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PETE HOFFMANN
FRED C. HOLSCHUH, M.D.
DONALD IKEDA
BOB JACOBSON
K. ANGEL PILAGO
GARY SAFARIK

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

Tuesday, October 18, 2005
9:00 a.m.

INVOCATION Pastor Bob Tominaga of Thy Word Ministries

CALL TO ORDER 9:05 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES August 17, 2005 – **APPROVED**

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

9:00 A.M.: STATEMENTS FROM THE PUBLIC ON PETITIONS, MEMORIALS, COMMUNICATIONS, CERTIFICATES OF MERIT AND EXPRESSIONS OF CONDOLENCE

PETITIONS, MEMORIALS, COMMUNICATIONS, CERTIFICATES OF MERIT AND EXPRESSIONS OF CONDOLENCE

Comm. 461: PETITION FOR IMPEACHMENT (SEEKING THE IMPEACHMENT OF THE MAYOR AND EIGHT SITTING HAWAI'I COUNTY COUNCIL MEMBERS)
From Corporation Counsel Lincoln S. T. Ashida, dated September 28, 2005, recommending this matter be agendized for the purpose of establishing prior to the conclusion of the Circuit Court case, the "ground rules" and process for hearing, considering, and voting upon the reimbursement of legal expenses at the end of the impeachment case.

Waived: FC

FILED

9:00 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF RESOLUTIONS

ORDER OF RESOLUTIONS

Res. 169-05 (Draft 2): Authorizes the Acceptance of a Donation of a Two Man Lifeguard Tower to the Department of Parks and Recreation for Use at Onekahakaha Beach Park. {Donated by Aloha Machine and Welding Company, with an estimated total value of \$30,000, to be used by the East Hawai'i Water Safety Officers for lifeguard surveillance.}

Re: Comm. 445.1
Intr. by: Ms. Isbell
Approve: FC-157

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 170-05: Authorizes the Council's Process for Procuring an Independent Auditor(s), Pursuant to Section 10-13, Hawai'i County Charter, and Authorizes the Payment of Funds in Future Fiscal Years on a Multi-Year (4 years) Contract. {Recommends the Council proceed with the issuance of a Request For Proposals (RFP), evaluation, award, and execution of the contract in order to secure an audit firm to conduct a limited general audit for the next four fiscal years commencing June 30, 2006, through June 30, 2009.}

Re: Comm. 451
 Intr. by: Ms. Isbell
 Approve: FC-160

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 171-05: Requests that the Hawai'i County Council Hold Public Hearings Around Hawai'i Island to Facilitate Discussion of the Proposal that Hawai'i County Take Over the Management of State Boating Facilities on the Big Island from the Department of Land and Natural Resources (DLNR).

Re: Comm. 453
 Intr. by: Ms. Isbell and Mr. Pilago
 Approve: PWIRC-26

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 172-05: Authorizes the Office of the Mayor to Enter Into an Agreement With the State of Hawai'i Department of Human Services, Pursuant to HRS 46-7, for the Adult Chore Services Grant (to the Department of Parks and Recreation's Coordinated Services for the Elderly Division via the Office of Aging). {Enables Coordinated Services staff to provide in-home chore services (routine housecleaning, laundry, meal preparation, marketing, shopping assistance, personal care, errand and escort services) for seniors.}

Re: Comm. 454
 Intr. by: Ms. Isbell
 Approve: FC-161

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 173-05: Authorizes the Mayor or His Duly Authorized Representative to Seek Approval of In-Lieu Fair Share Contribution to Satisfy Condition "K" of Ordinance No. 02 62. {Phil Tinguely of Tinguely Development, Developer of Kaha'olino, a 34-unit subdivision in Kalao'oa North Kona, has offered to construct three outdoor basketball courts at Kailua Park near the Kekuaokalani Gymnasium in Kona and would like the fair share assessment fees applied to this project. }

Re: Comm. 448
 Intr. by: Ms. Isbell
 Approve: FC-159

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 187-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). Transfers/appropriates \$58,908 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Hilo and West Hawai'i Veterans' Cemetery Other Current Expense. Discretionary funds would be used to purchase fence for the access road leading up to the West Hawai'i Veterans' Cemetery and to buy larger trees. }

Re: Comm. 477
 Intr. by: Ms. Isbell
 Waived: FC

AMENDED TO DRAFT 2 & ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED:Council Member Jacobson – 1.

Res. 188-05: Authorizes the Payment of Funds of a Later Fiscal Year and More Than One Fiscal Year for a Multi-Year (one-year) Lease of Real Property for the Office of the County Council-Clerk. {Funds would be used to enter into a one year lease with BF Hilo Partners for the 6,871 square feet of office space located at 333 Kilauea Street, at an approximate cost of \$11,452 per month, including taxes. }

Re: Comm. 478
 Intr. by: Ms. Isbell
 Waived: FC

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Pilago, Safarik, and Chair Higa – 8.

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED:None.

9:30 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)

BILLS FOR ORDINANCES (FIRST READING)

Bill 132: Amends Ordinance No. 05-87, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005 to June 30, 2006. {Adds ENVIRONMENTAL MANAGEMENT: West Hawai'i Composting Facility (\$1,000,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$1,000,000). Funds would be used to develop a legally permitted composting facility at the resource recovery area adjacent to the West Hawai'i Sanitary Landfill at Pu'uānāhulu, which would provide for composting of greenwaste and other organics that are presently being disposed at our landfills.}

Re: Comm. 387
 Intr. by: Ms. Isbell (B/R)
 Approve: FC-137
 Postponed: September 8, 2005
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

FILED

Bill 146: Amends Chapter 24, of the Hawai'i County Code 1983 (2005 Edition), Relating to Vehicles and Traffic. {Authorizes 20 mile per hour speed limits along Hōkū'ula Road, Spencer Road, Konokohau Road, and Laelae Road.}

Re: Comm. 424
 Intr. by: Mr. Ikeda
 Approve: PWIRC-24

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 152: Amends Ordinance No. 05-87, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005 to June 30, 2006. {Increases FIRE: Pāhoa Fire Station [\$2,009,000] \$2,809,000; funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$800,000). Estimated costs of construction for the fire station has gone up due to the current boom in the construction industry. }

Re: Comm. 443
 Intr. by: Ms. Isbell
 Approve: FC-155
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 153: Amends Ordinance No. 05-87, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005 to June 30, 2006. {Adds FIRE: Central Fire Station Roof Repair (\$390,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$390,000). Funds would be used for the design and repair of the Department's leaking roof and water damaged ceiling. }

Re: Comm. 444
 Intr. by: Ms. Isbell
 Approve: FC-156
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 154
 (Draft 2): Amends Chapter 18, Article 4, Division 1, Subsection 18-90(h), of the Hawai'i County Code 1983 (2005 Edition), Relating to Public Transportation. {Designates the entire County of Hawai'i as a transportation kōkua zone, expanding on the successful kōkua zones currently provided between Pāhoa and Hilo and Ocean View and Kawaihae. }

Re: Comm. 450.1
 Intr. by: Mr. Ikeda
 Approve: PWIRC-25

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Bill 155: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. { Appropriates revenues in State Grants – Coordinated Services – Purchase of Services (\$69,127); appropriates same to Coordinated Services – Other Current Expense. }

Re: Comm. 454

Intr. by: Ms. Isbell

Approve: FC-162

PASSED 1ST READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED: None.

10:00 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 149: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. { Appropriates revenues in Parking Meter Receipts (\$9,000) and Fund Balance from Previous Year (\$11,000), for a total of \$20,000; appropriates \$20,000 to Parking Meter Equipment. Funds would be used to purchase new ADA accessible parking meters to replace existing parking meters located at the Federal Building in Downtown Hilo and at the parking lot at the County Building. }

Re: Comm. 432

Intr. by: Ms. Isbell

1st Reading: October 5, 2005

PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED: None.

REPORTS

FC-158 (Comm. 446): Recommends acceptance of a monetary donation of \$10 by Margaret R. Willis to the Department of Parks and Recreation, to be used towards the maintenance of the East Hawai'i Veterans Cemetery II.

APPROVED

PSPRC-15 (Comm. 438): Recommends approval of the nominations of the following individuals to the Veterans Advisory Committee: Don D. Bennett and Richard L. Stevens.

APPROVED

Comm. 455.1: PRESENTATION OF FINDINGS AND RECOMMENDATIONS OF COUNCIL TASK FORCE EVALUATING COUNCIL COMMITTEES
 From Council Chair Stacy K. Higa, dated October 5, 2005, stating that on October 5, 2005, a task force was formed after Council vote, for the purpose of evaluating present Council Rules relating to Committees, including but not limited to leadership, scope, responsibilities, and efficiency. Pursuant to HRS Section 92-2.5, the task force will report its findings to the full Council.
FILED

REFERRALS FOR EXECUTIVE SESSION

The Council anticipates convening an executive meeting regarding the following cases, pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes, as amended, for the purpose of consulting with the Corporation Counsel and/or its attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities and liabilities, including the current status of the litigation. A 2/3 vote, pursuant to HRS Section 92-4 and Rule 12 of the Rules of Procedure of the County Council is necessary to hold an executive meeting.

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>TUESDAY, NOVEMBER 8, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, NOVEMBER 9, 2005</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>MONDAY, NOVEMBER 21, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>TUESDAY, NOVEMBER 22, 2005</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

ADJOURNMENT 5:22 p.m.

Note: B/R, when listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation "By Request" on behalf of the requesting party. It does not necessarily signify support of or opposition to the proposal.

The meeting place is accessible for persons with disabilities. Persons who need special accommodations to attend this meeting should call 961-8255 by October 14, 2005. Persons using TDDs may call 961-8521.

Copies of an item listed on the agenda 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; at the Kona Council Members' Office at the Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona, Hawai'i 96740; and at the Waimea Council Members' Office at the Holomua Center, 64-1067 Māmalahoa Highway, Suite 5, Waimea, Hawai'i 96743.

Videoconferencing is available at the following locations:

- Kona Council Office at the Kailua Trade Center; and
- Waimea Council Office at the Holomua Center.

If, for technical reasons the video connection cannot be made and/or is disrupted, the scheduled meeting will continue.

- Videoconferencing from the Pāhoa Neighborhood Facility will not be available.

Submitting Testimony: Those persons wishing to testify in person or by videoconference must register with the Council/Clerk's staff. Those testifying in person and submitting written testimony at the meeting in Hilo should bring **sixteen (16)** copies of the testimony for distribution at the meeting. Those testifying by videoconference from the Kona Council Office and the Waimea Council Office should bring one copy of the testimony. Those persons unable to testify in person or by videoconference may submit testimony (1) by mail to the County Clerk's Office in Hilo at the above address, (2) by facsimile to (808) 961-8912, or (3) by e-mail to counciltestimony@co.hawaii.hi.us. Copies will be made and distributed at the meeting when transmitted in a timely manner. In any case, both oral and written testimony will be considered public record.

Notice to Lobbyists: If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist { Article 15, Section 2-91.3(b), Hawai'i County Code}. A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials, subject to specific conditions and exceptions" { Article 15, Section 2-91.3(a)(6), Hawai'i County Code}. Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 25 Aupuni Street, Hilo, Hawai'i 96720.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, October 26, 2005, at 6 p.m.; Sunday, October 30, 2005, at 10:30 a.m.; and Wednesday, November 2, 2005, at 6 p.m.

(Hawai'i Tribune Herald – October 14, 2005)

(West Hawai'i Today – October 14, 2005)