



**City and County of Honolulu Storm Water Utility
Stakeholder Advisory Group Study Session on the Draft Ordinance**

November 1, 2021, 4:00-6:30 pm

Conducted Virtually

ATTENDEES

AARP (Kealii Lopez)

Board of Water Supply (Barry Usagawa)

Ko'olau Mountains Watershed Partnership (JC Watson)

NAIOP (Darlan Chun)

Neighborhood Board #4 (Sharon Schneider)

Neighborhood Board #25 (Bernie Marcos)

Neighborhood Board #31 (Levani Lipton)

Oahu Resource Conservation and Development Council (Megan Gonsalves)

Roman Catholic Archdiocese of Hawaii (Frank Doyle)

Wai'anae Mountains Watershed Partnership (Yumi Miyata)

Public Agency Staff

Randall Wakumoto (Program Administrator, Storm Water Quality Division, City and County of Honolulu Department of Facility Maintenance (DFM))

Roger Babcock (Director, City and County of Honolulu DFM)

Consultant Team

Juli Beth (JB) Hinds (Birchline Planning LLC)

Joan Isaacson (Kearns & West)

Laurens van der Tak (Jacobs)

Ming Ding (AECOM)

Cami Kloster (G70)

Janice Jensen (G70)

Jessica Chiam (AECOM)

Members of the Public

Christin Reynolds

Robert Bourke

Lauren Roth Venu

The project team held a study session for Stakeholder Advisory Group members interested in seeing and providing input on the draft ordinance language. Randall Wakumoto explained that the draft ordinance had been sent to the City Corporation Counsel for review and they had been informed that review would be iterative, including possible changes based on Stakeholder Advisory Group input.

Juli Beth (JB) Hinds walked attendees through the sections of the ordinance and answered questions.

1. Article 14 (What fees can be used for)

There were concerns posed by some members of the Stakeholder Advisory Group about using the storm water fees to pay for debt service. JB explained that this would be a very specific volume of past debt service that was incurred recently and is limited to debt related to storm water.



A Stakeholder Advisory Group member commented that the language seemed similar to that of other special funds and that they would like to see airtight language to prevent funds from being raided.

Another Stakeholder Advisory Group member suggested that the team review some language related to a lawsuit that occurred when a different special fund was raided to pay teachers. This language specified a differentiation between the use of fees and taxes in the fund.

2. Article 35 (Applicability, schedules, mechanics, limitation liability)

JB explained that the ordinance was crafted with a “minimalist approach”, but that back-up language had also been drafted in case more descriptive language is needed. The more specific the language in the ordinance, the more difficult it is to make minor modifications because changes must be approved by City Council. Administrative rules would be more for the enforcement and fines (i.e., contesting appeals and holding hearings) as the current enforcement is done so that appeals would not have to go through City Council. Rates would be added as an Appendix to the ordinance in the same way as rates for water and wastewater.

A question was asked about the budgeting approval process and its similarity to the wastewater fund. The process would still involve City Council and require their approval on how the special funds are being spent (as with wastewater).