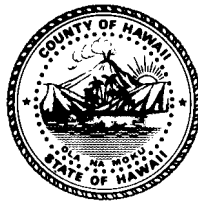


JAMES Y. ARAKAKI
Chairman & Presiding Officer

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*

45th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Monday, October 4, 2004
9:00 a.m.

INVOCATION

Pastor Bob Tominaga, Thy Word Ministries

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

July 8, 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. 225-04: Creates Seven (7) Laborer II Positions for the Department of Public Works' Highway Maintenance Division. {Positions to help maintain and continually make improvements to the County's roadway transportation system and permit the safe and efficient movement of people and goods around the island.}

Re: Comm. 725
Intr. by: Mr. Chung (B/R)
Approve: FC-301

Res. 230-04: Authorizes the 1) Extension of the Public Sewer Along Makaala Street; and 2) Reimbursement for the Cost of Construction of the Extension for Home Depot USA at Hilo, Hawai'i.

Re: Comm. 740
Intr. by: Mr. Reynolds (B/R)
Approve: PEMC-20

Res. 231-04: Approves the Cost Items Agreed Upon by the Employers and the United Public Workers (UPW) Affecting UPW Unit 01 and Employees Excluded From Bargaining Unit 01 for the Contract Period July 1, 2003, Through June 30, 2005. {Cost items represent two across-the-board increases.}

Re: Comm. 741
Intr. by: Mr. Chung
Approve: FC-303

Res. 232-04: Authorizes the Office of the Mayor to Enter Into an Agreement with the State of Hawai'i Department of Health, Pursuant to HRS 46-7, for the Beverage Container Deposit Program Grant. {Department of Environmental Management Solid Waste Division's Recycling Section to assume responsibility for implementing and monitoring the Beverage Container Deposit Program.}

Re: Comm. 742
Intr. by: Mr. Chung
Approve: FC-304

Res. 233-04: Creates Two (2) Recycling Specialist (Temporary) Positions for the Department of Environmental Management Solid Waste Division. {Positions are needed to create, institute, and monitor the County's Beverage Container Deposit Program.}

Re: Comm. 743
Intr. by: Mr. Chung
Approve: FC-306

Res. 234-04: Authorizes the Office of the Mayor to Enter Into an Agreement with the State of Hawai'i Department of Health, Pursuant to HRS 46-7, for the Beverage Container Deposit Law Demonstration Project Grant. {Funds to be used to contract a vendor to coordinate and host the temporary redemption center(s) and to pay redemption fees to residential patrons for the purpose of promoting public awareness of the Beverage Container Deposit law.}

Re: Comm. 744
Intr. by: Mr. Chung
Approve: FC-307

Res. 235-04: Authorizes the Acceptance of a Donation of a Dressage Arena to be Used at the Parks and Recreation's Pana'ewa Equestrian Center. {Donation from Mike and Sandy Kroll to be used for dressage events, with an estimated value of \$4,000.};

Re: Comm. 745
Intr. by: Mr. Chung
Approve: FC-309

and

Comm. 745.1: From Parks and Recreation Deputy Director Pam Mizuno, dated September 14, 2004.

Res. 247-04: Authorizes the Adoption of USDA Form Resolution 1780-27 Providing for the Incurrence of Indebtedness for the Financing of a Public Waterline Replacement Project for Happy Homes Subdivision (Puna District); to Enter into an Agreement with the United States of America, Pursuant to HRS 46-7, for the USDA Grant Portion of the Costs of the Project; and to Authorize the Mayor, Manager of the Department of Water Supply, Finance Director and the Chair of the County Council to Take All Action(s) Necessary to Facilitate and Execute Such Loan and Grant Agreements.

Re: Comm. 785
Intr. by: Mr. Chung
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)

Bill 174
(Draft 2): Amends Chapter 19 of the Hawai'i County Code 1983 (1995 Edition), Real Property Taxes, Relating to Home Exemptions. {Creates an additional exemption of 20% of the pre-exemption assessed value to a maximum of \$80,000 for those eligible for the home exemption.};

Re: Comm. 394.1
Intr. by: Mr. Chung (B/R)
Approve: FC-297
Deferred: September 15, 2004

and

Comm. 394.5: From Finance Director William Takaba, dated September 9, 2004; *and*
Comm. 394.6: From Finance Director William Takaba, dated September 10, 2004.

Note: Subsequent Bill 320 combines amendments proposed in Bill 174, Draft 2, and Bill 177, relating to Section 19-71.

Bill 177: Amends Chapter 19 of the Hawai'i County Code 1983 (1995 Edition), Real Property Taxes, Relating to Home Exemptions. {Improves the definition of *real property owned and occupied as a principal home* as defined in subsection 19-71(e).}

Re: Comm. 398
Intr. by: Mr. Chung (B/R)
File: FC-300
Deferred: September 15, 2004

Note: Subsequent Bill 320 combines amendments proposed in Bill 177 and Bill 174, Draft 2, relating to Section 19-71.

Bill 320: Amends Chapter 19 of the Hawai'i County Code 1983 (1995 Edition), as Amended, Real Property Taxes, Relating to Home Exemptions. {Combines amendments proposed in previous Bill 174, Draft 2, and Bill 177. Improves and clarifies definition of "principal home" and creates an additional exemption of 20% of the pre-exemption assessed value to a maximum of \$80,000 for those eligible for home exemptions.}

Re: Comm. 753
Intr. by: Mr. Chung
Waived: FC
Deferred: September 15, 2004

Bill 175
(Draft 3): Amends Chapter 19 of the Hawai'i County Code 1983 (1995 Edition), Real Property Taxes, Relating to Valuation. {Limits the increase in the market value of properties in the homeowners class to not more than 3% per tax year until the property is sold or otherwise transferred.};

Re: Comm. 395.1
 Intr. by: Mr. Chung (B/R)
 Approve: FC-298
 Deferred: September 15, 2004

and

Comm. 395.2: From Finance Director William Takaba, dated September 10, 2004, transmitting Bill 175, Draft 4. Draft 4 amends Section 19-53(h) relating to properties in the non-speculative residential use dedication program; *and* Amends Chapter 19 of the Hawai'i County Code 1983 (1995 Edition), Real Property Taxes, Relating to Valuation.

Bill 175
(Draft 4):

Intr. by: Mr. Chung (B/R)

(Note: Please see previous Communications 394.5 and 394.6 for comments relating to Bill 175.)

Bill 176
(Draft 2): Amends Chapter 19 of the Hawai'i County Code 1983 (1995 Edition), Real Property Taxes, Relating to Nonspeculative Residential Use Assessment. {Reduces the nonspeculative residential use dedication from ten years to five years, and reduces the corresponding rollback provisions by five years.};

Re: Comm. 394.1
 Intr. by: Mr. Chung (B/R)
 Approve: FC-299
 Deferred: September 15, 2004

and

Comm. 394.6: From Finance Director William Takaba, dated September 10, 2004.

Bill 310: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Vehicle & Trailer Weight Taxes (\$1,015,796); appropriates to the following: Traffic Signs & Markings (\$216,812), South Hilo Road Salaries and Wages (\$25,284), South Hilo Road Other Current Expenses (\$4,800), North & South Kohala Road Salaries and Wages (\$12,642), North & South Kohala Road Other Current Expenses (\$4,400), North & South Kona Road Salaries and Wages (\$63,210), North & South Kona Road Other Current Expenses (\$6,000), Ka'u Road Salaries and Wages (\$12,642), Ka'u Road Other Current Expenses (\$4,400), Puna Road Salaries and Wages (\$113,778), Puna Road Other Current Expenses (\$15,600), Highway Mass Transit Other Current Expenses (\$338,260), Pension Accumulation – Highway (\$45,228), Federal Insurance Contributions Act Employer Share – Highway (\$7,530), Employee Health Plans – Highway (\$27,199), Worker's Compensation – Highway (\$118,011), for a total of \$1,015,796.}

Re: Comm. 725
 Intr. by: Mr. Chung (B/R)
 Approve: FC-302

Bill 312
 (Draft 4): Amends Chapter 21, Article 4, of the Hawai'i County Code 1983 (1995 Edition), Relating to Sewer Service Charges. {Changes the responsibility of payment of sewer service from the same customer identified by the Department of Water Supply to the property owner. Imposes a 10% penalty on accounts past due instead of 60 or more days overdue. Imposes a 1% interest rate per month on outstanding balances past due. Clarifies the process by which property owner will be billed unless another individual is designated. Further states property owner and designated person are jointly and severally liable for sewer service charge. If debt is not paid, County may recover by a civil action against the property owner, the designated person, or both. Effective date: July 1, 2005.}

Re: Comm. 731.3
 Intr. by: Mr. Reynolds
 Approve: PEMC-19
 Deferred: September 15, 2004

Bill 315: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Appropriates revenues in State Grants – Beverage Container Deposit Program (\$250,000); appropriates same to Beverage Container Deposit Program.}

Re: Comm. 742
 Intr. by: Mr. Chung
 Approve: FC-305

Bill 316: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Appropriates revenues in Federal Grants – Beverage Container Demonstration Project (\$3,000); appropriates same to Beverage Container Demonstration Project.}

Re: Comm. 744
 Intr. by: Mr. Chung
 Approve: FC-308

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 309 Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25
 (Draft 4): (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Open (O) to Industrial-Commercial Mixed (MCX-20) and General Industrial (MG-1a) at Honokohau 1st and 2nd, North Kona, Hawai'i, Covered by Tax Map Key 7-4-8:Portion 13 & 30 (Parcel 1 approx. 186.733 acres, Parcel 2 approx. 85.733 acres, and Parcel 3 approx. 9.901 acres. {West Hawai'i Business Park, LLC, Applicant.}

Re: Comm. 722.12
 Intr. by: Mr. Elarionoff
 Deferred: September 1, 2004
 1st Reading: September 15, 2004

Bill 313: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Appropriates revenues in Federal Grants – Federal Transit Administration Section 5309 Capital Grant Fiscal Year 04-05 (\$2,357,423); appropriates same to Federal Transit Administration Section 5309 Capital Grant Fiscal Year 04-05.}

Re: Comm. 734
 Intr. by: Mr. Chung
 1st Reading: September 15, 2004

Bill 314: Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004 to June 30, 2005. {Adds PARKS AND RECREATION: Miloli'i Beach Park Improvements (\$66,457); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$66,457). Improvements to bring the park's restroom building and wastewater system into compliance with current building code, health regulations, and accessibility requirements.}

Re: Comm. 736
 Intr. by: Mr. Jacobson
 1st Reading: September 15, 2004
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 317: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Block Grant Program Income (\$69,942.24); appropriates same to Removal of Architectural Barriers. }

Re: Comm. 746
Intr. by: Mr. Safarik
1st Reading: September 15, 2004

Bill 318: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Federal Grants – Workforce Investment Act (\$7,299); appropriates to the following accounts: Workforce Investment Act – Administration/Planning 03-04 (\$607), Workforce Investment Act – Dislocated Program 03-04 (\$5,462); and Workforce Investment Act – Youth Program 04-05 (\$1,230), for a total of \$7,299. }

Re: Comm. 748
Intr. by: Mr. Safarik
1st Reading: September 15, 2004

Bill 319: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in HOME Investment Partnerships Program – Program Income (\$23,114.21) and Federal – HOME Investment Partnerships Program (\$30,000), for a total of \$53,114.21; appropriates to Downpayment Assistance (\$20,902.79) and Office of Housing and Community Development Administration (\$32,211.42), for a total of \$53,114.21. }

Re: Comm. 749
Intr. by: Mr. Safarik
1st Reading: September 15, 2004

Bill 321: Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Appropriates revenues in Federal Grants – Big Island Juvenile Intake and Assessment Center (\$140,000); appropriates same to Big Island Juvenile Intake and Assessment Center. }

Re: Comm. 754
Intr. by: Mr. Chung
1st Reading: September 15, 2004

REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the Month Ended June 30, 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. 428.1: KEALOHA M. J. WELLS, ET AL., V. MARK FARIAS, ET AL., CIVIL NO. 02-1-0149K
From Deputy Corporation Counsel Joseph K. Kamelamela, dated September 21, 2004.

Comm. 751: CLAIM AGAINST THE COUNTY/AMERICAN INTERNATIONAL RECOVERY, INC., ON BEHALF OF AIG INSURANCE COMPANY
From Deputy Corporation Counsel Joseph K. Kamelamela, dated September 2, 2004.

Comm. 758: M. W. MIRANDA TRUCKING VS. COUNTY OF HAWAI'I, CIVIL NO. 01-1-0343
From Deputy Corporation Counsel Harry P. Freitas, dated September 13, 2004.

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>TUESDAY, OCTOBER 5, 2004</u>	
PUBLIC WORKS AND INTERGOVERNMENTAL RELATIONS COMMITTEE	9:00 a.m.	COUNCIL ROOM
FINANCE COMMITTEE	10:00 a.m.	COUNCIL ROOM
HUMAN SERVICES AND ECONOMIC DEVELOP- MENT COMMITTEE	1:00 p.m.	COUNCIL ROOM
PLANNING COMMITTEE	1:30 p.m.	COUNCIL ROOM
HOUSING AGENCY	3:00 p.m.	COUNCIL ROOM
	<u>TUESDAY, OCTOBER 19, 2004</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, OCTOBER 20, 2004</u>	
COUNCIL	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 September 30, 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, October 13, 2004, at 6 p.m.; Sunday, October 17, 2004, at 10:30 a.m.; and Wednesday, October 20, 2004, at 6 p.m.