline, and cruise operations to show visitors an informational video upon entering the State or before embarking on activities.

Resolution 19-239

Urging the Hawaii State Legislature to restrict the issuance and renewal of cabaret licenses within Waikiki to establishments within hotels.

Resolution 19-243, CD1

Urging the Legislature of the State of Hawaii to repeal the statutory provisions preempting stricter county regulation of the sale of cigarettes, tobacco products, and electronic smoking devices.

Resolution 19-268

Urging the Hawaii State Legislature to establish impact fees for tourists

The Honorable Ron D. Kouchi
Page 2
November 6, 2019

Resolution 19-270, CD1

Reaffirming the Council's position, as set forth in Resolution 18-266, CD1, adopted on March 8, 2019, relating to the Red Hill Bulk Fuel Storage Facility upgrade alternative options.

Sincerely,



GLEN J. TAKAHASHI
City Clerk

my

Attachments



RESOLUTION

URGING THE LEGISLATURE OF THE STATE OF HAWAII TO ENACT LEGISLATION TO REQUIRE TOUR, AIRLINE, AND CRUISE OPERATORS TO SHOW VISITORS AN INFORMATIONAL VIDEO UPON ENTERING THE STATE OR BEFORE EMBARKING ON ACTIVITIES.

WHEREAS, Hawaii, regarded as one of the most popular travel and tourism destinations in the United States, annually receives millions of visitors of all ages from across the country and from international locales; and

WHEREAS, many visitors are unprepared, unaware, or uninformed about the unique risks and inherent dangers of engaging in outdoor activities, causing them to exercise poor judgment leading to certain potentially life-threatening situations; and

WHEREAS, in July 2017, the Honolulu Civil Beat reported, "Nearly one tourist dies each week while engaged in common vacation activities like swimming, snorkeling, hiking and going on scenic drives"; and

WHEREAS, visitors who are inexperienced or unfamiliar with our seasonal, deceptive, and unpredictable ocean conditions, such as high surf, rapid tide changes, strong currents, or fast-moving channels of water, and dangerous shorebreaks, often overestimate their swimming abilities and find themselves in precarious situations either requiring rescue or recovery; and

WHEREAS, the State of Hawaii Department of Health records show that over the past decade, Hawaii's rate of drowning per visitor was 13 times the national average and 10 times the rate of Hawaii residents, with snorkeling being the number one activity to blame; and

WHEREAS, in April 2019, the Emergency Medical Services and Injury Prevention System Branch of the Hawaii State Department of Health ("Injury Prevention Branch") launched a new website aimed at decreasing risk factors through injury prevention awareness for both residents and visitors alike; and

WHEREAS, the Injury Prevention Branch reported that from 2008-2017, 55 percent of a total of 682 ocean drowning's in Hawaii were visitors, and according to the Hawaii Trauma Registry, from 2009-2017, 81 percent of 362 spinal cord injuries were suffered by non-Hawaii residents, with 142 of those injuries resulting from being tossed by waves; and



RESOLUTION

WHEREAS, in 2013, the Legislature of the State of Hawaii adopted Senate Resolution 103, SD1, requesting the Hawaii Tourism Authority to produce a recreational safety video for visitors and to work with airlines, hotels, and the visitor industry to promote the showing of the video, but since its implementation, critics have regarded the video as being ineffective, citing lack of cooperation from airlines and logistical challenges; and

WHEREAS, in acknowledging climate change and responding to increased demands for water from both residents and tourists, the State of Hawaii Department of Land and Natural Resources, together with the United States Army Corps of Engineers, developed the Hawaii Water Conservation Plan in 2013, employing efforts to conserve water, which continues to be threatened by changing rainfall patterns, rising sea levels, and a dwindling freshwater supply; and

WHEREAS, tourism growth has also impacted Hawaii's pristine environment due to an increase in litter, which makes its way into storm water systems and waterways, accompanied by bacteria that contaminate our local waters, resulting in the United States Environmental Protection Agency imposing a fine of \$1,200,000 on the State of Hawaii Department of Transportation in 2014 for violating federal clean water statutes; and

WHEREAS, it is in the best interest of the State of Hawaii to boost efforts to teach visitors about the "aloha spirit," raise public awareness about the risk factors and dangers involved in the State's natural attractions and outdoor activities to ensure a safe and pleasant stay in paradise, and educate visitors on the necessity of preserving Hawaii's natural resources, such as by water conservation and litter abatement practices; and

WHEREAS, requiring tour, airline, and cruise operators to improve on the prior efforts to provide visitors with a video explaining the concept of the aloha spirit, the importance of preserving our environment by keeping our islands clean and free from litter and waste, the importance of conserving Hawaii's precious fresh water, and the importance of ocean safety practices and prevention, will inform visitors about our environment and culture, while keeping them safe; now therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Legislature of the State of Hawaii is urged to enact legislation to require tour, airline, and cruise operators to show visitors an accessible informational video that is available in multiple languages and formats, upon entering the State or before embarking on tour activities; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 19-227, CD1

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Director of Business, Economic Development and Tourism.

INTRODUCED BY:

Kymberly Pine

DATE OF INTRODUCTION:

September 12, 2019
Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

RESOLUTION 19-227, CD1

Introduced: 09/12/19 By: KYMBERLY PINE


Committee: BUSINESS, ECONOMIC
DEVELOPMENT AND
TOURISM

Title: RESOLUTION URGING THE LEGISLATURE OF THE STATE OF HAWAII TO ENACT LEGISLATION TO REQUIRE TOUR, AIRLINE, AND CRUISE OPERATORS TO SHOW VISITORS AN INFORMATIONAL VIDEO UPON ENTERING THE STATE OR BEFORE EMBARKING ON ACTIVITIES.

Voting Legend: * = Aye w/Reservations

10/22/19	BUSINESS, ECONOMIC DEVELOPMENT & TOURISM	CR-314 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM. 4 AYES: FUKUNAGA, PINE, TSUNEYOSHI, WATERS.
11/06/19	COUNCIL	CR-314 AND RESOLUTION 19-227, CD1 AS AMENDED WERE ADOPTED. 6 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, PINE, WATERS. 3 ABSENT: ANDERSON, MENOR, TSUNEYOSHI.

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



IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER



RESOLUTION

URGING THE HAWAII STATE LEGISLATURE TO RESTRICT THE ISSUANCE AND RENEWAL OF CABARET LICENSES WITHIN WAIKIKI TO ESTABLISHMENTS WITHIN HOTELS.

WHEREAS, classifications of liquor licenses, including cabaret licenses, are established by Hawaii State statute; and

WHEREAS, Section 281-31(k), Hawaii Revised Statutes, authorizes cabarets in resort areas to be open for business until 4:00 a.m. throughout the entire week; and

WHEREAS, the increased availability of alcohol from these extended business hours often results in increased criminal activity in the area, including assaults, attacks, and robberies; and

WHEREAS, residents, businesses, and law enforcement in resort areas such as Waikiki have reported that most of the increased criminal activity stems from patrons of freestanding cabarets, rather than from patrons of hotel-based cabarets; and

WHEREAS, cabaret venues within Waikiki hotels are better able to monitor their environment and the behavior of their patrons due to increased personnel, a controlled physical layout, and supervising authority over their property; and

WHEREAS, the City Council finds that limiting the availability of cabaret licenses to a particular type of establishment is warranted in order to address public safety concerns; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it urges the Hawaii State Legislature to restrict the issuance and renewal of cabaret licenses within Waikiki to establishments within hotels; and

BE IT FURTHER RESOLVED that the Council requests the Legislature to consider the introduction and enactment of the draft State bill attached as Exhibit A; and



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 19-239

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Hawaii State Governor, the President of the Hawaii State Senate, and the Speaker of the Hawaii State House of Representatives.

INTRODUCED BY:

Tony Valle

DATE OF INTRODUCTION:

SEP 24 2019

Honolulu, Hawaii

Councilmembers

A BILL FOR AN ACT

RELATING TO LIQUOR LICENSES.

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

1 SECTION 1. The legislature finds that in Waikiki,
2 freestanding liquor establishments holding a class 11
3 cabaret license have created public safety issues for
4 residents and visitors. Cabarets in Waikiki are allowed
5 by statute to serve liquor until 4:00 a.m., a time when
6 peace and quiet can be reasonably expected by visitors
7 and residents in this resort area. The legislature
8 further finds that restricting class 11 cabaret license
9 establishments in Waikiki to those within hotels, which
10 are generally staffed around the clock, is a reasonable
11 restriction to increase public safety.

12 The purpose of this Act is to restrict the issuance
13 and renewal of class 11 cabaret licenses in Waikiki to
14 establishments within hotels.

15 SECTION 2. Section 281-31, Hawaii Revised Statutes,
16 is amended by amending subsection (k) to read as follows:

17 "(k) Class 11. Cabaret license. A cabaret license
18 shall be general only but shall exclude alcohol and shall
19 authorize the sale of liquor for consumption on the
20 premises. This license shall be issued only for premises
21 where food is served, facilities for dancing by the

____.B. NO. _____

1 patrons including a dance floor are provided, and live or
2 amplified recorded music or professional entertainment
3 except professional entertainment by a person who
4 performs or entertains unclothed is provided for the
5 patrons; provided that professional entertainment by
6 persons who perform or entertain unclothed shall be
7 authorized by:

8 (1) A cabaret license for premises where
9 professional entertainment by persons who perform or
10 entertain unclothed was presented on a regular and
11 consistent basis immediately prior to June 15, 1990; or

12 (2) A cabaret license that, pursuant to rules
13 adopted by the liquor commission, permits professional
14 entertainment by persons who perform or entertain
15 unclothed.

16 A cabaret license under paragraph (1) or (2)
17 authorizing professional entertainment by persons who
18 perform or entertain unclothed shall be transferable
19 through June 30, 2000. A cabaret license under paragraph
20 (1) or (2) authorizing professional entertainment by
21 persons who perform or entertain unclothed shall not be
22 transferable after June 30, 2000, except upon approval by
23 the liquor commission, and pursuant to rules adopted by
24 the commission. Notwithstanding any rule of the liquor

____.B. NO. _____

1 commission to the contrary, cabarets in resort areas may
2 be opened for the transaction of business until 4 a.m.
3 throughout the entire week.

4 On Oahu, a cabaret license shall only be issued or
5 renewed for any premises that operates or plans to
6 operate, as applicable, within a hotel in the Waikiki
7 area, the boundaries of which are delineated in the land
8 use ordinance of the city and county of Honolulu, as
9 amended, establishing the "Waikiki Special District";
10 provided that the commission also finds that the
11 applicant or licensee has met the other standards of
12 operation as established by rules adopted by the
13 commission."

14 SECTION 3. Section 281-61, Hawaii Revised Statutes,
15 is amended by amending subsection (a) to read as follows:

16 "(a) Other than for good cause[7] and except as
17 provided in section 281-31, the renewal of an existing
18 license shall be granted upon the filing of an
19 application; provided that if:

- 20 (1) Complaints from the public;
- 21 (2) Reports from the commission's investigators; or
- 22 (3) Adjudications of the commission or the liquor
23 control adjudication board,

____.B. NO. _____

1 indicate that noise created by patrons departing from the
2 premises disturbs residents on the street or of the
3 neighborhood in which the premises are located, or that
4 noise from the premises or adjacent related outdoor areas
5 such as parking lots or lanais exceed standards contained
6 in state or county noise codes or intrudes into nearby
7 residential units, the commission may deny the renewal
8 application or withhold the issuance of a renewed license
9 until corrective measures meeting the commission's
10 approval are taken."

11 SECTION 4. Statutory material to be repealed is
12 bracketed and stricken. New statutory material is
13 underscored.

14 SECTION 5. This Act shall take effect on _____,
15 2020.

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INTRODUCED BY: _____

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CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

RESOLUTION 19-239

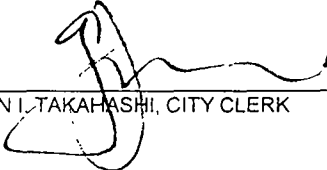
Introduced: 09/24/19 By: TOMMY WATERS Committee: PUBLIC SAFETY AND WELFARE

Title: RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO RESTRICT THE ISSUANCE AND RENEWAL OF CABARET LICENSES WITHIN WAIKIKI TO ESTABLISHMENTS WITHIN HOTELS.

Voting Legend: * = Aye w/Reservations

10/24/19	PUBLIC SAFETY AND WELFARE	CR-344 -- RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. 4 AYES: FUKUNAGA, MANAHAN, TSUNEYOSHI, WATERS. 1 EXCUSED: MENOR.
11/06/19	COUNCIL	CR-344 AND RESOLUTION 19-239 WERE ADOPTED. 7 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, WATERS. 2 ABSENT: ANDERSON, TSUNEYOSHI.

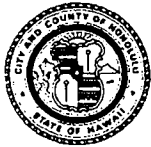
I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER



RESOLUTION

URGING THE LEGISLATURE OF THE STATE OF HAWAII TO REPEAL THE STATUTORY PROVISIONS PREEMPTING STRICTER COUNTY REGULATION OF THE SALE OF CIGARETTES, TOBACCO PRODUCTS, AND ELECTRONIC SMOKING DEVICES.

WHEREAS, tobacco use continues to be a public health problem in Hawaii, as the American Heart Association reports that approximately 1,400 Hawaii residents die from smoking each year, and 21,000 Hawaii children alive today will die prematurely from smoking if nothing is done to reduce tobacco use; and

WHEREAS, according to the 2017 Hawaii Youth Risk Behavior Survey ("YRBS"), 25.5 percent of Hawaii high school students use electronic vapor products, or e-cigarettes, which is twice the national average, making Hawaii second in the nation for electronic vapor product use among high school students; and

WHEREAS, the YRBS indicated that over a period of 30 days, approximately 22 percent of youths in the City and County of Honolulu ("City") had used an electronic vapor product, compared to 34.1 percent in Hawaii County, 31.3 percent in Kauai County, and 32.3 percent in Maui County; and

WHEREAS, the YRBS also showed that regular cigarette use continues to be a problem, as 6.8 percent of youths in the City had smoked cigarettes over the same 30-day period, compared to 10.1 percent in Hawaii County, 11.9 percent in Kauai County, and 11.1 percent in Maui County; and

WHEREAS, in 2018, the Hawaii State Legislature passed House Bill 1895 HD1, SD1, CD1, later signed into law on July 10, 2018 as Act 206, Session Laws of Hawaii (2018)("Act 206"), part of which declares that the sales of cigarettes, tobacco products, and electronic smoking devices are matters of statewide concern; and

WHEREAS, by designating regulatory authority to the State, Act 206 preempts all local ordinances or regulations that regulate the sale of cigarettes, tobacco products, and electronic smoking devices, thereby nullifying and voiding all conflicting existing local laws and regulations; and

WHEREAS, in 2019, the Hawaii State Senate considered Senate Bill 182, attached as Exhibit A, to repeal the provision that preempts local smoking ordinances and regulations in an effort to restore authority to the counties to establish further regulatory measures tailored to the specific needs of a county, as well as the flexibility to pass smoking ordinances that are more stringent than State law; and



RESOLUTION

WHEREAS, Senate Bill 182 passed Second Reading but stalled in the Senate Judiciary Committee, despite garnering support from the State of Hawaii Department of Health, the Maui County Council, and several nonprofit organizations; and

WHEREAS, prior to the enactment of Act 206, the counties had their own smoking and tobacco control ordinances, some of which were more stringent than the State laws regulating the sale or use of tobacco products; and

WHEREAS, one of the top objectives of the federal Office of Disease Prevention and Health Promotion's "Healthy People 2020" campaign is to "eliminate state laws that preempt stronger local tobacco control laws"; and

WHEREAS, the City Council ("Council") believes that statistical variations in tobacco usage by county demonstrate that the counties are unique and that they should not be prevented from adopting their own tobacco control laws and regulations to address the specific needs of their communities; and

WHEREAS, the Council further believes that authorizing the counties to further regulate the sale or use of cigarettes, tobacco products, and electronic smoking devices, is necessary to combat this public health problem; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Legislature of the State of Hawaii is urged to repeal the statutory provisions preempting stricter county regulation of the sale of cigarettes, tobacco products, and electronic smoking devices; and



RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Governor, the Speaker of the House of Representatives, and the President of the Senate.

INTRODUCED BY:

Thomas Waters

DATE OF INTRODUCTION:

September 25, 2019
Honolulu, Hawaii

Councilmembers

JAN 18 2019

A BILL FOR AN ACT

RELATING TO COUNTY AUTHORITY ON THE SALE OF TOBACCO PRODUCTS.

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

1 SECTION 1. The legislature finds that tobacco use
2 continues to be a public health problem in Hawaii, causing
3 approximately one thousand four hundred deaths per year among
4 adults, costing approximately \$526,000,000 in direct health care
5 expenditures, and resulting in \$387,300,000 of lost productivity
6 in the State. In response to the heavy burden of tobacco, the
7 State has enacted many tobacco control policies including
8 adoption of sweeping prohibitions on indoor tobacco use and
9 raising the minimum age for the purchase of tobacco products
10 from eighteen to twenty-one. Many of these initiatives were led
11 by the counties and later adopted at the state level. The
12 legislature finds that extending these regulations statewide
13 ultimately saved the State \$1,000,000,000 in health care costs
14 over ten years.

15 The legislature further finds that different communities
16 need different solutions. Many issues are most effectively
17 addressed at the local level, as local governments are best



1 equipped to respond to the needs of the people who live and work
2 locally.

3 The legislature also finds that while it is important to
4 establish minimum regulations statewide, local policies are
5 integral to tobacco control because they enable a targeted
6 approach to reduce public health disparities. The federal
7 Centers for Disease Control 2017 youth risk behavior survey
8 found that while 25.3 per cent of high school students in Hawaii
9 currently vape, both Maui and Hawaii counties exceed this
10 percentage with high school students vaping at rates of 31.8 per
11 cent and 32.4 per cent, respectively. Local tobacco control
12 measures are so significant that one of the objectives of the
13 federal Office of Disease Prevention and Health Promotion's
14 healthy people 2020 campaign is to eliminate state laws that
15 preempt stronger local tobacco control laws.

16 The legislature understands that for public health,
17 communities should not be prevented from working with their
18 local elected officials to pass laws tailored to unique local
19 needs. Reversing existing laws or preventing future enactment
20 of applicable laws negates the value of home rule.



S.B. NO. 182

1 In 2006, the legislature enacted an enabling clause to
2 explicitly allow local jurisdictions to pass smoking ordinances
3 that are more stringent than state law. The legislature finds
4 that over the years, counties have adopted and put into action
5 some of the strongest, most innovative, and effective tobacco
6 control policies. These policies have served as catalysts for
7 changing social norms regarding tobacco use by discouraging
8 young people from initiating use and encouraging adult tobacco
9 users to quit.

10 The purpose of this Act is to amend and repeal certain
11 provisions relating to the preemption of local laws or
12 ordinances that regulate the sale of cigarettes, tobacco
13 products, and electronic smoking devices.

14 SECTION 2. Section 328J-15, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Nothing in this chapter shall be construed to
17 supersede or in any manner affect a county smoking ordinance[
18 ~~provided that the ordinance is at least as protective of the~~
19 ~~rights of nonsmokers as this chapter.] or the ability of any
20 county to adopt and enforce ordinances that regulate the sale or
21 use of cigarettes, tobacco products, or electronic smoking~~



1 devices; provided that the ordinance is no less protective of
2 public health as this chapter."

3 SECTION 3. Section 328J-11.5, Hawaii Revised Statutes, is
4 repealed.

5 ~~["~~§328J-11.5~~ Statewide concern. (a) Sales of~~
6 ~~cigarettes, tobacco products, and electronic smoking devices are~~
7 ~~a statewide concern. It is the intent of the legislature to~~
8 ~~regulate the sale of cigarettes, tobacco products, and~~
9 ~~electronic smoking devices in a uniform and exclusive manner.~~

10 ~~(b) All local ordinances or regulations that regulate the~~
11 ~~sale of cigarettes, tobacco products, and electronic smoking~~
12 ~~devices are preempted, and existing local laws and regulations~~
13 ~~conflicting with this chapter are null and void.~~

14 ~~(c) Nothing in this chapter shall be construed to limit a~~
15 ~~county's authority under section 328J-15."]~~

16 SECTION 4. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



S.B. NO. 182

1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY: *M.W.M.*
By Request



S.B. NO. 182

Report Title:

Maui County Package; Counties; Home Rule; Tobacco Use; Cigarettes; Electronic Smoking Devices; Smoking; Public Health

Description:

Allows counties to adopt and enforce additional ordinances that regulate the sale or use of cigarettes, tobacco products, and electronic smoking devices. Requires county ordinances to be no less protective of public health than state law. Repeals statute that preempts local smoking ordinances and regulations and voids any local law or regulation that conflicts with state smoking laws.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

RESOLUTION 19-243, CD1

Introduced: 09/25/19 By: TOMMY WATERS Committee: PUBLIC SAFETY AND WELFARE

Title: RESOLUTION URGING THE LEGISLATURE OF THE STATE OF HAWAII TO REPEAL THE STATUTORY PROVISIONS PREEMPTING STRICTER COUNTY REGULATION OF THE SALE OF CIGARETTES, TOBACCO PRODUCTS, AND ELECTRONIC SMOKING DEVICES.

Voting Legend: * = Aye w/Reservations

10/24/19	PUBLIC SAFETY AND WELFARE	CR-346 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM. 4 AYES: FUKUNAGA, MANAHAN, TSUNEYOSHI, WATERS. 1 EXCUSED: MENOR.
11/06/19	COUNCIL	CR-346 AND RESOLUTION 19-243, CD1 AS AMENDED WERE ADOPTED. 7 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, WATERS. 2 ABSENT: ANDERSON, TSUNEYOSHI.

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



IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER

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

URGING THE HAWAII STATE LEGISLATURE TO ESTABLISH IMPACT FEES FOR TOURISTS.

WHEREAS, as one of the world's most popular vacation destinations, Hawaii lures visitors with its historical sites, cultural attractions, and natural beauty; and

WHEREAS, today tourism is Hawaii's largest industry and visitor arrivals are hitting record numbers; and

WHEREAS, according to statistics compiled by the Hawaii Tourism Authority, 9,954,548 visitors came to the Hawaiian Islands in 2018, a 5.9 percent increase from 2017; and

WHEREAS, Oahu also experienced an upward trend in visitor arrivals, as 5,935,007 visitors came to Oahu in 2018, a 4.3 percent increase from 2017; and

WHEREAS, the number of visitors has continued to rise, as visitor arrivals are up 5.2 percent for both the Hawaiian Islands as well as Oahu for the first eight months of 2019, as compared to the same period in 2018; and

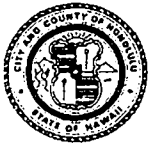
WHEREAS, although visitors contribute to the local economy, they can also have a serious impact on the State's physical infrastructure, natural resources, traffic, society, and culture; and

WHEREAS, there have been countless reports that Hawaii's natural environment, including hiking trails, beaches, and parks, is being damaged from serious overuse; and

WHEREAS, it is important for residents and visitors alike that Hawaii's precious natural environment is preserved and protected for future generations; and

WHEREAS, tourist destinations around the world have established tourist fees to maintain infrastructure, fund visitor services, and protect the natural environment; and

WHEREAS, the Council believes that the cost of maintaining infrastructure, providing visitor services, and preserving Hawaii's natural environment should be the shared responsibility of both residents and the nearly ten million tourists who visit the Hawaiian Islands every year; now, therefore



RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that the Hawaii State Legislature is urged to establish impact fees for tourists; and

BE IT FURTHER RESOLVED that the Legislature is urged to add the impact fee to the cost of every airline ticket and cruise ship ticket purchased by visitors to the islands; and

BE IT FURTHER RESOLVED that the Legislature is urged to share a portion of the proceeds generated from the tourist impact fee with the counties to supplement the budgets of county departments and agencies that are impacted by tourism, such as those dealing with parks and recreation, fire protection and rescue, ocean safety, emergency services, and law enforcement; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the President of the Hawaii State Senate, the Speaker of the Hawaii State House of Representatives, the Director of the State Department of Business, Economic Development and Tourism, the President and Chief Executive Officer of the Hawaii Tourism Authority, the Mayor, and the Managing Director.

INTRODUCED BY:

Ray Pine

DATE OF INTRODUCTION:

OCT 16 2019

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

RESOLUTION 19-268

Introduced: 10/16/19 By: KYMBERLY PINE

Committee: BUSINESS, ECONOMIC
DEVELOPMENT AND
TOURISM

Title: RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO ESTABLISH IMPACT FEES FOR TOURISTS.

Voting Legend: * = Aye w/Reservations

10/22/19	BUSINESS, ECONOMIC DEVELOPMENT & TOURISM	CR-316 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. 4 AYES: FUKUNAGA, PINE, TSUNEYOSHI, WATERS.
11/06/19	COUNCIL	CR-316 AND RESOLUTION 19-268 WERE ADOPTED. 7 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, WATERS. 2 ABSENT: ANDERSON, TSUNEYOSHI.

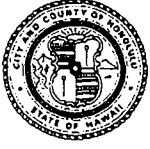
I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER



RESOLUTION

REAFFIRMING THE COUNCIL'S POSITION, AS SET FORTH IN RESOLUTION 18-266, CD1, ADOPTED ON MARCH 8, 2019, RELATING TO THE RED HILL BULK FUEL STORAGE FACILITY UPGRADE ALTERNATIVE OPTIONS.

WHEREAS, as the primary source of potable water on Oahu, groundwater must be preserved in as close to pristine condition as possible to accommodate the needs of Oahu's residents and visitors; and

WHEREAS, the Red Hill Bulk Fuel Storage Facility ("Facility") stores up to 187 million gallons of fuel per day, has a total capacity of 250 million gallons, and is located only 100 feet above a sole-source aquifer drinking water resource; and

WHEREAS, in January 2014, the U.S. Department of the Navy (the "Navy") reported a 27,000-gallon fuel leak at the Facility to the U.S. Environmental Protection Agency ("EPA") and the State of Hawaii Department of Health ("DOH"), and subsequent tests in and near the fuel release area indicated a spike in levels of hydrocarbons in soil vapor and ground water; and

WHEREAS, in response to the fuel release from the Facility, the EPA and the DOH negotiated an Administrative Order on Consent ("AOC") with the Navy and the Defense Logistics Agency ("DLA") requiring the Navy and DLA to take actions, subject to EPA and DOH approval, to ensure that the groundwater resource in the vicinity of the Facility is protected and ensure that the Facility is operated and maintained in an environmentally protective manner; and

WHEREAS, in response to the AOC Statement of Work, the Navy submitted to the EPA and DOH for approval a Tank Upgrade Alternatives and Release Detection Decision Document, dated September 9, 2019; and

WHEREAS, the Navy has concluded, among other things, that the most practicable tank upgrade alternative is to retain the single-walled steel tank liner configuration and implement certain technical and mitigating improvements for the Facility, including "double-wall equivalency" secondary containment or removal of fuel in the 2045 time frame; and

WHEREAS, concerns remain, however, as to whether the Navy's proposed "double-wall equivalency" is comparable to a secondary containment tank-within-a-tank double-wall system, and whether the Navy's plans for the removal of fuel in the 2045 timeframe are viable; and



RESOLUTION

WHEREAS, a quantitative risk and vulnerability assessment for the Facility, which the Navy released in November 2018, indicated that the tanks are at risk of additional leaks in the future and that the undetected Facility-wide fuel release is expected to be 5,803 gallons per year; and

WHEREAS, on March 8, 2019, the City Council ("Council") adopted Resolution 18-266, CD1, which, in part, urges the EPA and DOH to reject the approval of a single wall tank upgrade alternative option for the Red Hill Bulk Fuel Storage Facility; and

WHEREAS, the DOH and the EPA have announced that they are reviewing the Navy's proposal, will hold a public meeting to receive oral and written comments on the Navy's proposal in November 2019, and will continue to gather public and stakeholder comments before approving or rejecting the proposal in part or in full; and

WHEREAS, the DOH is also reviewing and soliciting public comment on the Navy's application for an underground storage tank ("UST") permit for the Red Hill Bulk Fuel Storage Facility, DOH Facility ID No. 9-102271, which would allow the Navy to operate the Facility in accordance with Hawaii Revised Statutes Chapter 342L and Hawaii Administrative Rules Chapter 11-280.1; and

WHEREAS, as the DOH reviews the Navy's application for a permit and a request for a contested case hearing, the Navy is currently operating the UST system through a July 16, 2019 letter from the DOH; and

WHEREAS, the DOH considers the Navy's submission of its application for a permit as timely, and the DOH is allowing the Navy to continue to operate the subject UST system until the DOH's decision on the permit application is rendered; and

WHEREAS, due to the lengthy review period, the Council urges the expeditious resolution of all AOC requirements in the DOH's decision on the Navy permit application; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it reaffirms its position, as set forth in Resolution 18-266, CD1, adopted on March 8, 2019, urging the U.S. Environmental Protection Agency and Hawaii Department of Health to reject the approval of a single wall tank upgrade alternative option for the Red Hill Bulk Fuel Storage Facility and support the secondary containment tank upgrade alternative option, or, if secondary containment is determined to be infeasible, the relocation of the fuel tanks away from the aquifer; and



RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the members of Hawaii's Congressional delegation, the Governor of the State of Hawaii, the Director of the Hawaii State Department of Health, the Chairperson of the Hawaii State Department of Land and Natural Resources, the Chair of the Commission on Water Resource Management of the Hawaii State Department of Land and Natural Resources, the President of the Hawaii Senate, the Speaker of the Hawaii House of Representatives, the Secretary of the United States Navy, the Commander of the United States Indo-Pacific Command, the Commander of the United States Pacific Fleet, the Executive Director of the Sierra Club of Hawaii, the Chair of the Office of Hawaiian Affairs, the Chairperson of the Board of Directors of the Honolulu Board of Water Supply, and the Manager and Chief Engineer of the Honolulu Board of Water Supply.

INTRODUCED BY:

Carol Fukunaga

DATE OF INTRODUCTION:

October 17, 2019
Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

RESOLUTION 19-270, CD1

Introduced: 10/17/19 By: CAROL FUKUNAGA

Committee: PUBLIC
INFRASTRUCTURE,
TECHNOLOGY AND
SUSTAINABILITY

Title: RESOLUTION REAFFIRMING THE COUNCIL'S POSITION, AS SET FORTH IN RESOLUTION 18-266, CD1, ADOPTED ON MARCH 8, 2019, RELATING TO THE RED HILL BULK FUEL STORAGE FACILITY UPGRADE ALTERNATIVE OPTIONS.

Voting Legend: * = Aye w/Reservations

10/23/19	PUBLIC INFRASTRUCTURE, TECHNOLOGY AND SUSTAINABILITY	CR-329 - RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM. 4 AYES: FUKUNAGA, KOBAYASHI, PINE, TSUNEYOSHI.
11/06/19	COUNCIL	CR-329 AND RESOLUTION 19-270, CD1 AS AMENDED WERE ADOPTED. 7 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, WATERS. 2 ABSENT: ANDERSON, TSUNEYOSHI.

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



IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER