

STACY K. HIGA
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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*

33rd Session

ORDER OF BUSINESS

Hawai'i County Council
Sheraton Keauhou Bay Resort and Spa
78-128 Ehukai Street
Kailua-Kona, Hawai'i

Wednesday, March 22, 2006
9:00 a.m.

INVOCATION

Pastor Keith Elliot of Kona Church of God

CALL TO ORDER

9:05 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

October 18, 2005 – **APPROVED**

November 9, 2005 – **APPROVED AS AMENDED**

(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. 251-06: Grants a Variance from Chapter 3, Section 3-12(a), Hawai'i County Code (1983) 2005 Edition, to Allow Two Ground Signs for the Ali'i Gardens Marketplace, TMK Number: (3)7-5-020:070 (Zoned Agricultural 5-Acre) {Eric Von Platen-Luder, Applicant. Requests a sign variance for an additional ground sign per Section 3-12(a), Hawai'i County Code.}

Re: Comm. 656
Intr. by: Mr. Ikeda (B/R)
Approve: PWIRC-35

ADOPTED:

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

NOES: Council Member Pilago – 1.

ABSENT & EXCUSED:None.

Res. 254-06 (Draft 2): Authorizes the Abandonment and Disposition of a Portion of a Government Right-of-Way, Situated at Kailua Village, North Kona, Hawai'i, Being a Portion of Tax Map Key: (3)7-5-006:014 (approx. 709 square feet). {Proposed sale to Patrick Corrigan and Sabu Shake, Jr., principals of Fishhopper, LLC (portion of right-of-way located in front of Oceanview Inn Building on Ali'i Drive).}

Re: Comm. 666.3
Intr. by: Mr. Ikeda
Approve: PWIRC-36

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Safarik, and Chair Higa – 7.

NOES: Council Members Jacobson and Pilago – 2.

ABSENT & EXCUSED:None.

Res. 255-06
(Draft 2):

Requests the Mayor and His Administration to Expedite the Planning and Design of the La'aloa Avenue Extension, Lako Street Extension and Ali'i Parkway Projects to Develop a Coordinated Set of Roadway Network Improvements that Include Needed Traffic Calming Features While Weighing the Ability to Increase Mobility with Alternative Routes.

Re: Comm. 667.2
Intr. by: Ms. Isbell
Approve: PWIRC-37

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 260-06:

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$5,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Research and Development Hawai'i County Resource Center (Kealakehe Project Grad). Discretionary funds from District 8 would be used for the Research and Development Department's Kealakehe Project Grad.}

Re: Comm. 682
Intr. by: Mr. Pilago
Approve: FC-241

AMENDED TO DRAFT 2 & ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 261-06:

Authorizes the Receipt and Expenditure of the Young Men's Christian Association (YMCA) Award of \$33,500 for the Pāhoa Weed and Seed Program. {Funds would be used by the Police Department for overtime expenses and to purchase equipment such as portable screens, night vision monoculars, surveillance cameras, and laptop computers.}

Re: Comm. 697
Intr. by: Ms. Isbell
Approve: FC-245

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 270-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$85,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Highway Fund (Street Lights-Miscellaneous Contractual Services). Discretionary funds from District 2 would be used to pay for costs related to the installation of street lights on ‘Alae Street. }

Re: Comm. 727
 Intr. by: Mr. Ikeda
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 272-06: Authorizes the Director of Finance to Negotiate the Disposition of Real Property to the Hawai'i Island Housing Trust for the Purpose of the Development of the Waikoloa Employee Housing Project. {Hawai'i Island Housing Trust (HIHT) is a newly formed non-profit organization who proposes to develop a community of 800 to 1,200 for-sale and rental units. }

Re: Comm. 730
 Intr. by: Mr. Hoffmann
 Approve: CHA - February 28, 2006

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 273-06: Expresses Council Support for the Creation of a Community Facilities District and Other Means of Financing, Such as the Creation of an Improvement District and Issuance of Bonds to Pay for Certain Improvements in the Waikoloa Employee Housing Project, and Reaffirming Resolution No. 236-04.

Re: Comm. 731
 Intr. by: Mr. Hoffmann
 Approve: CHA - February 28, 2006

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

Res. 287-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$1,200 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation – Recreation Division Other Current Expense (Pu'u'eo Community Center). Discretionary funds from District 2 would be used to pay for costs related to week-end activities at the Center for children in the community.}

Re: Comm. 750
 Intr. by: Mr. Ikeda
 Waived: FC

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED:None.

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

BILLS FOR ORDINANCES (FIRST READING)

Bill 184: 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 shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$1,000,000). Funds would be used for the planning and development of a legally permitted composting facility at the resource recovery area adjacent to the West Hawai'i Landfill at Pu'uanahulu.}

Re: Comm. 563
 Intr. by: Mr. Pilago
 Approve: FC-240
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

FILED:

AYES: Council Members Hoffmann, Jacobson, Pilago, and Safarik – 4.

NOES: Council Members Holschuh, Ikeda, Isbell, and Chair Higa – 4.

ABSENT & EXCUSED:Council Member Arakaki – 1.

; and

Comm. 563.4: From Environmental Management Director Barbara Bell, dated March 8, 2006.

Bill 219: 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 Single Family Residential (RS-10) to General Commercial (CG-10) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-28:30, 32, 33 (approx. 28,002 square feet). {Janice Oshiro, Applicant.}

Re: Comm. 679

Intr. by: Mr. Pilago

Approve: PC-55

AMENDED TO DRAFT 2 & PASSED 1ST READING:

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

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED: Council Member Ikeda – 1.

; and

Comm. 679.1: From Sidney M. Fuke, Planning Consultant, dated March 6, 2006.

Bill 230: 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: Hakalau Veterans' Park Improvements (\$1,050,000); funds shall be provided from General Obligation Bonds, Capital Project Fund-Fund Balance, and/or Other Sources (\$1,050,000). Funds would be used to purchase required materials and then install restrooms and a pavilion (\$400,000); bleachers (\$30,000); roofing to cover bleachers (\$120,000); and to make all ADA compliant improvements (\$500,000).}

Re: Comm. 693

Intr. by: Mr. Holschuh

Approve: FC-242

2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Ikeda – 1.

Bill 231: 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 ENVIRONMENTAL MANAGEMENT: Waste Reduction Facility (\$40,000,000); increased funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources. Funds would be used to plan, design, and construct a Waste Reduction Facility.}

Re: Comm. 695
 Intr. by: Ms. Isbell (B/R)
 Approve: FC-243
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

FILED:

AYES: Council Members Hoffmann, Holschuh, Jacobson, Pilago, and Safarik – 5.

NOES: Council Members Arakaki, Ikeda, Isbell, and Chair Higa – 4.

ABSENT & EXCUSED:None.

Bill 232: Initiates a Charter Amendment to Section 13-4, Article XIII of the Hawai'i County Charter Relating to Composition and Terms of Boards and Commissions. {Allows all members who serve less than a two-year term to succeed themselves for an additional full term.}

Re: Comm.696
 Intr. by: Ms. Isbell
 Approve: FC-244
 2/3 Vote: First of three required readings, Section 15-1(a), 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 233: 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 – Pāhoa Weed and Seed (\$33,500); appropriates same to Pāhoa Weed and Seed.}

Re: Comm. 697
 Intr. by: Ms. Isbell
 Approve: FC-246

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED:None.

10:30 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 123: Amends Section 25-8-5 (Kailua Urban Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Multiple Family Residential (RM-1) to Resort-Hotel (V-.75) at Puaa 1st, North Kona, Hawai'i, Covered by Tax Map Key 7-5-9:23 (approx. 1.172 acres). {KPC Villages, LLC, Applicant.}

Re: Comm. 362
Intr. by: Mr. Hoffmann and Mr. Pilago
1st Reading: March 1, 2006

AMENDED TO DRAFT 2 & PASSED 2ND & FINAL READING:

AYES: Council Members Arakaki, Holschuh, Ikeda, Isbell, and Chair Higa – 5.

NOES: Council Members Hoffmann, Jacobson, Pilago, and Safarik – 4.

ABSENT & EXCUSED:None.

Bill 209: 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 – Deputy Prosecutor Training (\$15,864); appropriates same to Deputy Prosecutor Training.}

Re: Comm. 664
Intr. by: Ms. Isbell
1st Reading: March 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 210: 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 Fund Balance from Previous Year (\$3,475,662); appropriates to the following: Traffic Division – Other Current Expense (\$125,000), Streetlights (\$343,602), Traffic Signs and Markings – Other Current Expense (\$240,060), Highway Maintenance Administration – Other Current Expense (\$42,000), Highway Maintenance Administration – Equipment (\$1,048,000), Puna Road – Other Current Expense (\$37,000), and Transfer to Capital Project Fund (\$1,640,000), for a total of \$3,475,662. Re-appropriates funds which had lapsed (Kailua Village Streetlights, Puna Makai Subdivision Streetlights, Ainaola Subdivision Streetlights, and the Volcano Charter School Shoulder Paving) to the aforementioned accounts. }

Re: Comm. 670
 Intr. by: Ms. Isbell (B/R)
 1st Reading: March 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 211: 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: Māmalahoa Highway Improvements (Mud Lane to Waimea Town) (\$640,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$640,000). Current cost for materials and striping is estimated to be \$1,140,000 and not \$500,000 as previously budgeted. }

Re: Comm. 670
 Intr. by: Ms. Isbell (B/R)
 1st Reading: March 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 212: 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: Coastview-Wonderview Road Resurfacing (\$858,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$858,000). Resurfaces failing asphaltic concrete pavement, which has deteriorated to an extent that causes a safety hazard for motorists. }

Re: Comm. 670
 Intr. by: Ms. Isbell
 1st Reading: March 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 213: 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: Painted Church Road Safety Improvements (\$142,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$142,000). Project would improve intersection sight distance and necessary road realignment, as well as associated road and drainage improvements. }

Re: Comm. 670
 Intr. by: Ms. Isbell
 1st Reading: March 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 214: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Decreases revenue in Bus Revenues <\$232,000> and increases revenue in Fund Balance from Previous Year (\$2,758,465), for a total of \$2,526,465; and appropriates to the following: Data Systems – Equipment (\$63,000), Finance Administration and Budget – Other Current Expense (\$102,025), Advertising (\$58,700), Treasury – Other Current Expense (\$20,000), Property Management – Salary and Wages (\$20,618), Property Management – Other Current Expense (\$3,132), Property Management – Equipment (\$7,250), Civil Service – Salary and Wages (\$26,500), Civil Service – Other Current Expense (\$750), Research and Development – Other Current Expense (\$9,000), Research and Development – Equipment (\$20,000), Public Works Administration – Other Current Expense (\$75,910), Automotive Division – Equipment (\$56,000), Police Commission – Other Current Expense (\$4,000), Police Administration Division – Other Current Expense (\$660,400), North Hilo – Other Current Expense (\$3,000), Hāmākua – Other Current Expense (\$10,000), Waimea – Other Current Expense (\$9,000), Kohala Police – Other Current Expense (\$11,000), Kona Police – Other Current Expense (\$89,000), Ka'u Police – Other Current Expense (\$14,000), Puna Police – Other Current Expense (\$7,000), Fire Protection – Other Current Expense (\$150,000), Fire Protection Equipment (\$264,070), Construction Inspection – Salary and Wages (\$21,000), Building Inspection – Salary and Wages (\$120,000), Building Inspection – Other Current Expense (\$35,000), Flood Control – Other Current Expense (\$150,000), Civil Defense Agency – Other Current Expense (\$31,500), RSVP – Other Current Expense (\$7,000), Parks and Recreation Administration – Other Current Expense (\$11,250), Parks Maintenance – Salary and Wages (\$24,460), Parks Maintenance – Equipment (\$26,900), Recreation Division – Other Current Expense (\$45,000), Aquatics Pools – Other Current Expense (\$100,000), Pana'ewa Zoo – Other Current Expense (\$25,000), Transfer to Housing Fund (\$170,000), Public Safety Disaster/Emergency-G (\$75,000), for a total of \$2,526,465. Due to the implementation of the Kokua Bus System, \$232,000 reflects the loss in bus revenues and attaches a list of fund balance proposals showing the breakdown of the appropriations and a brief explanation on how the funds would be used. }

Re: Comm. 671
 Intr. by: Ms. Isbell (B/R)
 1st Reading: March 1, 2006

; and

Comm. 671.3: From Finance Director William Takaba, dated March 7, 2006, transmitting Bill 214, Draft 2. Draft 2 requests an additional \$15,000 be taken from the fund balance and appropriated to the Office of Management – Other Current Expense account for: 1) a contractual hire to assist Mayor Kim's Executive Assistant Roy Takemoto as he works on the Community Development Plans, and 2) final reimbursement payments to the consultant working on the large capacity gang cesspool replacement project;
 and

Bill 214
(Draft 2):

Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Decreases revenue in Bus Revenues <\$232,000> and increases revenue in Fund Balance from Previous Year (\$2,773,465), for a total of \$2,541,465; and appropriates to the following: Office of Management – Other Current Expense (\$15,000), Data Systems – Equipment (\$63,000), Finance Administration and Budget – Other Current Expense (\$102,025), Advertising (\$58,700), Treasury – Other Current Expense (\$20,000), Property Management – Salary and Wages (\$20,618), Property Management – Other Current Expense (\$3,132), Property Management – Equipment (\$7,250), Civil Service – Salary and Wages (\$26,500), Civil Service – Other Current Expense (\$750), Research and Development – Other Current Expense (\$9,000), Research and Development – Equipment (\$20,000), Public Works Administration – Other Current Expense (\$75,910), Automotive Division – Equipment (\$56,000), Police Commission – Other Current Expense (\$4,000), Police Administration Division – Other Current Expense (\$660,400), North Hilo – Other Current Expense (\$3,000), Hāmākua – Other Current Expense (\$10,000), Waimea – Other Current Expense (\$9,000), Kohala Police – Other Current Expense (\$11,000), Kona Police – Other Current Expense (\$89,000), Ka'u Police – Other Current Expense (\$14,000), Puna Police – Other Current Expense (\$7,000), Fire Protection – Other Current Expense (\$150,000), Fire Protection Equipment (\$264,070), Construction Inspection – Salary and Wages (\$21,000), Building Inspection – Salary and Wages (\$120,000), Building Inspection – Other Current Expense (\$35,000), Flood Control – Other Current Expense (\$150,000), Civil Defense Agency – Other Current Expense (\$31,500), RSVP – Other Current Expense (\$7,000), Parks and Recreation Administration – Other Current Expense (\$11,250), Parks Maintenance – Salary and Wages (\$24,460), Parks Maintenance – Equipment (\$26,900), Recreation Division – Other Current Expense (\$45,000), Aquatics Pools – Other Current Expense (\$100,000), Pana'ewa Zoo – Other Current Expense (\$25,000), Transfer to Housing Fund (\$170,000), Public Safety Disaster/Emergency-G (\$75,000), for a total of \$2,541,465.}

Intr. by: Ms. Isbell (B/R)

POSTPONED TO APRIL 5, 2006, COUNCIL MEETING

Bill 215:

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 (\$170,000); appropriates to the following: Kawaihae Transitional Shelter (\$136,000) and Hawai'i Island Workforce Economic Development Ohana (HIWEDO) (\$34,000), for a total of \$170,000. Funds would be used at the Kawaihae Transitional Housing Shelter to maintain its services for this fiscal year and for repairs to its shelter; and by HIWEDO for its workforce development programs.}

Re: Comm. 671

Intr. by: Ms. Isbell (B/R)

1st Reading: March 1, 2006

POSTPONED TO APRIL 5, 2006, COUNCIL MEETING

Bill 234: 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 – Waimea Transportation Circulation Plan (\$120,000); appropriates same to Waimea Transportation Circulation Plan. }

Re: Comm. 708
 Intr. by: Ms. Isbell
 1st Reading: March 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.

REPORTS

FINANCIAL REPORT: Monthly Financial Status Reports from the Finance Department for the Months Ended October 31 and November 30, 2005.

ACCEPTED

FC-238 (Comm. 698): Recommends approval of the nomination of Ms. Kendall D. Sharpless (Council District 6) to the Board of Ethics.

APPROVED

FC-239 (Comm. 699): Recommends approval of the nomination of Mr. Dwayne T. Mukai (Council District 4) and Mr. Searle W. Grace (Council District 3) to the Salary Commission.

APPROVED

PSPRC-19 (Comm. 701): Recommends approval of the nomination of Mr. Morris I. Kihara (Council District 2) to the Veterans Advisory Committee.

APPROVED

PSPRC-20 (Comm. 702): Recommends approval of the nomination of Mr. Thomas P. Whittemore (Council District 8) to the Police Commission.

APPROVED

PSPRC-21 (Comm. 703): Recommends approval of the nomination of Mr. Claude S. Onizuka (Council District 7) to the Liquor Commission.

APPROVED

PSPRC-22 (Comm. 704): Recommends approval of the nomination of Mr. John M. Bertsch (Council District 8) to the Fire Commission.

APPROVED

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. 514.1: JAMES R. PARRISH AND LISA R. PARRISH, ET. AL. V. THE HONORABLE RONALD IBARRA, JUDGE OF THE THIRD CIRCUIT COURT, STATE OF HAWAI'I, ET. AL. CIV. NO. 05-651; JAMES R. PARRISH AND LISA R. PARRISH, ET. AL. V. THE STATE OF HAWAI'I, ET. AL. CIV. NO. 05-1-0315
REQUEST FOR EXECUTIVE SESSION

From Corporation Counsel Lincoln S. T. Ashida, dated March 6, 2006. {The purpose of the executive meeting is to discuss the Corporation Counsel's interpretation, work product, and recommendations concerning the litigation in this case, including the payment of special counsel fees and costs, which necessarily involve discussion concerning the Council's powers, duties, privileges, immunities and liabilities thereto. This meeting is closed to the public pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes, as amended.}

POSTPONED TO APRIL 5, 2006, COUNCIL MEETING

Comm. 724.1: KELLY, ET. AL. V. 1250 OCEANSIDE PARTNERS, ET. AL. CIV. NO. 00-01-0192K

From Corporation Counsel Lincoln S. T. Ashida, dated March 3, 2006.

POSTPONED TO APRIL 5, 2006, COUNCIL MEETING

OTHER BUSINESS

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

ANNOUNCEMENTS

WEDNESDAY, MARCH 22, 2006
COUNCIL PUBLIC HEARING RE OPERATING AND CAPITAL BUDGETS (W. HAWAI'I) 6:00 p.m. SHERATON KEAUHOU BAY RESORT AND SPA

WEDNESDAY, MARCH 29, 2006
FINANCE COMMITTEE SPECIAL MEETING (DEPARTMENTAL AND PROGRAM REVIEWS OF BUDGETS) 9:00 a.m. COUNCIL ROOM

THURSDAY, MARCH 30, 2006

FINANCE COMMITTEE
SPECIAL MEETING
(DEPARTMENTAL AND
PROGRAM REVIEWS OF
BUDGETS)

9:00 a.m.

COUNCIL ROOM

FRIDAY, MARCH 31, 2006

FINANCE COMMITTEE
SPECIAL MEETING
(DEPARTMENTAL AND
PROGRAM REVIEWS OF
BUDGETS)

9:00 a.m.

COUNCIL ROOM

TUESDAY, APRIL 4, 2006

COMMITTEES

TBA

COUNCIL ROOM

WEDNESDAY, APRIL 5, 2006

COUNCIL

9:00 a.m.

COUNCIL ROOM

ADJOURNMENT 6:45 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 March 20, 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.

Submitting Testimony: Those persons wishing to testify must register with the Council/Clerk's staff. Those testifying in person and submitting written testimony should bring **sixteen (16)** copies of the testimony for distribution at the meeting. Those persons unable to testify in person 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, March 29, 2006, at 6 p.m.; Sunday, April 2, 2006, at 10:30 a.m.; and Wednesday, April 5, 2006, at 6 p.m.

(Hawai'i Tribune Herald – March 19, 2006)

(West Hawai'i Today – March 19, 2006)