

STACY K. HIGA
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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*

29th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Friday, January 20, 2006
9:00 a.m.

INVOCATION	Reverend Tag Taggart of Center for Spiritual Growth or First Church of Religious Science
CALL TO ORDER	9:09 a.m.
ROLL CALL	
PLEDGE OF ALLEGIANCE	
APPROVAL OF MINUTES	October 5, 2005 – APPROVED

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

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

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

ORDER OF RESOLUTIONS

Res. 225-05: Accepts the Dedication of Lot 4 (Kailua-Hualālai Road), Containing an Area of 0.795 Acre, Situate in the District of North Kona, County and State of Hawai'i, Bearing Tax Map Key: (3)7-5-010:084, from Leonard Radcliffe Greenwell. {Lot 4 is a portion of the Kailua-Hualālai Road, which is needed to access the Hualālai Elderly Housing Project.}

Re: Comm. 588
Intr. by: Mr. Ikeda
Approve: PWIRC-30

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 228-05: Authorizes the Office of the Mayor to Enter Into an Agreement with the State of Hawai'i Department of the Attorney General, Pursuant to HRS 46-7, for the Sexual Assault Multi-Disciplinary Training Grant. {Funds would be used to coordinate a statewide three-day training program aimed at improving the delivery of sexual assault services within the criminal justice system.}

Re: Comm. 598
Intr. by: Ms. Isbell
Approve: FC-208

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 230-05: Authorizes the Acquisition of Private Properties by Eminent Domain, Being Portions of Tax Map Keys: (3)1-3-003:005 and 006, Situate at Kauaea, Puna, County and State of Hawai'i, for the Kalapana Road, Highway 137, Realignment Project. {Realignment is needed due to erosion of the highway into the sea.}

Re: Comm. 602
 Intr. by: Mr. Ikeda
 Approve: PWIRC-31
 Note: First of two required readings, Section 101-13, Hawai'i Revised Statutes

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 235-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$10,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Office of Housing and Community Development Transfer to Housing Fund (Kawaihae Transitional Housing Program). Discretionary funds from District 9 would be used for the Kawaihae Transitional Housing Program.}

Re: Comm. 622
 Intr. by: Mr. Hoffmann
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 236-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$10,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Office of Housing and Community Development Transfer to Housing Fund (Kawaihae Transitional Housing Program). Discretionary funds from District 8 would be used for the Kawaihae Transitional Housing Program.}

Re: Comm. 623
 Intr. by: Mr. Pilago
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 239-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$27,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Research and Development Tourism Promotion (Big Island Visitors Bureau). Discretionary funds from District 4 would be used for the Big Island Visitors Bureau's Marketing and Promotions for the Big Island program, promoting the Big Island and developing a stronger economic base. }

Re: Comm. 627
 Intr. by: Mr. Higa
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Hoffmann – 1.

Res. 241-06: Authorizes the Office of the Mayor to Enter Into an Agreement with the State of Hawai'i Department of the Attorney General, Crime Prevention and Justice Assistance Division, Pursuant to HRS 46-7, for a Domestic Violence and Sexual Assault Victim Services Coordinator Grant. {Funds would be used to retain the services of the current Victim Services Coordinator and continue the program that services the on-going needs of victims from domestic violence/sexual assault while their cases remain under investigation. }

Re: Comm. 633
 Intr. by: Ms. Isbell
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Hoffmann – 1.

Res. 244-06: Supports Efforts to Protect Native Hawaiian Ancestral Remains (*Iwi Kūpuna*), Funerary Objects (*Moepū*), Sacred Objects, and Cultural Patrimony from Desecration and Destruction. {Supports the good faith efforts of the Native Hawaiian community to protect their sacred remains and objects on behalf of future generations. }

Re: Comm. 641
 Intr. by: Mr. Higa
 Waived: HSEDC

AMENDED TO DRAFT 2 & ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Hoffmann – 1.

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

Bill 187: 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 PARKS AND RECREATION: Kea'au Shipman Park Lighting (\$550,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$550,000). Funds would be used for the installation of lighting for the walkway, basketball court, and tennis court at the Kea'au Shipman Park.}

Re: Comm. 587
 Intr. by: Mr. Arakaki
 Approve: FC-206
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

AYES: Council Members Arakaki, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Hoffmann, Holschuh – 2.

Bill 190: 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 the following appropriation: ENVIRONMENTAL MANAGEMENT: East Hawai'i Regional Sort Station [\$2,200,000] (~~\$6,100,000~~); appropriation increase shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$3,900,000). Additional funding of \$3.9 million would enable the County to proceed to award the contract for the purpose of constructing the reload building, the associated roads and utilities, as well as the scale house and scales (corresponding to the components of the base bid for the East Hawai'i Regional Sort Station Complex).}

Re: Comm. 597
 Intr. by: Ms. Isbell (B/R)
 Approve: FC-207
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

AMENDED TO DRAFT 2 & PASSED 1ST READING:

AYES: Council Members Hoffmann, Holschuh, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 7.

NOES: Council Members Arakaki and Ikeda – 2.

ABSENT & EXCUSED: None.

Bill 191: 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 Federal Grants – Sexual Assault Multi-Disciplinary Training (\$34,500); appropriates same to Sexual Assault Multi-Disciplinary Training.}

Re: Comm. 598
 Intr. by: Ms. Isbell
 Approve: FC-209

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 192: 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 PUBLIC WORKS: Kaūmana Drive Sidewalks (\$150,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$150,000). Funds would be used to construct sidewalks on Kaūmana Drive from Lele Street to Puuhina Street.}

Re: Comm. 601
 Intr. by: Mr. Ikeda
 Approve: FC-210
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED:Council Members Arakaki and Safarik – 2.

Bill 193: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Increases/decreases revenues in the following: Federal Grants – Coastal Zone Management (\$146,246) and State Grants – Coastal Zone Management <\$45,108>, for a total increase of \$101,138; appropriates \$101,138 to Coastal Zone Management (CZM). Additional funds would be used to 1) undertake a review and revision of the County Subdivision Code to incorporate green infrastructure principles and reduce environmental impact, 2) review existing codes to determine whether amendments are needed to promote environmentally-sensitive design in agricultural and rural areas, 3) continue to support the downtown Hilo community visioning project by facilitating the development of the implementation process and tools to evaluate and measure progress of the living action plan against smart growth principles, 4) replace (purchase) equipment necessary for field surveys, meetings, presentations, field inspections, and enforcement of shoreline areas, and 5) attend workshops and/or conferences related to the CZM Program. }

Re: Comm. 603
 Intr. by: Ms. Isbell
 Approve: FC-211

PASSED 1ST READING:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Bill 194: 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 Authorizes the Issuance of \$5,500,000 General Obligation Bonds of the County of Hawai'i for the Purpose of Financing Qualified Wastewater Disposal Improvements of the County of Hawai'i. {The U.S. Environmental Protection Agency (EPA) promulgated a regulation prohibiting the construction of new large capacity cesspools and a requirement that all large capacity cesspools must be closed or upgraded to prevent the endangerment of underground sources of drinking water, which the Public Works Department has taken the lead for this EPA mandate for County facilities. The current appropriation balance is at \$7,050,000 and the revised engineer's estimate is now set at \$12,500,000 (an additional appropriation of \$5,500,000 would be required to successfully complete construction). }

Re: Comm. 604
 Intr. by: Ms. Isbell
 Approve: FC-212
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Bill 195: 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 PUBLIC WORKS: Large Capacity Cesspool Conversions – State Revolving Fund (\$5,500,000); funds shall be provided from State Revolving Funds (\$5,500,000). Authorizes the Mayor to enter into an intergovernmental agreement for a State Revolving Fund loan for the County's Large Capacity Cesspool Conversion project and authorizes the issuance of general obligation bonds for the purpose of financing this improvement project.}

Re: Comm. 604
 Intr. by: Ms. Isbell
 Approve: FC-213
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Bill 196: 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 Fund Balance Reserved for Liquor Control (\$15,000); appropriates same to Public Programs. Funds would be used to conduct programs for the public which would promote compliance to liquor laws.}

Re: Comm. 605
 Intr. by: Ms. Isbell
 Approve: FC-214

PASSED 1ST READING:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Bill 202: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Increases revenues in Transfer from General Fund (\$20,000); appropriates same to Kawaihae Transitional Shelter. Funds would be used to help sustain the Kawaihae Transitional Shelter Program for at least two years until a permanent site is found and new facilities built.}

Re: Comm. 632
 Intr. by: Ms. Isbell
 Waived: FC

PASSED 1ST READING:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

Bill 203: 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 Federal Grants – Domestic Violence and Sexual Assault Victim Services Coordinator (\$36,920); appropriates same to Domestic Violence and Sexual Assault Victim Services Coordinator. }

Re: Comm. 633
 Intr. by: Ms. Isbell
 Waived: FC

PASSED 1ST READING:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Arakaki and Safarik – 2.

ORDER OF THE DAY (SECOND OR FINAL READING)

REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Finance Department for the Month Ended June 30, 2005.
ACCEPTED

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.

Comm. 640: **REQUEST FOR PROPOSAL NO. 2194 TO CONDUCT AUDITS OF THE ACCOUNTS AND OTHER EVIDENCES OF FINANCIAL TRANSACTIONS OF THE COUNTY OF HAWAI'I**
 From *Independent Financial Audit Evaluation Committee* William E. Smith, Deputy County Clerk; Lane Shibata, Audit Analyst; and Rodney Oshiro, Legislative Analyst, dated January 5, 2006.
CONCURRED WITH THE RECOMMENDATION OF THE RFP COMMITTEE

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>TUESDAY, JANUARY 31, 2006</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, FEBRUARY 1, 2006</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>TUESDAY, FEBRUARY 14, 2006</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, FEBRUARY 15, 2006</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

ADJOURNMENT 2:59 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 January 18, 2006. 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." { 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) Thursday, January 26, 2006, at 6 p.m.; Sunday, January 29, 2006, at 10:30 a.m.; and Thursday, February 2, 2006, at 6 p.m.

(Hawai'i Tribune Herald – January 15, 2006)
(West Hawai'i Today – January 15, 2006)