

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*

39th Session

ORDER OF BUSINESS

Hawai'i County Council
King Kamehameha's Kona Beach Hotel
Conference Room 4
75-5660 Palani Road
Kailua-Kona, Hawai'i

Wednesday, June 19, 2002
9:00 a.m.

INVOCATION Pastor Vance Texeira of Solid Rock Ministries

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES April 17 and May 1, 2002 (deferred June 5, 2002); and May 15, 2002

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

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

- Comm. 656: APPOINTMENT OF DEPUTY COUNTY CLERK – JAY M. MENDE
 From County Clerk Al S. Konishi, dated June 7, 2002, in accordance with Section 3-6(b)(4) of the Hawai'i County Charter, appoints Mr. Jay M. Mende to the position of Deputy County Clerk, effective June 19, 2002. This appointment is exempt from Civil Service laws and classification and is subject to approval by the Hawai'i County Council.

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

ORDER OF RESOLUTIONS

- Res. 209-02: Authorizes the sale by negotiation of the former Hâmâkua Sugar Company, Inc. lands now under County ownership in addition to the authorization provided in Resolution No. 161-02 (sale by auction, land exchange by negotiation, and short-term lease by auction, sealed bids or negotiation).

Re: Comm. 466.2
 Intr. by: Mr. Yagong
 Approved: FC-238

- Res. 215-02: Provides for the acquisition of private properties and easements, situate in the district of North Kona, County and State of Hawai'i, for the Kahului-Keauhou Parkway.
 (Draft 2)

Re: Comm. 639.1
 Intr. by: Mr. Elarionoff
 Approved: PWIRC-49

- Res. 216-02: Authorizes the acceptance of a monetary donation of \$10,000 that will be used for the heating of the Kona Community Aquatic Center Swimming Pool.
 {The donation is being made by various individuals, organizations and businesses and will reimburse the Aquatics Division for the electricity costs incurred to heat the pool.}

Re: Comm. 640
 Intr. by: Mr. Tyler
 Approved: FC-240

Res. 220-02: Proposes the establishment of a Council-initiated water system improvement district for the Kona Coastview and Kona Wonderview Subdivisions; approves and adopts the findings, conclusions specified in the "Mayor's Report" dated June 4, 2002; confirms that the proposed Improvement District meets the qualifying criteria specified in Section 12-10(h)(1), Hawai'i County Code; and determines that the public hearings related to special improvements and the establishment of the Improvement District shall be combined. {Additional reference to the provisions of this resolution and related documents are contained in related Communication No. 652, "Manager's Report and Installation Cost Estimate for a Water System Improvement District" transmitted by Department of Water Supply Manager Milton D. Pavao, dated June 4, 2002.};

Re: Comm. 652.1
Intr. by: Mr. Tyler
Waived: FC

and
Comm. 652: From Department of Water Supply Manager Milton D. Pavao, dated June 4, 2002, transmitting the "Manager's Report" detailing the recommendations and specifications for the installation of a dedicable water delivery system for the Kona Coastview and Kona Wonderview Subdivisions, as requested by Council Resolution 270-00. Also attaches report and application for USDA/RUS financing.

Res. 221-02: Authorizes the Corporation Counsel, and his authorized representatives, to enter into an agreement with the individually named party, who is an employee of the County of Hawai'i, to represent him in the Civil Action entitled *Olivia Vazquez, et al. vs. John Weber, et al.*, Civil No. 02-00069DAE/LEK.

Re: Comm. 654
Intr. by: Mr. Chung
Waived: FC

Res. 222-02: Transfers/appropriates an appropriation out and from the designated fund account(s) and credits same to a designated fund account(s).
{Transfers/appropriates \$340,000 out and from the Miscellaneous Insurance Claims and Judgement account; credits \$300,000 to the Worker's Compensation – G F account and \$40,000 to the Unemployment Compensation – G F account.}

Re: Comm. 655
Intr. by: Mr. Chung
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)

Bill 216: Amends Chapter 24, Article 4, Section 24-19, Hawai'i County Code (1995 Edition), relating to Vehicle Registration.
{Establishes a new annual County registration fee and increases related vehicle fees.}

Re: Comm. 627
Intr. by: Mr. Chung (B/R)
Approved: FC-239

Bill 219: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to Vehicles and Traffic.
{Proposed Yield location at Pôhâkea Road Bridge - Pôhâkea Homestead Road, Pa'auilo.}

Re: Comm. 631
Intr. by: Mr. Elarionoff
Approved: PWIRC-50

Bill 221: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition) relating to Vehicles and Traffic.
{Proposed No Parking Zone - Southwest side of Aupuni Street by the back entrance to Aupuni Center.}

Re: Comm. 634
Intr. by: Mr. Elarionoff
Approved: PWIRC-51

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 197: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition), relating to
(Draft 2) 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) – Waiânuenue/Hilo Hospital.}

Re: Comm. 557.2
Intr. by: Mr. Elarionoff
1st Reading: June 5, 2002

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
1st Reading: June 5, 2002

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
1st Reading: June 5, 2002

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
1st Reading: June 5, 2002

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 Pāhoa 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 Pāhoa.)

Re: Comm. 647
 Intr. by: Mr. Safarik
 1st Reading: June 5, 2002

REPORTS

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.)

OTHER BUSINESS

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

ANNOUNCEMENTS

WEDNESDAY, JUNE 19, 2002

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

PLANNING COMMITTEE
 PUBLIC HEARING (GENERAL PLAN)

6:00 p.m.

KONAWAENA ELEM.
 SCHOOL CAFETERIA

TUESDAY, JUNE 25, 2002

PLANNING COMMITTEE
 PUBLIC HEARING (GENERAL PLAN)

6:00 p.m.

OCEAN VIEW
 COMMUNITY CENTER

	<u>THURSDAY, JUNE 27, 2002</u>	
PLANNING COMMITTEE PUBLIC HEARING (GENERAL PLAN)	6:00 p.m.	KEA'AU COMMUNITY CENTER
	<u>TUESDAY, JULY 2, 2002</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, JULY 3, 2002</u>	
COUNCIL	9:00 a.m.	COUNCILROOM

STATEMENTS FROM THE PUBLIC

ADJOURNMENT

(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 17, 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 26, 2002, at 6 p.m.; Sunday, June 30, 2002, at 10:30 a.m.; and Wednesday, July 3, 2002, at 6 p.m.