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LENINGRAD ELARIONOFF
FRED C. HOLSCHUH, M.D.
BOB JACOBSON
BOBBY JEAN LEITHEAD-TODD
JOE REYNOLDS
GARY SAFARIK

COUNTY COUNCIL

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

3rd Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, January 8, 2003
9:00 a.m.

INVOCATION

Reverend Tuck Wah Lee of Haili Church

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

November 20 and December 2, 2002 (10:00 a.m. and 3:00 p.m.)

(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. 84: PROPOSALS FOR CONSIDERATION RELATING TO THE 2003 HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) LEGISLATIVE PACKAGE
 From HSAC President J. Curtis Tyler, III, dated December 30, 2002, submits the following legislative issues for consideration relating to the 2003 HSAC Legislative Package. These measures will be discussed at the January 15, 2003, HSAC Executive Committee meeting:

- 1) Requests support of proposed legislation relating to the counties receiving the unadjudicated fines and forfeitures monies; and
- 2) Requests approval of a bill relating to State and County Immunity from Tort Liability; Hazardous Recreational Activities; and
- 3) Consideration of Resolution No. 02-292, submitted by City and County of Honolulu Councilmember Romy M. Cachola, relating to Supporting a Policy Under Which All Counties Share in the Cost of a Lawsuit Brought by a County Against the State or Other Governmental Entity that may Benefit All Counties.

Waived: PWIRC

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

ORDER OF RESOLUTIONS

Res. 9-03: Authorizes the acceptance of a donation of real property (valued at \$3,427.73) from Kaiwiki Properties, LLC, and RS Williams, LLC, Tax Map Key: (3)2-8-015:002 (Portion), Lot 1, Honomū Transfer Station Access Road.

Re: Comm. 2
 Intr. by: Mr. Elarionoff
 Approved: PWIRC-1

Res. 10-03: Authorizes the Office of the Mayor to enter into an agreement with the State of Hawai'i, Hawai'i Community College for its rural development project to support the Hawai'i County Resource Center. {The Hawai'i County Resource Center, established within the Department of Research and Development, provides technical support and assistance for County Agencies and community-based organizations in the area of grant writing.}

Re: Comm. 6
 Intr. by: Mr. Chung
 Approved: FC-1

Res. 11-03: Authorizes the Mayor to enter into a Cooperating Technical Partners Partnership Agreement with the Federal Emergency Management Agency (FEMA). {The primary purpose of this agreement is to establish up-to-date flood hazard data and a Digital Flood Insurance Rate Map (DFIRM) for the South Kohala area.}

Re: Comm. 10
Intr. by: Mr. Elarionoff
Approved: PWIRC-2

Res. 12-03: Authorizes the abandonment and exchange of Road Remnants 1, 2, and 3, for Lots 9-A-2, 9-B-2, and 10-A-2, situate at Āhualoa Homesteads, District of Hāmākua, Island and County of Hawai'i, State of Hawai'i, being portions of Tax Map Keys: (3)4-6-010:005 and 007. {Kahana Road Exchange.}

Re: Comm. 14
Intr. by: Mr. Elarionoff
Approved: PWIRC-3

Res. 13-03: Authorizes the Office of the Mayor to enter into an agreement with the State of Hawai'i, Hawai'i Tourism Authority, pursuant to HRS 46-7, for a Greetings Program Grant. {This grant addresses the increasing number of cruise ships calling at Hawai'i ports and provide funding in support of the counties' programs throughout the State of Hawai'i.}

Re: Comm. 24
Intr. by: Mr. Chung
Approved: FC-4

Res. 14-03: Authorizes the Office of the Mayor to enter into an agreement with the Hawai'i State Emergency Response Commission and State Civil Defense to establish the framework for funding of the project to update the Emergency Response Plan of the Hawai'i County Local Emergency Planning Committee.

Re: Comm. 26
Intr. by: Mr. Chung
Approved: FC-7

Res. 15-03: Authorizes the Office of the Mayor to enter into an agreement with the State of Hawai'i Department of Human Services, Office of Youth Services, pursuant to HRS 46-7, for a Title V Juvenile Delinquency Prevention Program Grant. {This grant will create or expand prevention program(s) that address juvenile delinquency risk factors identified in the Hawai'i County comprehensive strategic plan for juvenile justice.}

Re: Comm. 27
Intr. by: Mr. Chung
Approved: FC-9

Res. 16-03: Authorizes the Office of the Mayor to enter into an agreement with the United States of America, pursuant to HRS 46-7, for a Community Oriented Policing Services (COPS) Technology Grant. {This grant will provide equipment and training to improve the computer capabilities within the Police Dispatch Section.}

Re: Comm. 28
Intr. by: Mr. Safarik
Approved: FC-11

Res. 18-03: Authorizes the Office of the Mayor to enter into an agreement with the State of Hawai'i Department of the Attorney General, Crime Prevention and Justice Assistance Division, pursuant to HRS 46-7, for a Victim Services Coordinator Grant. {This grant will be used to hire a Victim Services Coordinator to service the on-going needs of victims from domestic violence/sexual assault while their cases remain under investigation.}

Re: Comm. 31
Intr. by: Mr. Chung
Approved: FC-14

Res. 20-03: 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 out and from the Clerk-Council Services – Contingency Relief account; credits same to the Department of Parks and Recreation, Elderly Activities Division, Miscellaneous Contract Services account.} (The Kailua Seniors of Hale Hālāwai will be celebrating a Special 38th Anniversary luncheon on March 5, 2003, and will encompass all of West Hawai'i targeting between 300 to 500 senior citizens.)

Re: Comm. 48
Intr. by: Mr. Tyler
Waived: FC

Res. 22-03: Removes the County Council's proviso in the Operating Budget prohibiting out-of-state travel by the County Council and Clerk's Office personnel for the fiscal year beginning July 1, 2002 to June 30, 2003. {Removal of the proviso will benefit the County by expanding the knowledge, experience and network of Councilmembers and/or staff through visitations and informative discussions with other municipalities.}

Re: Comm. 55
Intr. by: Mr. Arakaki
Waived: FC

Res. 32-03: Supports a Veterans Administration (VA) State Home for long-term veterans care in the County of Hawai'i. {Urges the Hawai'i State Legislature to appropriate \$8.4 million for the VA State Home project to satisfy the VA's requirement that 35% of the anticipated \$24 million project be provided by a source other than the federal government.}

Re: Comm. 74
 Intr. by: Mr. Holschuh
 Waived: HSEDC

BILLS FOR ORDINANCES (FIRST READING)

Bill 262: Amends Chapter 24 of the Hawai'i County Code 1983 (1995 Edition), relating to
 (2002) Vehicles and Traffic, to establish parking zones at the Aupuni Center. {Includes the new eight-hour parking meter zone at the Aupuni Center parking lot fronting Kīlauea Avenue, at the rate of 25 cents per two hours, and includes the new two-hour parking areas at the Aupuni Center along the northwest (Pauahi Street) and southwest (Kīlauea Avenue) sides of the Aupuni Center Building.}

Re: Comm. 756
 Intr. by: Mr. Elarionoff
 1st Reading: October 23, 2002, and referred back to PWIRC (Reference PWIRC-57)
 No Recommendation: PWIRC-4 (due to the vote of 3 ayes, 3 noes & 3 excused)

Bill 272: Amends Chapter 24 of the Hawai'i County Code 1983 (1995 Edition), relating to
 (2002) Vehicles and Traffic, to clarify the Director of Public Works' authority to regulate parking at County facilities. {Includes the new Aupuni Center facility; parking at such facilities to include public off-street parking, employee parking, and special parking; authority to establish employee parking regulations; and authority to issue special permits for special events.}

Re: Comm. 782
 Intr. by: Mr. Elarionoff
 No Recommendation: PWIRC-5 (due to the vote of 3 ayes, 3 noes & 3 excused)

Bill 1: Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by deleting a portion of the proposed 120-foot Saddle Road right-of-way between Kaūmana Estates Subdivision and Kaūmana City Subdivision at Kaūmana and Ponahawai, South Hilo, Hawai'i, covered by Tax Map Plats 2-5-1, 2-5-2, 2-5-3, 2-5-55 and 2-6-62. {Planning Director, Initiator.}

Re: Comm. 16
 Intr. by: Ms. Leithead-Todd (B/R)
 Approved: PC-1

Bill 2: Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by deleting the proposed 80-foot Kāwili Street right-of-way, between Kino'ole Street and Kīlauea Avenue at Waiākea, South Hilo, Hawai'i, covered by Tax Map Plats 2-2-26 and 2-2-38. {Planning Director, Initiator.}

Re: Comm. 17
Intr. by: Ms. Leithead-Todd (B/R)
Approved: PC-2

Bill 4: Amends Section 25-8-23 (Volcano - Mt. View Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Single Family Residential (RS-20) to Village Commercial (CV-20) at 'Ōla'a, Puna, Hawai'i, covered by Tax Map Key 1-9-4:Portion of 14 (Approximately 1.416 acres). {Maurice Thomas, Applicant.};

Re: Comm. 19
Intr. by: Ms. Leithead-Todd
Negative: PC-4 (due to the vote of 3 ayes, 3 noes & 3 excused)

and
Comm. 19.12: From Kathleen Porter, dated December 12, 2002.

Bill 5: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Increases revenues of \$4,000 from Periodic Motor Vehicle Inspection Program; appropriates same to Periodic Motor Vehicle Inspection Program Equipment.}

Re: Comm. 20
Intr. by: Mr. Chung
Approved: FC-2

Bill 6: Amends Chapter 24, of the Hawai'i County Code 1983 (1995 Edition) relating to Vehicles and Traffic. {Adds the Mohouli Street Extension to the appropriate 35 and 45 mph sections. The amendment conforms to the approved Mohouli Street Extension project construction plans and specifications for Federal Aid Project No. STP-2790(1).}

Re: Comm. 22
Intr. by: Mr. Elarionoff
Approved: PWIRC-6

- Bill 7: Amends Ordinance No. 02-77, as amended, relating to Public Improvements and financing thereof for the fiscal year July 1, 2002 to June 30, 2003. {Adds PUBLIC WORKS – Bridge Inspection and Appraisals Project (\$52,000); funds to be provided from Federal Grants Receivables (\$52,000).}
- Re: Comm. 23
Intr. by: Mr. Chung
Approved: FC-3
2/3 Vote: Section 10-6(d), Hawai'i County Charter
- Bill 8: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$75,000 from State Grants – Greetings Program; appropriates same to Greeting Program.}
- Re: Comm. 24
Intr. by: Mr. Chung
Approved: FC-5
- Bill 9: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Increases revenues of \$1,500 from Federal Grants – Sex Assault Nurse Coordinator; appropriates same to Sex Assault Nurse Coordinator.}
- Re: Comm. 25
Intr. by: Mr. Chung
Approved: FC-6
- Bill 10: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Increases and appropriates revenues of \$6,240 from State Grants – Local Emergency Planning Committee and \$24,960 from Federal Grants – Local Emergency Planning Committee, for a total of \$31,200; appropriates \$31,200 to Local Emergency Planning Committee.}
- Re: Comm. 26
Intr. by: Mr. Chung
Approved: FC-8
- Bill 11: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$103,550 from Federal Grants – Juvenile Delinquency Prevention; appropriates same to Juvenile Delinquency Prevention.}
- Re: Comm. 27
Intr. by: Mr. Chung
Approved: FC-10

- Bill 12: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$150,000 from Federal Grants - Community Oriented Policing Services Technology; appropriates same to Community Oriented Policing Services Technology.}
- Re: Comm. 28
Intr. by: Mr. Safarik
Approved: FC-12
- Bill 14: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Increases revenues of \$163,000 from Fund Balance from Previous Year; appropriates \$15,000 to Clerical Services Center Salaries & Wages, \$80,000 to Real Property Tax - Other Current Expense, \$10,000 to Collective Bargaining Expense, \$10,000 to Health and Safety Other Current Expense, \$23,000 to Police Administration Division - Other Current Expense, and \$25,000 to Mooheau Bus Terminal, for a total of \$163,000.}
- Re: Comm. 30
Intr. by: Mr. Chung
Approved: FC-13
- Bill 15: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates revenues of \$34,000 from Federal Grants - Victim Services Coordinator; appropriates same to Victim Services Coordinator.}
- Re: Comm. 31
Intr. by: Mr. Chung
Approved: FC-15
- Bill 23: Amends Ordinance No. 02-77, as amended, relating to Public Improvements and financing thereof for the fiscal year July 1, 2002 to June 30, 2003. {Adds POLICE – Microwave Relocation – Private (\$1,492,350); funds to be provided from Private Contributions (\$1,492,350).}
- Re: Comm. 54
Intr. by: Mr. Safarik
Waived: FC
2/3 Vote: Section 10-6(d), Hawai'i County Charter

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 281: Amends Chapter 2, Article 16, of the Hawai'i County Code 1983 (1995 Edition) Relating to Travel and Other Expenses. {Amends Subsection 2-96(a) of the Hawai'i County Code, by increasing the meal allowance for overnight travel for breakfast (\$5.00), lunch (\$8.00) and dinner (\$15.00).}

Re: Comm. 811
 Intr. by: Mr. Chung
 1st Reading: December 18, 2002

Bill 282: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Increases revenues of \$93,800 from Building Permits, \$30,800 from Electrical Permits and \$15,400 from Plumbing Permits, for a total of \$140,000; and appropriates \$60,000 to Building Repair and Maintenance Other Current Expense and \$80,000 to Building Repair and Maintenance Equipment, for a total of \$140,000.}

Re: Comm. 812
 Intr. by: Mr. Chung
 1st Reading: December 18, 2002

Bill 283: Amends Ordinance No. 02-76, as amended, the Operating Budget for the County of Hawai'i for the fiscal year ending June 30, 2003. {Appropriates \$5,000 from Federal Grants – Rural Fire Assistance; credits same to the Rural Fire Assistance.}

Re: Comm. 813
 Intr. by: Mr. Chung
 1st Reading: December 18, 2002

REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the month ended November 30, 2002.

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. Note: 2/3 Vote - Pursuant to §92-4, HRS, and Rule 12 of Rules of Procedure of the County Council.)

Comm. 11: CLAIM AGAINST THE COUNTY BY HARPER RENTALS
 From Deputy Corporation Counsel Michael S. Kagami, dated November 27, 2002.

Deferred: December 18, 2002

Comm. 38: CLAIM AGAINST THE COUNTY BY CHRIS HECHT
 From Deputy Corporation Counsel Michael S. Kagami, dated December 3, 2002.

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>WEDNESDAY, JANUARY 22, 2003</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>THURSDAY, JANUARY 23, 2003</u>	
COUNCIL	9:00 a.m.	COUNCILROOM
	<u>TUESDAY, FEBRUARY 4, 2003</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, FEBRUARY 5, 2003</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 January 6, 2003. 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, January 15, 2003, at 6 p.m.; Sunday, January 19, 2003, at 10:30 a.m.; and Wednesday, January 22, 2003, at 6 p.m.