

STACY K. HIGA
Chair & Presiding Officer

VIRGINIA ISBELL
Vice Chair



JAMES Y. ARAKAKI
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*

31st Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, February 15, 2006
9:00 a.m.

INVOCATION

Reverend Tim Carigon of Hilo Missionary Church

CALL TO ORDER

9:09 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

(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, AND ORDER OF RESOLUTIONS

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

Comm. 655: Recommends approval of the nomination of the following individuals to the Cost of Government Commission: Myles Y. Miyasato (Council District 1), Melvyn K. Sakaguchi (Council District 2), Barbara R. Stremski (Council District 3), Edgar B. Ombac (Council District 4), Wayne T. Joseph (Council District 5), Marilyn L. Nicholson (Council District 6), Darlene J. Ferrantino (Council District 7), William L. Wong (Council District 8), and Pamela F. Cushnie (Council District 9);

Waived: FC

APPROVED, WITH THE REMOVAL OF WILLIAM L. WONG FROM THE LIST OF NOMINEES

and

Comm. 655.1: From Finance Committee Chair Virginia Isbell, dated January 30, 2006, requesting that the above Communication 655 be waived from the Finance Committee.

Comm. 657: Recommends approval of the nomination of George A. Harai (Council District 7) to the Water Board;

Waived: FC

APPROVED

and

Comm. 657.1: From Clerical Services Supervisor Charmaine Shigemura, dated January 27, 2006, stating that Mr. Hirai is presently employed and not retired, as previously noted.

Comm. 663: Recommends approval of the nomination of the following individuals to the Tax Board of Review: Ernest F. Matsumura (Council District 2), Harold Murata (Council District 7), and Michael B. Sumja (Council District 9);

Waived: FC

APPROVED

and

Comm. 663.1: From Finance Committee Chair Virginia Isbell, dated February 1, 2006, requesting that the above Communication 663 be waived from the Finance Committee.

ORDER OF RESOLUTIONS

Res. 193-05
(Draft 2): Commends Modern Roundabouts for Consideration in Road, Street, and Highway Intersection Design in Hawai'i County. {Establishes roundabouts as the preferred intersection design for new and improved road, street, and highway intersections.}

Re: Comm. 496.8
Intr. by: Mr. Jacobson
File: PWIRC-33

FILED

(Note: Resolution 193-05, Draft 2, is being replaced in its entirety by Resolution 245-06, which is listed below.)

Res. 245-06: Commends Modern Roundabouts for Consideration in Road, Street, and Highway Intersection Design in Hawai'i County;

Re: Comm. 496.10
Intr. by: Mr. Jacobson
Approve: PWIRC-34

ADOPTED:

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

NOES: Council Member Arakaki – 1.

ABSENT & EXCUSED:None.

and

Comm. 496.11: From Josephine Keliipio, dated January 31, 2006.

Res. 246-06: Authorizes the Acceptance of a Remnant Parcel and Rights-of-Way (Tax Map Keys: (3)2-4-012:043; 2-4-002: Portions of 001 and 128), Situate at Waiākea, District of South Hilo, County and State of Hawai'i, from the State of Hawai'i, for the Kawaiiani Street Improvements, 'Iwalani Street to Pohakulani Street.

Re: Comm. 643
Intr. by: Mr. Ikeda
Approve: PWIRC-32

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 247-06: Changes Time Element of an Executive Assistant II (2/5T) to Half Time. {Position is responsible for keeping the public informed about County government and community activities through the effective use of public media. }

Re: Comm. 645
 Intr. by: Ms. Isbell
 Approve: FC-225

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 248-06: 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 Non-Support Prosecution Grant. {Funds would be used to initiate investigation and prosecution of individuals who are persistently non-compliant of child support orders emphasizing on individuals with "off the books" income who evade their responsibility to support their children. }

Re: Comm. 646
 Intr. by: Ms. Isbell
 Approve: FC-226

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 256-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$20,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Capital Projects Fund (Department of Public Works – Hokupa'a Street Drainage Project). Discretionary funds from District 3 would be used for the construction of a new drainage structure to mitigate localized flooding conditions on Hokupa'a Street. }

Re: Comm. 673
 Intr. by: Mr. Arakaki
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 257-06: 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 Department of Research and Development (Tourism Promotion – Hawai'i Island Visitors Bureau). Discretionary funds from District 3 would be used for the Hawai'i Island Visitors Bureau (HIVB) to translate promotional videos/DVD's into Chinese and Korean, enabling the County, HIVB, local businesses, and the University of Hawai'i at Hilo to open new partnerships and opportunities for tourism, business, education, and cultural exchange.}

Re: Comm. 674
 Intr. by: Mr. Arakaki
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 259-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$30,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Capital Projects Fund – G (Department of Parks and Recreation-Honoka'a Arena Improvements). Discretionary funds from District 1 would be used to fund the implementation of a sprinkler system for the inner grounds of the Honoka'a Arena.}

Re: Comm. 678
 Intr. by: Mr. Holschuh
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

9:45 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)

BILLS FOR ORDINANCES (FIRST READING)

Bill 4
(Draft 5): Amends Chapter 4 of the Hawai'i County Code 1983 (1995 Edition), Animals. {The purpose of this measure is to amend Chapter 4 by adding definitions, increasing licensing and impound fees, increasing penalties, establishing minimum fines, establishing method of resolution for first offense of violations prior to the court date, modify duration and time of day of restrictions regarding noisy dogs, and permitting an animal care center to contract with the County to provide services for animal control and care.};

Re: Comm. 22.23
 Intr. by: Mr. Jacobson
 Approve: PSPRC-4
 Postponed: February 16, 2005 (pending public hearings)
 Public Hearings Held: March 10, 15, 17, and 22, 2005

and

Comm. 22.91: From Council Member Bob Jacobson, dated February 1, 2006, transmitting Bill 4, Draft 6. Draft 6 repeals the existing Chapter 4, Animals, and amends the Hawai'i County Code by adding a "new" Chapter 4, Animals. This bill proposes amendments to: 1) provide the option of contracting for animal control and care services, 2) establish a spay-neuter special fund, 3) increase license, impoundment, and kennel fees and establish a new reduced license fee for dogs with an implanted micro-chip; standardize fines at "not less than \$75 nor more than \$1,000" with the exception of violations regarding dangerous dogs where fines are set at "not less than \$200 nor more than \$1,000", 4) clarify noisy dog violations and procedures for enforcement, and 5) broaden powers of enforcement and provide for deputizing livestock owners; *and*

Bill 4
(Draft 6): Amends Chapter 4 of the Hawai'i County Code 1983 (2005 Edition), Animals;

Intr. by: Mr. Jacobson

TO COMMIT BILL 4, DRAFTS 5 AND 6, AND ALL RELATED COMMUNICATIONS TO PUBLIC SAFETY AND PARKS AND RECREATION COMMITTEE

and

Comm. 22.18: From David Hammes, dated January 31, 2005; *and*
 Comm. 22.19: From Albert Ledergerber, undated; *and*
 Comm. 22.20: From Wayne Sakedo, undated; *and*
 Comm. 22.24: From Council Member Pete Hoffmann, undated, submitting proposed language to Bill 4, Draft 5; *and*
 Comm. 22.25: From Ginger Towle, West Hawai'i Humane Society, dated February 16, 2005; *and*
 Comm. 22.26: Hawai'i Island Humane Society "Responsible Pet Ownership" informational sheet, undated; *and*
 Comm. 22.27: From Matt Hoeflinger, Chair, Conservation and Political Action Committee, Pig Hunters of Hawai'i, dated February 15, 2005; *and*
 Comm. 22.28: From Barbara L. Brown, dated February 8, 2005; *and*
 Comm. 22.29: From Travis Enoka, dated February 12, 2005; *and*
 Comm. 22.30: From Ginger Towle, West Hawai'i Humane Society, dated February 14, 2005; *and*
 Comm. 22.31: From Tommy Medeiros, President, Pig Hunters of Hawai'i, dated February 8, 2005; *and*

- Comm. 22.32: From Richard Hoeflinger, Founder/President, Big Island Gun Dogs, dated February 14, 2005; *and*
- Comm. 22.33: From Steven J. Araujo, dated February 14, 2005; *and*
- Comm. 22.34: From M. Van Hove, dated February 10, 2005; *and*
- Comm. 22.35: From Nancy Zorn, Chair, Animal Control Task Force, and President, Kona Paradise Property Owners Association, dated January 30, 2005; *and*
- Comm. 22.36: From Lilian Beaufriere, Chair, Solutions 2005: Neighborhoods in Action, and Member, Animal Control Task, dated February 15, 2005; *and*
- Comm. 22.37: From "Michael", dated February 22, 2005; *and*
- Comm. 22.38: From Bob Peck, Director of Covenants, Leilani Homeowners Association, dated December 10, 2004; *and*
- Comm. 22.39: From Normand Dionne, dated March 7, 2005; *and*
- Comm. 22.40: From Catherine D. Killam, Cat-Care, dated February 16, 2005; *and*
- Comm. 22.41: From Steven J. Araujo, undated; *and*
- Comm. 22.42: From Council Member Bob Jacobson, dated March 10, 2005, submitting proposed language to Bill 4, Draft 5; *and*
- Comm. 22.43: From Steven Hurt, President, Big Island Bird Hunters, dated March 9, 2005; *and*
- Comm. 22.44: From Richard Hoeflinger, Founder/President Big Island Gun Dogs, dated March 10, 2005; *and*
- Comm. 22.45: AVID FriendChip flyer, undated; *and*
- Comm. 22.46: From Ginger Towle, West Hawai'i Humane Society, dated March 17, 2005; *and*
- Comm. 22.47: From Lil Beaufriere, Chairperson, Solutions 2005: Neighborhoods in Action, and Member, Animal Control Task, dated March 15, 2005; *and*
- Comm. 22.48: From Gail and Joel Loofbourrow, undated; *and*
- Comm. 22.49: From Carol R. Campbell, dated March 18, 2005; *and*
- Comm. 22.50: From Jamie Kaniho Langi, undated; *and*
- Comm. 22.51: From Gale A. Sansone, dated March 22, 2005; *and*
- Comm. 22.52: From Sandy T. Sugiyama and Diane Kimura-Sugiyama, dated March 20, 2005; *and*
- Comm. 22.53: From Lil Beaufriere, Chairperson, Solutions 2005: Neighborhoods in Action, and Member, Animal Control Task, dated March 22, 2005; *and*
- Comm. 22.54: From Josephine Keliipio, dated March 22, 2005; *and*
- Comm. 22.55: From Beatrice Van Wyngarden, dated March 20, 2005; *and*
- Comm. 22.56: From Megan Mitchell, dated March 18, 2005; *and*
- Comm. 22.57: From Barbara C. Sterne, Coordinator, American Bouvier League (ABRL), dated March 21, 2005; *and*
- Comm. 22.58: Petition signed by 508 individuals; *and*
- Comm. 22.59: From Josephine Keliipio, dated March 27, 2005; *and*
- Comm. 22.60: From Rick Habein, President, Sheep Producer's Association of Hawai'i, undated; *and*
- Comm. 22.61: From Edward A. Gervais, dated March 28, 2005; *and*
- Comm. 22.62: From Richard and Bindy Rushton, dated March 29, 2005; *and*
- Comm. 22.63: From Jeffrey B. Judd, dated March 29, 2005; *and*
- Comm. 22.64: From Tony and Barbara Tomono, dated March 29, 2005; *and*
- Comm. 22.65: From Ed Lewis, dated March 30, 2005; *and*
- Comm. 22.66: From Sandy T. Sugiyama and Diane Kimura-Sugiyama, dated April 1, 2005; *and*
- Comm. 22.67: From Haroldine Akiona, President, Hilo Obedience Training Club, dated April 11, 2005; *and*
- Comm. 22.68: From Josephine Keliipio, dated April 10, 2005; *and*
- Comm. 22.69: From G. Risso and Etsuko Nanashima, dated April 11, 2005; *and*
- Comm. 22.70: From Patricia Olson, dated April 12, 2005; *and*
- Comm. 22.71: From Roger Dagdag, Sr., and Michelle T. Smith, dated April 16, 2005; *and*

- Comm. 22.72: From Frances Pueo, dated June 14, 2005; *and*
 Comm. 22.73: From Richard Hoeflinger, undated; *and*
 Comm. 22.74: From Ginger Towle, West Hawai'i Humane Society, dated July 18, 2005; *and*
 Comm. 22.75: From Nancy Sweatt, dated January 23, 2006; *and*
 Comm. 22.76: From Lee Tracy and Mike Galvin, dated January 23, 2006; *and*
 Comm. 22.77: From Michael Galvin, dated January 23, 2006; *and*
 Comm. 22.78: From Roberta Agre, Vice-President, Advocats, dated January 24, 2006; *and*
 Comm. 22.79: From Thalia D. Naidu, Representative, Advocats, Inc., dated January 20, 2006; *and*
 Comm. 22.80: From OneWahine, dated January 20, 2006; *and*
 Comm. 22.81: From Libby Kelson-Fulcher, Reverend, Weddings A La Heart, dated January 21, 2006; *and*
 Comm. 22.82: From Joy Banks, dated January 21, 2006; *and*
 Comm. 22.83: From Margie Gillman-Wolfe, dated January 21, 2006; *and*
 Comm. 22.84: From Tom Shockley, Dive Makai Charters, dated January 22, 2006; *and*
 Comm. 22.85: From Kunzang D. Yuthok, dated January 22, 2006; *and*
 Comm. 22.86: From Judy Kocon, dated January 22, 2006; *and*
 Comm. 22.87: From Judy Sweatland, dated January 22, 2006; *and*
 Comm. 22.88: From Larann Bergstedt, dated January 22, 2006; *and*
 Comm. 22.89: From Mele U. Spencer, dated January 29, 2006; *and*
 Comm. 22.90: From Ferol Kolons, dated January 25, 2006.

Bill 208: 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 – Non-Support Prosecution (\$82,600); appropriates same to Non-Support Prosecution. }

Re: Comm. 646
 Intr. by: Ms. Isbell
 Approve: FC-227

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: None.

Bill 216: 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: Hokupa'a Street Drainage Project (\$20,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (Contingency Relief) (\$20,000).}

Re: Comm. 673
Intr. by: Mr. Arakaki
Waived: FC
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 218: 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: Honoka'a Arena Improvements (\$30,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (Contingency Relief) (\$30,000).}

Re: Comm. 678.1
Intr. by: Mr. Holschuh
Waived: FC
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.

11:00 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 190
(Draft 2): 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] (~~\$3,321,000~~); appropriation increase shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$1,121,000). Draft 2 decreases the proposed increase of \$2,779,000 to \$1,121,000 for the Department of Environmental Management's East Hawai'i Regional Sort Station.};

Re: Comm. 597.6
 Intr. by: Ms. Isbell
 1st Reading: January 20, 2006
 Postponed: February 1, 2006
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

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

NOES: Council Members Arakaki and Ikeda – 2.

ABSENT & EXCUSED:None.

and

Comm. 597.7: From Mayor Harry Kim, dated January 27, 2006; *and*
 Comm. 597.8: From Marjorie Erway, dated January 31, 2006.

(Note: There is a pending motion by Ms. Isbell and duly seconded by Mr. Jacobson to approve Bill 190, Draft 2.)

Bill 197: Amends Ordinance No. 93-8, Relating to Exceptional Trees. {Removes one mango tree from a grove of 600 mango trees located adjacent to Pohoiki Road, which was added to the list of "Exceptional Trees of the County of Hawai'i".}

Re: Comm. 609
 Intr. by: Mr. Pilago
 1st Reading: February 1, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED:None.

Bill 198: Amends Section 25-8-32 (South Hilo District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Unzoned to Agricultural (A-80a) at Kukuau 1st, South Hilo, Hawai'i, Covered by Tax Map Key 2-4-8:33 (approx. 885.400 acres). {The Newton Family Limited Partnership, Applicant.}

Re: Comm. 615
 Intr. by: Mr. Pilago
 1st Reading: February 1, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Bill 199: Amends Section 25-8-33 (City of Hilo Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Agricultural (A-1a) to Neighborhood Commercial (CN-20) at Ponahawai, South Hilo, Hawai'i, Covered by Tax Map Key 2-3-36:18 (approx. 8 acres). {Matsuno Enterprises, Ltd., Applicant.}

Re: Comm. 616
 Intr. by: Mr. Pilago
 1st Reading: February 1, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Bill 200: Amends Section 25-8-34 (Papaikou-Onomea Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Agricultural (A-20a) and Single Family Residential (RS-15) to Family Agricultural (FA-5a) at Wainaku, South Hilo, Hawai'i, Covered by Tax Map Key 2-6-032:004 & 005 (approx. 26.122 acres). {Kulana Kea, LLC, Applicant.}

Re: Comm. 617
 Intr. by: Mr. Pilago
 1st Reading: February 1, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Bill 201: 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 DEPARTMENT OF WATER SUPPLY: Ainaloa Waterline Installation (\$750,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$750,000). Funds would be used to install a waterline from State Highway 130 along Ainaloa Boulevard to Woodrose Drive in the Ainaloa Subdivision.}

Re: Comm. 620
 Intr. by: Mr. Safarik
 1st Reading: February 1, 2006
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Bill 204: 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 Contribution from Private Source (\$500); appropriates same to Fire Prevention – Other Current Expense.}

Re: Comm. 634
 Intr. by: Ms. Isbell
 1st Reading: February 1, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Hoffmann – 1.

Bill 205: 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 State Grants – Product Development Program (\$100,000); appropriates same to Product Development Program-State. Funds would be used to support and improve the tourism product development initiatives and projects.}

Re: Comm. 635
 Intr. by: Ms. Isbell
 1st Reading: February 1, 2006

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Hoffmann – 1.

Bill 206: 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: PUBLIC WORKS: Hawai'i County Building Improvements [\$1,500,000] (~~\$5,500,000~~); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$4,000,000). Additional funds would be used for incidental and supplemental work to complete the removal of asbestos fire proofing on roof trusses, above ceiling spaces, AC equipment, and floor tiles. }

Re: Comm. 636
 Intr. by: Ms. Isbell
 1st Reading: February 1, 2006
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Bill 207: 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: Kahuku Park Improvements (\$40,000); funds shall be provided from General Obligation Bonds, Capital Project Fund-Fund Balance, and/or Other Sources (Contingency Relief) (\$40,000). Funds would be used for a community walking path (Life Walk); retaining rock walls at the soccer field, swing sets, and pavilion area, for erosion prevention and public safety; and for metal seats in the swing set area. }

Re: Comm. 638
 Intr. by: Mr. Jacobson
 1st Reading: February 1, 2006
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Hoffmann – 1.

REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Finance Department for the Month Ended August 31, 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. 672: CLAIM AGAINST THE COUNTY/ROY H. KOI
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated February 1, 2006.
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>TUESDAY, FEBRUARY 28, 2006</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, MARCH 1, 2006</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>THURSDAY, MARCH 16, 2006</u>	
COUNCIL PUBLIC HEARING RE BUDGETS (E. HAWAI'I)	5:00 p.m.	COUNCIL ROOM

ADJOURNMENT 4:33 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 February 13, 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) Wednesday, February 22, 2006, at 6 p.m.; Sunday, February 26, 2006, at 10:30 a.m.; and Wednesday, March 1, 2006, at 6 p.m.

(Hawai'i Tribune Herald – February 12, 2006)
(West Hawai'i Today – February 12, 2006)