

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*

37<sup>th</sup> Session

### ORDER OF BUSINESS

Hawai'i County Council  
Hilo, Hawai'i

Wednesday, June 2, 2004  
9:00 a.m.

INVOCATION Minister Earl Ikeda, Puna Hongwanji Mission

CALL TO ORDER 9:20 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES April 21, 2004  
**APPROVED AS AMENDED**

(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. 635: HAWAI'I COUNTY'S MONETARY CONTRIBUTION TO THE 2005 NATIONAL ASSOCIATION OF COUNTIES (NACo) ANNUAL CONFERENCE  
From Public Works and Intergovernmental Relations Chair Gary Safarik, dated May 20, 2004, transmitting for Council's consideration and approval, Hawai'i County's donation of \$85,167 to NACo and the Western Interstate Region (WIR) for the 2005 NACo Annual Conference to be held in Honolulu, Hawai'i.

Waived: PWIRC

**DEFERRED**

Comm. 636: PROPOSED SLATE OF OFFICERS FOR FISCAL YEAR 2004-2005 FOR THE HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) EXECUTIVE COMMITTEE  
From Public Works and Intergovernmental Relations Chair Gary Safarik, dated May 20, 2004, transmitting for Council's consideration and approval, the proposed Slate of Officers for Fiscal Year 2004-2005 to the HSAC Executive Committee.

Waived: PWIRC

**APPROVED**

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

**ORDER OF RESOLUTIONS**

Res. 175-04: Amends the District Distribution Formula of the County of Hawai'i Fuel Tax Program. {Proposes an apportionment formula to be developed by the Department of Public Works that factors in any higher material cost for highway improvement projects.}

Re: Comm. 577  
Intr. by: Mr. Chung  
File: FC-262

**FILED**

Res. 183-04: Authorizes the Acceptance of a Donation of Two (2) Motor Vehicles to the Hawai'i County Fire Department. {Donation from the Hawai'i Electric Light Company, Inc., with an estimated value of \$12,900.}

Re: Comm. 612  
 Intr. by: Mr. Chung  
 Approve: FC-257

**ADOPTED:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Res. 185-04: Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year for a Multi-Year Lease (five years) for a High Volume Copier/Laser Color Printer/Scanner Machine for the Planning Department. {Acquisition of this machine will improve the efficiency and productivity of the department by reducing document copying and sharing of documents digitally between its offices.}

Re: Comm. 619  
 Intr. by: Mr. Chung  
 Approve: FC-260

**ADOPTED:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Res. 189-04: Determines the Real Property Tax Rates for the County of Hawai'i for the Fiscal Year July 1, 2004, to June 30, 2005;

Re: Comm. 624  
 Intr. by: Mr. Chung  
 Waived: FC  
 Public Hearing: May 19 and 20, 2004

**ADOPTED:**

**AYES:** Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, and Chair Arakaki – 8.

**NOES:** Council Member Tyler – 1.

**ABSENT & EXCUSED:** None.

*and*

Comm. 624.1: From Martin Ohan, dated May 20, 2004; *and*  
 Comm. 624.2: From Beverly Aikele, dated May 20, 2004; *and*  
 Comm. 624.3: From Paul Bryant, dated May 11, 2004; *and*  
 Comm. 624.4: From Carlos A. Parisi, dated May 12, 2004; *and*  
 Comm. 624.5: From Bob Williams, dated April 16, 2004.

Res. 191-04: Authorizes the Exemption of Certain Zoning Code Requirements, Pursuant to Sections 201G-113 and 201G-118 of the Hawai'i Revised Statutes for the Proposed Hualālai Elderly Low Income Housing Phase III Rental Housing Project.

Re: Comm. 637  
Intr. by: Mr. Safarik  
Approve: CHA - May 18, 2004

**ADOPTED:**  
**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.  
**NOES:** None.  
**ABSENT & EXCUSED:** Council Member Chung – 1.

Res. 192-04: Authorizes the Payment of Funds of a Later Fiscal Year and More Than One Fiscal Year for a Multi-Year Lease of Real Property for the Existing Housing Division of the Office of Housing and Community Development. {Ten-year lease will be at an approximate cost of \$5,300/month plus applicable general excise taxes.}

Re: Comm. 638  
Intr. by: Mr. Safarik  
Approve: CHA – May 18, 2004

**ADOPTED:**  
**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, and Chair Arakaki – 7.  
**NOES:** Council Member Tyler – 1.  
**ABSENT & EXCUSED:** Council Member Chung – 1.

Res. 193-04: Authorizes the Mayor or his Duly Authorized Representative to Negotiate and to Execute Necessary Documents with CL&D Five, LLC, to Satisfy Condition "K" of Ordinance No. 02-113.

Re: Comm. 639  
Intr. by: Mr. Safarik  
Approve: CHA – May 18, 2004

**ADOPTED:**  
**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.  
**NOES:** None.  
**ABSENT & EXCUSED:** Council Member Chung – 1.

**BILLS FOR ORDINANCES (FIRST READING)**

Bill 255  
(Draft 2): Amends the Charter of the County of Hawai'i (2000) to Reorganize the Office of the County Clerk and County Council by Establishing an Independent Audit Function Within an Office of the County Auditor. {Creates an independent Office of the Legislative Auditor in order to improve County government efficiency, effectiveness and integrity. The Auditor would be appointed by the County Council for an eight-year term and could only be removed for cause. The powers of the Legislative Auditor would be augmented and the office's role more clearly defined. Draft 2 incorporates or clarifies points made by State Auditor Marion Higa.}

Re: Comm. 573.1  
Intr. by: Mr. Arakaki  
File: PWIRC-47

**FILED**

Bill 266: Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification From Open (O) to Industrial-Commercial Mixed (MCX-10) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-35:73 (approx. 12,787 square feet). {Janice Oshiro, Applicant.}

Re: Comm. 610  
Intr. by: Mr. Elarionoff  
Approve: PC-93

**PASSED 1<sup>ST</sup> READING:**

**AYES:** Council Members Elarionoff, Holschuh, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 7.

**NOES:** Council Member Jacobson – 1.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 268: 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 State Grants – Greetings Program (\$15,000); appropriates same to Greetings Program – State. Funds to be used for creative and expanded activities of greetings at Hilo Harbor on July 7 and Kailua Pier on July 8.}

Re: Comm. 615  
Intr. by: Mr. Chung  
Approve: FC-258

**PASSED 1<sup>ST</sup> READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 269: 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 State Grants – Used Oil Collections/Disposal (\$6,205); appropriates same to Used Oil Collection/Disposal – State. Funds to be used by the Environmental Management Department for additional public outreach and promotion of the Used Oil Collection Program.}

Re: Comm. 616  
 Intr. by: Mr. Chung  
 Approve: FC-259

**PASSED 1<sup>ST</sup> READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

Bill 270 (Draft 3): Initiates a Charter Amendment to the Hawai'i County Charter (2000), Relating to Public Access, Open Space, Natural Resources Preservation Fund. {Proposes to set aside an established amount of real property tax revenues for the stated purposes (Section 1) unless the County experiences a deficit during the fiscal year.};

Re: Comm. 620.39  
 Intr. by: Mr. Safarik  
 Approve: FC-261  
 2/3 Vote: First of three required readings, Section 15-1(a), Hawai'i County Charter

**FILED**

*and*

Comm. 620.2: From Roger and Karen Kloeping, dated May 13, 2004; *and*  
 Comm. 620.3: From Joel Gimpel, dated May 12, 2004; *and*  
 Comm. 620.4: From Terry Tokuda, dated May 18, 2004; *and*  
 Comm. 620.5: From Douglas V. Shaver, dated May 18, 2004.

Bill 276: 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 Housing Voucher Program (\$500,000); appropriates same to Miscellaneous Contract Services.}

Re: Comm. 634  
 Intr. by: Mr. Safarik  
 Waived: CHA

**PASSED 1<sup>ST</sup> READING:**

**AYES:** Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, and Chair Arakaki – 8.

**NOES:** Council Member Tyler – 1.

**ABSENT & EXCUSED:** None.

Bill 278: Names a County Recreational Facility (TMK: 2-1-06: 13 and 2-1-06: 15) Pursuant to Chapter 15, Hawai'i County Code 1983 (1995 Edition).  
{Designates the name "Kūhiō Kalaniana'ole Park", which is an open park located in the Keaukaha area of Hilo and will be developed by the Rotary Clubs of Hilo.}

Re: Comm. 640  
Intr. by: Mr. Chung  
Waived: PEMC

**PASSED 1<sup>ST</sup> READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

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

Bill 237 Establishes an Operating Budget for the County of Hawai'i for the Fiscal Year  
(Draft 3): July 1, 2004, to June 30, 2005. {Proposed \$250,264,375 Operating Budget for the County of Hawai'i. Draft 3 contains the following amendments:  
1) changes fuel tax revenues and expenditures in the Highway Fund;  
2) increases grant revenues and expenditures in the Fire Department and Solid Waste accounts; 3) decreases expenditures proposed for the Sort Station and places the same in the Council's contingency relief account; 4) increases revenues anticipated from fund balance and increases Police expenditures by adding 15 positions; and 5) decreases expenditures in various General Fund accounts and increases the same in Fire Protection expenditures by adding 12 fire fighter positions and corresponding personnel expenses.};

Re: Comm. 521.33  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: May 19, 2004

**AMENDED TO DRAFT 4 & PASSED 2<sup>nd</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

*and*

Comm. 521.34: From Environmental Management Director Barbara Bell, dated May 17, 2004.

Bill 238  
(Draft 3):

Relates to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004, to June 30, 2005. {Proposed \$91,115,000 Capital Improvements Budget for the County of Hawai'i. Draft 3 decreases the total appropriations by \$224,000. The adjustments include: Changes the title of Police 700 Megahertz Conversion to Police Trunked Radio System Conversion; and deletes and/or reappropriates the following projects: Regional Transfer Station - Sort Station (\$3,449,000), Equipment Maintenance Facility (\$100,000), East Hawai'i Traffic Facilities Improvement (\$300,000), West Hawai'i Traffic Building (\$850,000), Palani Road Safety Improvement {reappropriation of \$5,396.27} (\$1,534,000), Kalaoa Fire Station {reappropriation of \$5,296.61} (\$1,691,000), Puna Makai Alternate Route Study {reappropriation of \$5,390.24} (\$250,000), FEMA Flood Studies for County {reappropriation of \$5,299.37} (\$1,000,000), for a total net decrease of \$224,000.};

Re: Comm. 522.5  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: May 19, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

*and*

Comm. 522.10:

From the Planning Department, transmitting the "Fair Share Contributions Annual Report 2004", dated May 21, 2004, which updates and provides a detailed breakdown of the summary presented in the Amended CIP Budget Mayor's Message submitted to the County Council on May 5, 2004.

Bill 247  
(Draft 2):

Amends Section 25-8-2 (North and South Kona District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-20a) to Agricultural (A-5a) at Kaloko, North Kona, Hawai'i, Covered by Tax Map Key 7-3-25:8 (approx. 23.208 acres). {Richard & Christin Grover, Applicant.}

Re: Comm. 557.1  
Intr. by: Mr. Elarionoff  
1<sup>st</sup> Reading: May 19, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

**AYES:** Council Members Chung, Elarionoff, Holschuh, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** Council Member Jacobson – 1.

**ABSENT & EXCUSED:** None.

Bill 251: 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: Puainako Sewer Improvement District Project (\$100,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or other Sources (\$100,000). Funds to be used to conduct the study pursuant to Resolution 157-04, directing the Director of Environmental Management to prepare a broad regional sewerage master plan for the Waiakea region north of South Hilo, as well as a specific and detailed implementation plan for an improvement district.}

Re: Comm. 567  
 Intr. by: Mr. Chung  
 1<sup>st</sup> Reading: May 19, 2004  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>nd</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

Bill 252: 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: North Kona Sewer Improvement District Project (\$100,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or other Sources (\$100,000). Funds to be used to conduct the study pursuant to Resolution 129-03, directing the Director of Environmental Management to prepare a broad regional sewerage master plan for the region north of Kealakehe, as well as a specific and detailed implementation plan for an improvement district.}

Re: Comm. 417.5  
 Intr. by: Mr. Tyler (B/R)  
 1<sup>st</sup> Reading: May 19, 2004  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>nd</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

Bill 260  
(Draft 3): Amends Chapter 24, Article 4, Section 24-17 of the Hawai'i County Code 1983 (1995 Edition), Relating to Vehicles and Traffic. {Increases the annual weight tax rate for passenger vehicles and trucks and non-commercial vehicles from 1/2 cent per pound to 3/4 cent per pound; and for trucks or commercial vehicles from 1 cent per pound to 2 cents per pound.};

Re: Comm. 589.3  
Intr. by: Mr. Tulang, Mr. Reynolds, Mr. Elarionoff,  
Mr. Jacobson, Mr. Holschuh, Mr. Arakaki,  
and Mr. Chung  
1<sup>st</sup> Reading: May 5, 2004  
Public Hearing: May 19 and 20, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

**AYES:** Council Members Chung, Elarionoff, Holschuh, Jacobson,  
Reynolds, Tulang, and Chair Arakaki – 7.

**NOES:** Council Members Safarik and Tyler – 2.

**ABSENT & EXCUSED:** None.

*and*

Comm. 589.9: From Alfred G. Santos, Sr., dated May 10, 2004.

Bill 261  
(Draft 2): Amends Chapter 19, of the Hawai'i County Code 1983 (1995 Edition), by Amending Article 7, Section 19-53 Relating to Real Property Valuations; Considerations In Fixing. {Draft 2 allows a portion of real property valued according to its agricultural use or dedicated to an agricultural or native forest use to be classified as "Homeowner" if all other conditions for the Homeowner classification are met. It corrects existing code language based on amendments adopted in Ordinance No. 03-103 (Native forest).}

Re: Comm. 595.1  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: May 19, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 262  
(Draft 2): Amends Ordinance No. 94 99, Which Reclassified Lands from Agricultural (A-20a) to Agricultural (A-3a) at Kaauhuhu, North Kohala, Hawai'i, Covered by Tax Map Key: 5-5-02:85. {Mitchell Thompson, Applicant (Wilfred Kita, former applicant and landowner).}

Re: Comm. 598.1  
Intr. by: Mr. Elarionoff  
1<sup>st</sup> Reading: May 19, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 263: Amends Chapter 14, Article 10, Section 14-63, of the Hawai'i County Code (1995) Relating to Exceptional Trees. {Adds language to address incidences in which exceptional trees are substantially damaged and allows a penalty to be assessed.}

Re: Comm. 599  
Intr. by: Mr. Elarionoff  
1<sup>st</sup> Reading: May 19, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 264: 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 AND RECREATION: Pualani Estates Subdivision Playground Development (\$100,000); funds to be provided from Fund Balance – Designated (\$100,000). Funds to be used to support the installation of a children's playground by utilizing fair share assessment funding for this purpose.}

Re: Comm. 606  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: May 19, 2004  
2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>nd</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 271: 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 – Citizen Corps Program (\$29,440); appropriates same to Citizen Corps Program.}

Re: Comm. 621  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: May 19, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 272: 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 – Law Enforcement Terrorism Prevention Program (\$456,544); appropriates same to Law Enforcement Terrorism Prevention Program.}

Re: Comm. 622  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: May 19, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 273: 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 – State Homeland Security Program (\$1,960,060); appropriates same to FY 2004 State Homeland Security Program.}

Re: Comm. 623  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: May 19, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

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

Comm. 362.1:           WALTER JOHN KELLY, ET. AL. V. 1250 OCEANSIDE PARTNERS, ET. AL.  
CIVIL NO. 00-1-00192K  
 From Deputy Corporation Counsel Ivan M. Torigoe, dated April 26, 2004.

Deferred: May 5 and 19, 2004

**DEFERRED**

*and*

Comm. 362.2:           From Deputy Corporation Counsel Ivan M. Torigoe, dated May 4, 2004;

*and*

Comm. 362.3:           From Deputy Corporation Counsel Ivan M. Torigoe, dated May 17, 2004.

Comm. 630:           ELEANOR QUIOCHO VS. COUNTY OF HAWAI'I, ET AL.; CIVIL  
 NO. 02-1-0306; PAULYN ESTIOKO, ET AL. VS. COUNTY OF HAWAI'I,  
 CIVIL NO. 02-1-0307; MARGARET PARONG, ET AL. VS. COUNTY OF  
 HAWAI'I, CIVIL NO. 02-1-0308; SHERMAN WASSMAN VS. COUNTY OF  
HAWAI'I, CIVIL NO. 02-1-0310

From Deputy Corporation Counsel Harry P. Freitas, dated May 17, 2004.

**CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL**

**OTHER BUSINESS**

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

**ANNOUNCEMENTS**

	<u>MONDAY, JUNE 7, 2004</u>	
COUNCIL PUBLIC HEARING RE BILL 249	6:00 p.m.	PAHALA COMMUNITY CENTER
	<u>MONDAY, JUNE 14, 2004</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, JUNE 16, 2004</u>	
COUNCIL	9:00 a.m.	OHANA KEAUHOU BEACH RESORT

**STATEMENTS FROM THE PUBLIC/ADJOURNMENT 6:48 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 May 28, 2004. 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 9, 2004, at 6 p.m.; Sunday, June 13, 2004, at 10:30 a.m.; and Wednesday, June 16, 2004, at 6 p.m.