

JAMES Y. ARAKAKI  
*Chairman & Presiding Officer*

J. CURTIS TYLER, III  
*Vice Chairman*



AARON S.Y. CHUNG  
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*

13<sup>th</sup> Session

### ORDER OF BUSINESS

Hawai'i County Council  
Hilo, Hawai'i

Wednesday, June 4, 2003  
9:00 a.m.

INVOCATION                      Minister Earl Ikeda of Puna Hongwanji Mission

CALL TO ORDER                9:13 a.m.

ROLL CALL                        All present

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

(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. 41-03: Authorizes the abandonment and quitclaim of remnant at Piha Homesteads, North Hilo, Hawai'i to Valerie De Frain, Tax Map Key No. (3) 3-2-02:Paper Roads. {Fair market value of the parcel with an area of 0.077 acres is \$500.};

Re: Comm. 144  
Intr. by: Mr. Elarionoff  
Approved: PWIRC-21

and  
Comm. 144.5: From Public Works and Intergovernmental Relations Committee Chair Leningrad Elarionoff, dated May 21, 2003, requesting this matter be referred back to the Public Works and Intergovernmental Relations Committee.

FILED

Res. 68-03: Creates a Motor Vehicle Registration Clerk I position, an Account Clerk position, and a Clerk III position for the Department of Finance, Treasury Division. {These positions are necessary to bring the Treasury staffing to an adequate level allowing the Division to meet the ever increasing demands of the public as well as continuing to service the fiscal needs of the County.}

Re: Comm. 230  
Intr. by: Mr. Chung  
Approved: FC-104

ADOPTED

7 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Leithead-Todd, Tyler and Chairman Arakaki

NOES: None

2 ABSENT & EXCUSED: Council Members Reynolds and Safarik

Res. 71-03: Commits to funding the cost items awarded to the Hawai'i Fire Fighters Association by arbitration, affecting fire fighters in Bargaining Unit 11 for the contract period July 1, 2003 through June 30, 2005. {Cost items are across-the-board increases, step movements, increase in proficiency pay, and rank for rank recall-overtime.}

Re: Comm. 233  
 Intr. by: Mr. Chung  
 Approved: FC-105

**ADOPTED**

7 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Leithead-Todd, Tyler and Chairman Arakaki

NOES: None

2 ABSENT & EXCUSED: Council Members Reynolds and Safarik

Res. 79-03: Determines the Real Property Tax rates for the County of Hawai'i for the fiscal year July 1, 2003, to June 30, 2004.

Re: Comm. 255  
 Intr. by: Mr. Arakaki  
 Waived: FC

**ADOPTED**

8 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Council Member Leithead-Todd

**BILLS FOR ORDINANCES (FIRST READING)**

Bill 101: Amends Chapter 19, of the Hawai'i County Code 1983 (1995 Edition), relating to Real  
 (Draft 2) Property Taxes, by clarifying native forest dedications. {Assigns the native forest dedication program to a unique section of Chapter 19, Article 8, Section 19-59, and clarifies that the benefits for this program are available only under this section.};

Re: Comm. 221.4  
 Intr. by: Mr. Chung (B/R)  
 Approved: FC-101

and

Comm. 221.3: From Roger A. and Lydia A. Weiss, dated May 21, 2003.

**AMENDED TO DRAFT 3 & PASSED 1<sup>ST</sup> READING**

7 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

2 ABSENT & EXCUSED: Council Members Chung and Leithead-Todd

Bill 107: Amends Chapter 2, Article 24 of the Hawai'i County Code 1983 (1995 Edition) relating to the Service Charge assessed for payment to the County that is subsequently dishonored. {Allows the County of Hawai'i to charge \$20 for each returned check or other negotiable instrument, instead of the current \$7.50 service charge; also, to amend the section to allow the fee to be charged for all dishonored payments.}

Re: Comm. 244  
 Intr. by: Mr. Chung  
 Approved: FC-102

PASSED 1<sup>ST</sup> READING

8 AYES: Council Members Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

Bill 108: Amends Chapter 2, Article 18 of the Hawai'i County Code 1983 (1995 Edition), relating to Uncollectible Accounts. {Removal of the time frame will allow the County to better reflect the true accounts receivable balances and collection efforts will continue and will not be hampered.}

Re: Comm. 245  
 Intr. by: Mr. Chung  
 Approved: FC-103

PASSED 1<sup>ST</sup> READING

8 AYES: Council Members Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

Bill 113: 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 \$2,255,783 from Federal Grants – Workforce Investment Act 2003; appropriates same to Workforce Investment Act – Administration Planning 2003/04 (\$225,577), Workforce Investment Act – Adult Program 2003-04 (\$720,715), Workforce Investment Act – Dislocated Worker Program 2003-04 (\$563,227), and Workforce Investment Act – Youth Program 2003-04 (\$746,264) for a total of \$2,255,783.}

Re: Comm. 252  
 Intr. by: Mr. Safarik  
 Approved: CHA – May 20, 2003

PASSED 1<sup>ST</sup> READING

8 AYES: Council Members Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

Bill 114: 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 \$45,300 from Occupant Protection Program; appropriates same to Occupant Protection Program.}

Re: Comm. 256  
Intr. by: Mr. Chung  
Waived: FC

PASSED 1<sup>ST</sup> READING

8 AYES: Council Members Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

**ORDER OF THE DAY (SECOND OR FINAL READING)**

Bill 58: Relates to Public Improvements and financing thereof for the fiscal year July 1, 2003  
(Draft 3) to June 30, 2004. {Proposed \$41,882,000 Capital Improvements Project Budget for the County of Hawai'i. Draft 3 adds the Waiākea-Uka Park Restroom project (\$60,000) and a funding adjustment for the Replacement of Large Capacity Cesspool project (\$950,000) has been corrected.}

Re: Comm. 139.8  
Intr. By: Mr. Safarik  
1<sup>st</sup> Reading: May 21, 2003

PASSED 2<sup>ND</sup> & FINAL READING

7 AYES: Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

2 ABSENT & EXCUSED: Council Members Chung and Leithead-Todd

Bill 59: Establishes an Operating Budget for the County of Hawai'i for the fiscal year July 1, (Draft 3) 2003 to June 30, 2004. {Proposed \$221,179,063 Operating Budget for the County of Hawai'i. Draft 3 amends the budget (as submitted by the mayor) by (1) increasing projected General Fund revenues to receive Open Space Heritage Network grant monies (\$60,000); (2) adjusting Solid Waste Fund revenues by reducing projected Landfill Tipping Fees (-\$153,000) and increasing the General Fund subsidy (\$97,584); (3) adjusting General Fund expenditures for Open Space Heritage Network (\$60,000), Cost of Sale-Hamakua Land (-\$300,000), Special Counsel & Settlement (-\$50,000), Employee Scholarships (-\$100,000), Contingency Relief (\$380,488) and Environmental Management Salaries & Wages (-\$28,072); and (4) reducing Solid Waste Fund expenditures for Landfills Equipment (-\$55,416).}

Re: Comm. 140.21

Intr. By: Mr. Safarik

1<sup>st</sup> Reading: May 21, 2003

PASSED 2<sup>ND</sup> & FINAL READING

9 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

Bill 92: Amends Chapter 21-36.1 of the Hawai'i County Code 1983 (1995 Edition), relating to (Draft 2) Recycled Water Service Charge Rates. {Establishes a fee for recycled water charge.}

Re: Comm. 206.1

Intr. by: Mr. Safarik

1<sup>st</sup> Reading: May 21, 2003

PASSED 2<sup>ND</sup> & FINAL READING

9 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

Bill 93: Amends Section 25-8-4 (South Kona Zone Map), Article 8, Chapter 25 (Zoning Code) (Draft 3) of the Hawai'i County Code, by changing the district classification from Single Family Residential (RS-15) and Agricultural (A-1a) to Village Commercial (CV-10) at Kalukalu 1st, South Kona, Hawai'i, covered by Tax Map Key 8-1-2:portion of 40 (Approx. 5.595 acres). {Hokukano Ranch, Inc., Applicant.} {Draft 3 amends Conditions E (Traffic Impact Analysis Report), F (water demand calculations), and H (drainage improvements).}

Re: Comm. 210.5  
 Intr. by: Ms. Leithead-Todd  
 1<sup>st</sup> Reading: May 21, 2003

**PASSED 2<sup>ND</sup> & FINAL READING**

6 AYES: Council Members Elarionoff, Holschuh, Leithead-Todd, Reynolds, Safarik and Chairman Arakaki  
 2 NOES: Council Members Jacobson and Tyler  
 1 ABSENT & EXCUSED: Council Member Chung

Bill 94: Amends Section 25-8-4 (South Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-5a) to Family Agricultural (FA-3a) at Keopuka, South Kona, Hawai'i, covered by Tax Map Key 8-1-7:10 (Approx. 6.910 acres). {Reiner & Marianna Schrepfer, Applicant.}

Re: Comm. 211  
 Intr. by: Ms. Leithead-Todd (B/R)  
 1<sup>st</sup> Reading: May 21, 2003

**PASSED 2<sup>ND</sup> & FINAL READING**

8 AYES: Council Members Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki  
 NOES: None  
 1 ABSENT & EXCUSED: Council Member Chung

Bill 96: Amends Chapter 24 of the Hawai'i County Code 1983 (1995 Edition) relating to Vehicles and Traffic. {Lowers the existing 35 mph speed limit on portions of Kawaihae Road to 30 mph improving overall traffic safety along Kawaihae Road, from Lindsey Road, to an area where Kawaihae Road enters State jurisdiction.}

Re: Comm. 214  
 Intr. by: Mr. Elarionoff  
 1<sup>st</sup> Reading: May 21, 2003

**PASSED 2<sup>ND</sup> & FINAL READING**

8 AYES: Council Members Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki  
 NOES: None  
 1 ABSENT & EXCUSED: Council Member Chung

Bill 99: 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 \$15,740 from Speed Enforcement; appropriates same to Speed Enforcement.}

Re: Comm. 219  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: May 21, 2003

PASSED 2<sup>ND</sup> & FINAL READING

8 AYES: Council Members Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

Bill 100: 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 \$250,000 from Federal Grants – Victims of Crime Act; appropriates same to Victims of Crime Act.}

Re: Comm. 220  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: May 21, 2003

PASSED 2<sup>ND</sup> & FINAL READING

8 AYES: Council Members Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

Bill 103: Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by changing the district classification from Agricultural (A-20a) to Family Agricultural (FA-3a) and Agricultural (A-10a) at Kealakehe Homestead, First Series, North Kona, Hawai'i, covered by Tax Map Key 7-4-3:7 (Approx. 21.725 acres). {James B. Dusel, Applicant.}

Re: Comm. 226  
Intr. by: Ms. Leithead-Todd  
1<sup>st</sup> Reading: May 21, 2003

PASSED 2<sup>ND</sup> & FINAL READING

8 AYES: Council Members Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

Bill 104: Amends Section 15-68.1, Hawai'i County Code, Parks and Recreational Facility Schedule, by naming the Kawananakoa Hall--"Princess Abigail Wahi'ika'ahu'ula Kawananakoa Center".

Re: Comm. 227  
 Intr. by: Mr. Chung  
 1<sup>st</sup> Reading: May 21, 2003

AMENDED TO DRAFT 2 & PASSED 2<sup>ND</sup> & FINAL READING

8 AYES: Council Members Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

Bill 105: 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 \$251,000 from Federal Grants – Federal Transit Administration; appropriates same to Federal Transit Administration.}

Re: Comm. 228  
 Intr. by: Mr. Chung  
 1<sup>st</sup> Reading: May 21, 2003

PASSED 2<sup>ND</sup> & FINAL READING

8 AYES: Council Members Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

Bill 106: Amends Chapter 2 of the Hawai'i County Code 1983 (1995 Edition) relating to Administration. {This will allow the County of Hawai'i to issue checks or use other means to pay our creditors and employees, rather than issuing warrants.}

Re: Comm. 229  
 Intr. by: Mr. Chung (B/R)  
 1<sup>st</sup> Reading: May 21, 2003

PASSED 2<sup>ND</sup> & FINAL READING

8 AYES: Council Members Elarionoff, Holschuh, Jacobson, Leithead-Todd, Reynolds, Safarik, Tyler and Chairman Arakaki

NOES: None

1 ABSENT & EXCUSED: Council Member Chung

## REPORTS

FINANCIAL Monthly Financial Status Report from the Department of Finance for the month ended  
 REPORT: April 30, 2003.

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

Comm. 40.2: WILLIAM SILVA, ET. AL. V. COUNTY OF HAWAI'I, ET. AL. CIV. NO. 97-622.  
From Corporation Counsel Lincoln S. T. Ashida, dated May 19, 2003.

CONCUR W/RECOMMENDATION OF CORPORATION COUNSEL

Comm. 204: BUENAVISTA & MAKIL V. COUNTY OF HAWAI'I, ET AL.  
From Deputy Corporation Counsel Michael S. Kagami, dated April 8, 2003;

Deferred: May 7, 2003 and May 21, 2003

and

Comm. 204.1: From Deputy Corporation Counsel Michael S. Kagami, dated May 19, 2003.

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.)

**ANNOUNCEMENTS**

	<u>TUESDAY, JUNE 17, 2003</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, JUNE 18, 2003</u>	
COUNCIL	9:00 a.m.	OHANA KEAUHOU BEACH RESORT
	<u>TUESDAY, JULY 1, 2003</u>	
COMMITTEES	TBA	COUNCILROOM
	<u>WEDNESDAY, JULY 2, 2003</u>	
COUNCIL	9:00 a.m.	COUNCILROOM

**STATEMENTS FROM THE PUBLIC****ADJOURNMENT**      2:49 p.m.

(Note: B/R, as listed next to the name of an Introducer, signifies that the Council Member 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 2, 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, June 11, 2003, at 6 p.m.; Sunday, June 15, 2003, at 10:30 a.m.; and Wednesday, June 18, 2003, at 6 p.m.