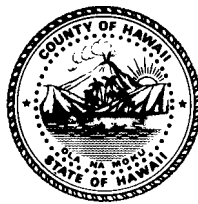


JAMES Y. ARAKAKI
Chairman & Presiding Officer

J. CURTIS TYLER, III
Vice Chairman



AARON S.Y. CHUNG
LENINGRAD ELARIONOFF
FRED C. HOLSCHUH, M.D.
BOB JACOBSON
JOE REYNOLDS
GARY SAFARIK
MICHAEL C. TULANG

COUNTY COUNCIL

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

23rd Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, November 5, 2003
9:00 a.m.

INVOCATION

Pastor Ernie Cruz of Puna New Hope Christian Fellowship

CALL TO ORDER

9:12 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. 114-03: Approves the Cost Items Decided Upon by an Arbitration Panel Affecting SHOPO Bargaining Unit 12 and Employees Excluded from Bargaining Unit 12 for the Contract Period July 1, 2003 through June 30, 2007. {Cost items include across-the-board increases, step movements, Employer-Union Health Trust Fund supplement to certain employees, and increase in the standard of conduct differential. The estimated cost to the County of Hawai'i over the four years of the new contract will be \$11,806,103.}

Re: Comm. 366
Intr. by: Mr. Chung
Approved: FC-153

ADOPTED

9 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chairman Arakaki.

NOES: None.

Res. 115-03: Authorizes the Payment of Funds of a Later Fiscal Year and of More than One Fiscal Year for a Multi-Year Lease for a Copy Machine. {This 5-year lease agreement for a copier will be used by the Data Systems Department.}

Re: Comm. 367
Intr. by: Mr. Chung
Approved: FC-154

ADOPTED

9 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chairman Arakaki.

NOES: None.

Res. 116-03: Authorizes the Office of the Mayor to Enter into an Agreement with the State of Hawai'i Department of Defense, State Civil Defense, Pursuant to HRS 46-7, for the Community Emergency Response Team Program. {Funds to be used by the Research and Development Department to continue development of the CERT training program. The trained teams could help in saving lives and protecting property when communities' professional response resources are stretched.}

Re: Comm. 368

Intr. by: Mr. Chung
Approved: FC-155

ADOPTED

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Chung.

Res. 117-03:

Authorizes the Acceptance of a Monetary Donation of \$1,500 to the Hawai'i County Fire Department. {These funds, donated by Wal-Mart Kona, to be used toward the purchase of educational materials to be distributed to the public in commemoration of Fire Prevention Week in October 2003 and of Emergency Medical Services (EMS) Week in May 2004.}

Re: Comm. 371
Intr. by: Mr. Chung
Approved: FC-157

ADOPTED

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Chung.

BILLS FOR ORDINANCES (FIRST READING)

Bill 98
(Draft 2)
(2001):

Amends Chapter 2, Article 19, of the Hawai'i County Code 1983 (1995 Edition) Relating to Real Property Disposition.

Re: Comm. 347
Intr. by: Mr. Tyler
Approved: FC-161

PASSED 1ST READING

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Chung.

Bill 155:

Amends Ordinance No. 03-90, as amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2003 to June 30, 2004. {Adds ENVIRONMENTAL MANAGEMENT – Kalaniana'ole Interceptor Sewer Rehabilitation – SRF (\$1,000,000); funds to be provided from State Revolving Funds (SRF) (\$1,000,000).}

Re: Comm. 360

Intr. by: Mr. Chung
Approved: FC-162
2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Chung.

Bill 158: Amends Ordinance No. 03-91, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. {Appropriates revenues in Federal Grants – Community Emergency Response Team (CERT) (\$30,000); appropriates same to Community Emergency Response Team (CERT).}

Re: Comm. 368
Intr. by: Mr. Chung
Approved: FC-156

PASSED 1ST READING

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Chung.

Bill 161: Amends Ordinance No. 03-91, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. {Increases revenues in Contribution from Private Source (\$1,500); appropriates same to Fire Protection – Other Current Expenses.}

Re: Comm. 371
Intr. by: Mr. Chung
Approved: FC-158

PASSED 1ST READING

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Chung.

Bill 162: Amends Ordinance No. 03-91, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. {Increases revenues in Nutrition Program (\$40,000); appropriates same to Nutrition Program – Equipment.}

Re: Comm. 372
Intr. by: Mr. Chung

Approved: FC-159

; and

Comm. 372.1: From Executive on Aging Alan R. Parker, dated October 28, 2003.

PASSED 1ST READING

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Chung.

Bill 163: Amends Ordinance No. 03-91, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. {Increases revenues in Fund Balance from Previous Year (\$987,900); appropriates same to Transfer to Capital Projects Fund.}

Re: Comm. 373

Intr. by: Mr. Chung

Approved: FC-160

PASSED 1ST READING

9 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chairman Arakaki.

NOES: None.

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 102 (Draft 2): Amends Chapter 2, Article 30, Hawai'i County Code 1983 (1995 Edition) Relating to Gifts and Donations. {Establishes an orderly process for reviewing donated land proposals, including lava land.}

Re: Comm. 223.4

Intr. by: Mr. Tyler

1st Reading: October 22, 2003

PASSED 2ND & FINAL READING

9 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chairman Arakaki.

NOES: None.

Bill 128: Amends Section 25-8-13 (Puako-Anaehoomalu Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Multiple-Family Residential (RM-3) to Single-Family Residential (RS-20) at Waikoloa, South Kohala, Hawai'i, Covered by Tax Map Key 6-8-27:1, 3-7, 9-12, 16-27, and 29-35 (approx. 16.125 acres). {Lot owners within the Champion Ridge at Mauna Lani Subdivision, applicant.}

Re: Comm. 290

Intr. by: Ms. Leithead-Todd (B/R)

1st Reading: October 22, 2003

PASSED 2ND & FINAL READING

9 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chairman Arakaki.

NOES: None.

Bill 149: Amends Ordinance No. 03-91, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. {Increases revenues in Contribution from Private Source (\$1,000); appropriates same to Hawai'i Island Police Activities League – Other Current Expenses.}

Re: Comm. 352

Intr. by: Mr. Chung

1st Reading: October 22, 2003

PASSED 2ND & FINAL READING

9 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chairman Arakaki.

NOES: None.

Bill 150: Amends Ordinance No. 03-91, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. {Increases revenues in Contribution from Private Source (\$750); appropriates same to Fire Protection – Other Current Expenses.}

Re: Comm. 353

Intr. by: Mr. Chung

1st Reading: October 22, 2003

PASSED 2ND & FINAL READING

9 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chairman Arakaki.

NOES: None.

Bill 151: Amends Ordinance No. 03-91, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. {Increases revenues in Contribution from Private Source (\$19,000); appropriates same to Hawai'i County Resource Center.}

Re: Comm. 354

Intr. by: Mr. Chung

1st Reading: October 22, 2003

PASSED 2ND & FINAL READING

9 AYES: Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chairman Arakaki.

NOES: None.

Bill 152: Amends Ordinance No. 03-91, as amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. {Increases revenues in Fund Balance from Prior Year – Designated (\$276,111.98); appropriates same to Hawai'i Land Partnership (\$29.86), Bayview Estates (\$23,782.96), Bay Club Waikoloa (\$237.54), Moana Vista Properties (\$29.53), Kahakai Subdivision (\$290.73), Manini'owali Project (\$66,738.60), Pualani Estates Subdivision (\$128,319.34), and Ali'i Cove (\$56,683.42), for a total of \$276,111.98.}

Re: Comm. 356
Intr. by: Mr. Chung
1st Reading: October 22, 2003

PASSED 2ND & FINAL READING

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Holschuh.

Bill 153: Amends Ordinance No. 03-90, as amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2003 to June 30, 2004. {Adds PARKS & RECREATION - Isaac Hale Beach Park Expansion & Improvement – Federal (\$520,824); funds to be provided from Federal Grants Receivable (\$520,824).}

Re: Comm. 357
Intr. by: Mr. Safarik
1st Reading: October 22, 2003
2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Holschuh.

Bill 154: Authorizes the Mayor of the County of Hawai'i to Enter into an Intergovernmental Agreement for a State Water Pollution Control Revolving Fund Loan for Wastewater Public Improvement Projects; and Authorizing the Issuance of \$20,000,000 General Obligation Bonds of the County of Hawai'i for the Purpose of Financing Qualified Wastewater Public Improvements of the County of Hawai'i. {Provides that proceeds for up to \$20,000,000 in general obligation bonds be expended on the Department of Environmental Management (Kalaniana'ole Interceptor Sewer Rehabilitation, Kealakehe Sewage Effluent Reuse, Komohana Heights Collector Sewer, Queen Lili'uokalani Collector Sewer); and Department of Public Works (Replacement of Large Capacity Cesspools).}

Re: Comm. 358
 Intr. by: Mr. Chung
 1st Reading: October 22, 2003
 2/3 Vote: Rule 12(a), Council Rules of Procedure

PASSED 2ND & FINAL READING

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

NOES: None.

1 ABSENT & EXCUSED: Council Member Holschuh.

REPORTS

Monthly Financial Status Report from the Department of Finance for the month ended September 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. 36.3: KEALOHA M. J. WELLS, ET AL., V. MARK FARIAS, ET AL.,
 CIVIL NO. 02-1-0149K

From Deputy Corporation Counsel Joseph K. Kamelamela, dated October 21, 2003.

DEFERRED

Comm. 397: MICHAEL L. DUBBERSTEIN V. COUNTY OF HAWAI'I, ET AL.,
 CIVIL NO. 03-1-0152K

From Deputy Corporation Counsel Joseph K. Kamelamela, dated October 27, 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>MONDAY, NOVEMBER 17, 2003</u>	
FINANCE COMMITTEE	3:00 p.m.	COUNCIL ROOM
WORKSHOP (REAL PROPERTY TAX EXEMPTIONS)		
	<u>TUESDAY, NOVEMBER 18, 2003</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, NOVEMBER 19, 2003</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>TUESDAY, DECEMBER 2, 2003</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, DECEMBER 3, 2003</u>	
COUNCIL	9:00 a.m.	OHANA KEAUHOU BEACH RESORT

STATEMENTS FROM THE PUBLIC

ADJOURNMENT 11:20 a.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 November 3, 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, November 12, 2003, at 6 p.m.; Sunday, November 16, 2003, at 10:30 a.m.; and Wednesday, November 19, 2003, at 6 p.m.