

JAMES Y. ARAKAKI
Chairman & Presiding Officer

J. CURTIS TYLER, III
Vice Chairman



AARON S.Y. CHUNG
LENINGRAD ELARIONOFF
JULIE JACOBSON
BOBBY JEAN LEITHEAD-TODD
NANCY PISICCHIO
GARY SAFARIK
DOMINIC YAGONG

COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720*

38th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, June 5, 2002
9:00 a.m.

INVOCATION	Pastor Richard Uejo of the KMC Chapel & Heritage Fellowship
CALL TO ORDER	9:12 a.m.
ROLL CALL	All present
PLEDGE OF ALLEGIANCE	
APPROVAL OF MINUTES	April 17 and May 1, 2002 - deferred

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

PETITIONS, MEMORIALS, COMMUNICATIONS, CERTIFICATES OF MERIT AND EXPRESSIONS OF CONDOLENCE

STATEMENTS FROM THE PUBLIC ON ITEMS LISTED ON THE ORDER OF BUSINESS

ORDER OF RESOLUTIONS

Res. 180-02: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year
(Draft 4) for animal control services.
{The County Police Department has issued a Request for Proposals (RFP) seeking to contract for the provision of animal control services. This measure authorizes the term of the contract for a period up to June 30, 2005, with the option of extending the contract in increments of two one-year periods ending June 30, 2007, provided the contract is for one islandwide contract only.}

Re: Comm. 545.9
Intr. by: Ms. Pisciocchio
Approved: FC-237

AMENDED TO DRAFT 5 & ADOPTED

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisciocchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

Res. 203-02: Authorizes the partial release of a drainage easement on property owned by
(Draft 2) Mauna Kea Agribusiness, Co., Inc., TMK:(3) 9-6-12:Portion of 12 (Parcel 6).
{Pa'au'au Stream Flood Control Project.}

Re: Comm. 594.1
Intr. by: Mr. Elarionoff
Approved: PWIRC-44

AMENDED TO DRAFT 3 & ADOPTED

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Pisciocchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Leithead-Todd

Res. 204-02: Authorizes the partial release of a drainage easement on property owned by
(Draft 2) Albert Galimba Revocable Living Trust and Mildred K. Galimba Revocable Living
Trust, TMK:(3) 9-6-5:Portion of 46 (Parcel 7).
{Pa'au'au Stream Flood Control Project.}

Re: Comm. 595.1

Intr. by: Mr. Elarionoff

Approved: PWIRC-45

AMENDED TO DRAFT 3 & ADOPTED

8 AYES: Councilmembers Chung, Elarionoff, Jacobson, Piscichio, Safarik, Tyler, Yagong
and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Leithead-Todd

Res. 207-02: Authorizes the Director of Finance to negotiate a 20-year lease of the East Hawai'i
(Draft 2) Cultural Center to the East Hawai'i Cultural Council (with renewal options of two
5-year periods).

Re: Comm. 604.2

Intr. by: Mr. Chung

Approved: FC-228

ADOPTED

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Piscichio,
Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

Res. 208-02: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year
for the renewal of the Office of the Corporation Counsel Family Support Division's
Kona office lease.

Re: Comm. 605

Intr. by: Mr. Chung

Approved: FC-229

ADOPTED

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Piscichio,
Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

Res. 210-02: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for six (6) refuse trailers for the Department of Environmental Management - Solid Waste Division.

Re: Comm. 621
Intr. by: Mr. Chung (B/R)
Approved: FC-231

ADOPTED

5 AYES: Councilmembers Chung, Elarionoff, Pisicchio, Safarik and Chairman Arakaki
3 NOES: Councilmembers Jacobson, Tyler and Yagong
1 ABSENT & EXCUSED: Councilmember Leithead-Todd

Res. 211-02: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for one (1) compactor for the Department of Environmental Management - Solid Waste Division.

Re: Comm. 622
Intr. by: Mr. Chung (B/R)
Approved: FC-232

ADOPTED

7 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik and Chairman Arakaki
2 NOES: Councilmembers Tyler and Yagong

Res. 212-02: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year
(Draft 2) for four (4) truck tractors for the Department of Environmental Management - Solid Waste Division.

Re: Comm. 623.1
Intr. by: Mr. Chung
Approved: FC-233

ADOPTED

7 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik and Chairman Arakaki
2 NOES: Councilmembers Tyler and Yagong

Res. 213-02: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for one (1) dozer for the Department of Environmental Management - Solid Waste Division.

Re: Comm. 624
Intr. by: Mr. Chung (B/R)
Approved: FC-234

ADOPTED

7 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Piscichio, Safarik and Chairman Arakaki
2 NOES: Councilmembers Tyler and Yagong

Res. 214-02: Authorizes the payment of funds of a later fiscal year and of more than one fiscal year for a multi-year subscription agreement to Westlaw for the Office of the Prosecuting Attorney.

Re: Comm. 625
Intr. by: Mr. Chung
Approved: FC-235

ADOPTED

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Piscichio, Safarik, Tyler, Yagong and Chairman Arakaki
NOES: None

Res. 218-02: Transfers/appropriates an appropriation out and from the designated fund account(s) and credits same to a designated fund account(s).
{Transfers/appropriates \$2,000 from the Clerk-Council Services Other Current Expenses account; credits same to the Culture & Arts Class/Activity account.}

Re: Comm. 643
Intr. by: Mr. Chung
Waived: FC

ADOPTED

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Piscichio, Safarik, Tyler, Yagong and Chairman Arakaki
NOES: None

Res. 219-02: Determines the Real Property Tax Rates for the County of Hawai'i for the Fiscal Year July 1, 2002 to June 30, 2003.

Re: Comm. 648
 Intr. by: Mr. Chung
 Waived: FC

AMENDED TO DRAFT 2 & ADOPTED

6 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisticchio and Chairman Arakaki
 3 NOES: Councilmembers Safarik, Tyler and Yagong

BILLS FOR ORDINANCES (FIRST READING)

Bill 197: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic. {Chapter 24, article 10, division 2, section 24-274.1, schedule 22.1 (traffic signal systems), subsection (c) South Hilo, deletes item number (28) – Waianuenue/Hilo Hospital.}

Re: Comm. 557
 Intr. by: Mr. Elarionoff
 Approved: PWIRC-46

AMENDED TO DRAFT 2 & PASSED 1ST READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisticchio, Safarik, Tyler, Yagong and Chairman Arakaki
 NOES: None

Bill 215: Authorizes the issuance of General Obligation Bonds of the County of Hawai'i in a principal amount not to exceed \$259,200.00 for the purpose of financing a portion of the costs of constructing a replacement waterline for the Happy Homes Subdivision and to secure the payment of a loan by the United States of America, Department of Agriculture; and fixing the form, denomination, and certain details of such bonds, and providing for its sale.

Re: Comm. 626
 Intr. by: Mr. Chung
 Approved: FC-236

PASSED 1ST READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisticchio, Safarik, Tyler, Yagong and Chairman Arakaki
 NOES: None

Bill 223: Amends Chapter 12 of the Hawai'i County Code 1983 (1995 Edition), as amended, relating to Improvement Districts. {These major amendments address: 1) A clearly understandable definition of an "assessment unit"; 2) Procedural clarity regarding public notice to property owners subject to proposed assessments; 3) Clarification of formal objection to a proposed improvement district and the consideration of objections by the Council; 4) Determination that an apartment or unit of a condominium property regime may be counted as a separate parcel of land for the purpose of levying a special assessment in an improvement district; 5) Authorization for the director of public works and the department of water supply manager to award contracts in accordance with the State procurement code; 6) Allowance for issuance of a bond to secure a federal loan and the repayment of the principal of such bonds over a period not to exceed 35 years; 7) Elimination of language relating to the award of a contract extending beyond the fiscal year of contract issuance; and 8) Authorization for the director of finance, upon termination of an improvement district, to issue any cash refunds to the property owner(s) of record at the time the director of finance authorizes such refund. }

Re: Comm. 637
 Intr. by: Mr. Tyler
 Waived: FC

PASSED 1ST READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki
 NOES: None

Bill 225: Amends Ordinance No. 01-56, as amended, relating to Public Improvements and Financing thereof for the Fiscal Year July 1, 2001 to June 30, 2002. {Increases the PUBLIC WORKS DEPARTMENT Pū'āinakō Street Extension – State (\$1,405,000); funds to be provided by State Grants Receivable (\$1,405,000).} (This work involves the completion of the University of Hawai'i at Hilo, University Park, Phase IIB, Water System Improvement project which was initially started by the State but then delayed by the damages caused by the November 2000 flood. Due to the overlapping work areas and scheduling conflicts between the State and County's Pū'āinakō Street Extension project contractors, it was agreed that the County would complete the waterline work with State Funding.)

Re: Comm. 646
 Intr. by: Ms. Leithead-Todd
 Waived: FC

PASSED 1ST READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki
 NOES: None

Bill 226: Amends Ordinance No. 01-56, as amended, relating to Public Improvements and Financing thereof for the Fiscal Year July 1, 2001 to June 30, 2002.
 {Increases the PUBLIC WORKS DEPARTMENT Pâhoa Mainstreet Parcel – Land Acquisition (\$150,000); funds to be provided by State Grants Receivable (\$150,000).}
 (Pursuant to Act 281, SLH 2000, item 25 [under K. Government-wide Support], the State's Capital Improvement Project List includes the appropriation of the funds to the County of Hawai'i for the purchase of a parcel in Pâhoa.)

Re: Comm. 647
 Intr. by: Mr. Safarik
 Waived: FC

PASSED 1ST READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 181: Establishes an Operating Budget for the County of Hawai'i for the fiscal year July 1, 2002 to June 30, 2003.
 (Draft 3) {Proposed \$205,387,171 Operating Budget for the County of Hawai'i.}

Re: Comm. 533.20
 Intr. by: Mr. Chung
 Deferred: May 15, 2002
 1st Reading: May 28, 2002

AMENDED TO DRAFT 4 & PASSED 2ND & FINAL READING

6 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio and Chairman Arakaki

3 NOES: Councilmembers Safarik, Tyler and Yagong

Bill 182: Relates to Public Improvements and financing thereof for the fiscal year July 1, 2002 to June 30, 2003.
 (Draft 3) {Proposed \$76,051,000 Capital Improvements Project Budget for the County of Hawai'i.}

Re: Comm. 534.1
 Intr. by: Mr. Chung
 Deferred: May 15, 2002
 1st Reading: May 28, 2002

PASSED 2ND & FINAL READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

Bill 208: Adopts a pay plan for persons employed by the County other than those whose pay is otherwise provided for, designating payroll periods, pay days, prescribing requirements with respect to official fidelity bonds, and repealing Ordinance No. 01-59 and all amendments thereto, said ordinance to be known as the Salary Ordinance of 2002.

Re: Comm. 590
 Intr. by: Mr. Chung
 1st Reading: May 15, 2002

PASSED 2ND & FINAL READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisticchio, Safarik, Tyler, Yagong and Chairman Arakaki
 NOES: None

Bill 209: Amends Ordinance No. 01-56, as amended, relating to Public Improvements and financing thereof for the fiscal year July 1, 2001 to June 30, 2002.
 {Adds the PUBLIC WORKS DEPARTMENT Puna Makai Alternate Route Study - Council District 5 (\$250,000); funds to be provided by General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$250,000).}

Re: Comm. 593
 Intr. by: Mr. Safarik
 1st Reading: May 15, 2002

PASSED 2ND & FINAL READING

9 AYES: Councilmembers Chung, Elarionoff, Jacobson, Leithead-Todd, Pisticchio, Safarik, Tyler, Yagong and Chairman Arakaki
 NOES: None

Bill 217: Amends Ordinance No. 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002.
 {Increases revenues of \$233,272.50 in the Federal Grants – Workforce Investment Act 2001 Workforce Investment Act Fund account; and appropriates \$82,882.50 to the Workforce Investment Act Administration/Planning 2001 Workforce Investment Act Fund account and \$150,390 to the Workforce Investment Act Programs 2001 Workforce Investment Act Fund account, for a total of \$233,272.50.}

Re: Comm. 629
 Intr. by: Mr. Safarik
 1st Reading: May 15, 2002

PASSED 2ND & FINAL READING

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisticchio, Safarik, Tyler, Yagong and Chairman Arakaki
 NOES: None
 1 ABSENT & EXCUSED: Councilmember Chung

Bill 218: Amends Ordinance No. 01-55, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2002. {Increases revenues of \$2,897,656 in the Federal Grants – Workforce Investment Act 2002 Workforce Investment Act Fund account; and appropriates \$289,764 to the Workforce Investment Act Administration/Planning 2001 Workforce Investment Act Fund account and \$2,607,892 to the Workforce Investment Act Programs 2001 Workforce Investment Act Fund account, for a total of \$2,897,656. }

Re: Comm. 629
 Intr. by: Mr. Safarik
 1st Reading: May 15, 2002

PASSED 2ND & FINAL READING

8 AYES: Councilmembers Elarionoff, Jacobson, Leithead-Todd, Pisicchio, Safarik, Tyler, Yagong and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Councilmember Chung

REPORTS

PWIRC Rept. 47: (C-614) Recommends the approval of the appointment of Mr. Robert Kawakone to the Hawai'i County Transportation Commission.

APPROVED

PWIRC Rept. 48: (C-614) Recommends the approval of the appointment of Mr. Michael R. Williams to the Hawai'i County Transportation Commission.

APPROVED

PC Rept. 83: (C-612) Recommends the approval of the appointment of Mr. George A. Wilkins to the Hawai'i County Water Board.

APPROVED

PC Rept. 84: (C-620) Recommends the approval of the appointment of Mr. Jeffrey W. McCall to the Hawai'i County Planning Commission.

APPROVED

FC Rept. 225: (C-615) Recommends the confirmation of Mr. Reeve (Bob) N. Williams to the Hawai'i County Board of Ethics.

APPROVED

FC Rept. 226: Recommends the confirmation of Ms. Jan K. Yokoyama to the Hawai'i County Liquor
(C-616) Control Adjudication Board.

APPROVED

FC Rept. 227: Recommends the confirmation of Mr. Marlin S. Werner to the Hawai'i County Pension
(C-617) Board.

APPROVED

FC Rept. 230: Recommends the acceptance of the \$15.00 donation from John and Frances Chipser for
(C-618) the Police Department's HIPAL program.

APPROVED

PEMC
Rept. 15: Recommends the approval of the nominations of Mr. Edmund "Denny" Austen,
(C-613) George T. Mukai, and Patrick A. Pavao to the Hawai'i County Veterans Advisory
Committee.

APPROVED

REFERRALS FOR EXECUTIVE SESSION

(The purpose of the meeting is to consult with Corporation Counsel relating to matters involving potential County liability, as authorized by Sections 92-4 and 92-5, HRS.)

Comm. 636: EXECUTIVE SESSION – CLAIM OF EDDA SHIM
From Deputy Corporation Counsel Joseph K. Kamelamela, dated May 13, 2002.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 644: EXECUTIVE SESSION – JOCELYN P. BINNEY V. HAWAI'I COUNTY POLICE
DEPARTMENT, CIVIL NO. 00-01-088K; TAMMY R. GOUVEIA V.
CAPTAIN COOK STOP 'N SHOP, CIVIL NO. 00-1-090K
From Deputy Corporation Counsel Joseph K. Kamelamela, dated May 23, 2002.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 645: OLIVIA VAZQUEZ, ET. AL. V. JOHN WEBER, ET. AL., CIVIL
NO. CV02-00069DAE/LEK
From Deputy Corporation Counsel Joseph K. Kamelamela, dated May 23, 2002.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

OTHER BUSINESS

(Including but not limited to consideration of vetoed items, if any, or reconsideration of actions on agenda items.)

ANNOUNCEMENTSTUESDAY, JUNE 18, 2002

PUBLIC WORKS & INTER- GOVERNMENTAL RELATIONS COMMITTEE	9:00 a.m.	COUNCILROOM
FINANCE COMMITTEE	10:00 a.m.	COUNCILROOM
PARKS & ENVIRONMENTAL MANAGEMENT COMMITTEE	1:00 p.m.	COUNCILROOM
PLANNING COMMITTEE	2:00 p.m.	COUNCILROOM
HUMAN SERVICES & ECONOMIC DEVELOPMENT COMMITTEE	3:00 p.m.	COUNCILROOM

WEDNESDAY, JUNE 19, 2002

COUNCIL	9:00 a.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL CONFERENCE ROOM 4
SPECIAL MEETING OF THE PLANNING COMMITTEE (RE. BILL 81)	6:00 p.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL CONFERENCE ROOM 4
PLANNING COMMITTEE WORKSHOP (GENERAL PLAN)	6:30 p.m.	KING KAMEHAMEHA'S KONA BEACH HOTEL CONFERENCE ROOM 4

THURSDAY, JUNE 20, 2002

PLANNING COMMITTEE SITE VISIT TO KOHANAIKI (GENERAL PLAN)	9:00 a.m.	KOHANAIKI, KONA
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THURSDAY, JUNE 20, 2002

PLANNING COMMITTEE PUBLIC HEARING (GENERAL PLAN)	6:00 p.m.	KONAWAENA ELEM. SCHOOL CAFETERIA
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TUESDAY, JUNE 25, 2002

PLANNING COMMITTEE PUBLIC HEARING (GENERAL PLAN)	6:00 p.m.	OCEAN VIEW COMMUNITY CENTER
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THURSDAY, JUNE 27, 2002

PLANNING COMMITTEE PUBLIC HEARING (GENERAL PLAN)	6:00 p.m.	KEA'AU COMMUNITY CENTER
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STATEMENTS FROM THE PUBLIC**ADJOURNMENT** 8:06 p.m.

(Note: B/R, as listed next to the name of an Introducer, signifies that the Councilmember has agreed to introduce legislation "By Request" and on behalf of the requesting party; however, it does not necessarily signify their support of or opposition to the proposal.)

The meeting place is accessible for persons with physical disabilities. Persons who need special accommodations to attend this meeting should call 961-8255 by June 3, 2002. Persons using TDDs may call 961-8521. Those desiring to speak on matters listed on the Order of Business must register at the County Clerk's Office prior to the convening of the meeting. Copies may be viewed at the Hawai'i County Services Office at 75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai'i 96740; at the Office of the County Clerk at 25 Aupuni Street, Hilo, Hawai'i 96720; and the County Council's Kona Branch Office at 77-6399 Nalani Street, Suite 104, Kailua-Kona, Hawai'i 96740.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, June 12, 2002, to follow Special Council meeting at 6 p.m.; Sunday, June 16, 2002, at 10:30 a.m.; and Wednesday, June 19, 2002, at 6 p.m.