

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*

39<sup>th</sup> Session

### ORDER OF BUSINESS

Hawai'i County Council  
Hilo, Hawai'i

Thursday, July 8, 2004  
9:00 a.m.

INVOCATION

Reverend Charles Kahawai, Ke Kilohana O ka Malamalama

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

May 5, 2004

(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. 195-04 (Draft 2): Accepts the Dedication of Roadway Parcels Lot 26 (1.602 Acres), Lot 35 (1.459 Acres), and Lot 21 (37,529 Square Feet) for Road Right-of-Way from Towne Keauhou LLC, a Hawai'i Limited Liability Company, Situate at District of North Kona, County and State of Hawai'i, All Bearing Tax Map Key (3) 7-7-26-26, to the County of Hawai'i.

Re: Comm. 644.1  
Intr. by: Mr. Safarik  
Approve: PWIRC-53

Res. 196-04 (Draft 2): Accepts the Dedication of Roadway Parcels Lot 33 (1.749 Acres), Lot 28 (14,487 Square Feet), Lot 29 (17,357 Square Feet), Lot 24 (16,400 Square Feet), and Lot 26 (21,000 Square Feet) for Road Right-of-Way from Towne Keauhou LLC, a Hawai'i Limited Liability Company, Situate at District of North Kona, County and State of Hawai'i, All Bearing Tax Map Key (3) 7-7-25-56, to the County of Hawai'i.

Re: Comm. 644.1  
Intr. by: Mr. Safarik  
Approve: PWIRC-54

Res. 199-04: Authorizes the Mayor or His Duly Authorized Representative to Negotiate and to Execute Necessary Documents with Fairytale at Kahalu'u Beach, Inc., to Satisfy Condition "I" of Ordinance No. 00-103.

Re: Comm. 658  
Intr. by: Mr. Safarik  
Approve : CHA – June 16, 2004

**BILLS FOR ORDINANCES (FIRST READING)**

Bill 279  
(Draft 2): Amends Chapter 2, Article 16 of the Hawai'i County Code 1983 (1995 Edition), Administration, Relating to Travel and Other Expenses. {Increases the allowable daily rental cost of U-drive cars and parking charges from \$50 to \$75 a day.};

Re: Comm. 646.1  
Intr. by: Mr. Arakaki (B/R)  
Approve: FC-266

*and*

Comm. 646.2: From Finance Director William Takaba, dated June 14, 2004.

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

Res. 194-04  
(Draft 3): Authorizes the Acquisition of Land by Exercise of Eminent Domain or Negotiation for the Puna Emergency Access Road in the Ainaloa Subdivision and in the Hawaiian Acres Subdivision, Keaau, District of Puna, County of Hawai'i, Being Portions of Tax Map Keys (3)1-6-65:109, (3)1-6-4: 01, and (3)1-6-13:81;

Re: Comm. 641.4  
Intr. by: Mr. Safarik and Mr. Jacobson  
1<sup>st</sup> Reading: June 16, 2004  
Note: Second of two required readings, Section 101-13, Hawai'i Revised Statutes

*and*

Comm. 641.14: From Leslie Silvestrone; *and*  
Comm. 641.23: From Gerald Kalisik, dated May 18, 2004; *and*  
Comm. 641.24: From Police Chief Lawrence K. Mahuna, dated June 2, 2004.

Bill 274: Authorizes the Issuance of General Obligation Refunding Bonds of the County of Hawai'i for the Purpose of Refunding All or a Portion of the County's Outstanding General Obligation Bonds; Fixing the Form, Denominations, and Certain Other Details of Such Refunding Bonds and Providing for Their Sale to the Public; Providing for the Retirement of the Bonds to be Refunded; and Authorizing the Taking of Other Actions Relating to the Issuance and Sale of the Refunding Bonds and the Retirement of the Bonds to be Refunded (General obligation bonds not to exceed \$79,209,000). {Allows the Finance Director to take advantage of low interest rates to refund existing higher rate bonds; refunding will be considered on bonds that would provide an opportunity for debt service savings and other benefits for the County; and broad authorization for refunding bonds will shorten the time required to initiate a refunding when deemed appropriate.}

Re: Comm. 632  
 Intr. by: Mr. Chung  
 1<sup>st</sup> Reading: June 16, 2004

Bill 275: Amends Chapter 14 (General Welfare) of the Hawai'i County Code, as Amended, Relating to Street Addressing and Naming. {Enables more efficient emergency response through the E911 system.}

Re: Comm. 633  
 Intr. by: Mr. Safarik  
 1<sup>st</sup> Reading: June 16, 2004

## REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the Month Ended May 31, 2004.

## 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. 36.5: KEALOHA M. J. WELLS, ET AL., V. MARK FARIAS, ET AL., CIVIL NO. 02-1-0149K  
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated June 28, 2004.

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, May 19, and June 2, 2004

*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;

*and*  
Comm. 362.4: From Deputy Corporation Counsel Ivan M. Torigoe, dated June 1, 2004.

Comm. 403.1: WENDELL TANGARO V. JOSEPH BOTELHO, ET AL., CIVIL NO. 03-00211  
DAE/LEK  
From Deputy Corporation Counsel Harry P. Freitas, dated June 28, 2004.

Comm. 656: CLAIM AGAINST THE COUNTY OF HAWAI'I/STATE OF HAWAI'I RISK  
MANAGEMENT  
From Deputy Corporation Counsel Joseph K. Kamelamela, dated June 17, 2004.

Comm. 657: CLAIM AGAINST THE COUNTY OF HAWAI'I/JESSE A. JUMALON  
From Deputy Corporation Counsel Joseph K. Kamelamela, dated June 18, 2004.

Comm. 672: CLAIM AGAINST THE COUNTY/DTG THRIFTY RENTAL SUBROGATION  
From Deputy Corporation Counsel Joseph K. Kamelamela, dated June 28, 2004.

#### **OTHER BUSINESS**

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

**ANNOUNCEMENTS**

COUNCIL PUBLIC HEARING (WATER IMPROVEMENT DISTRICT – RESOLUTION 197-04)	<u>MONDAY, JULY 12, 2004</u> 6:00 p.m.	KEALAKEHE INTER- MEDIATE SCHOOL
COMMITTEES	<u>THURSDAY, JULY 22, 2004</u> TBA	COUNCIL ROOM
COUNCIL	<u>FRIDAY, JULY 23, 2004</u> 9:00 a.m.	COUNCIL ROOM

**STATEMENTS FROM THE PUBLIC/ADJOURNMENT**

(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 July 6, 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, July 14, 2004, at 6 p.m.; Sunday, July 18, 2004, at 10:30 a.m.; and Wednesday, July 21, 2004, at 6 p.m.