

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*

34th Session

ORDER OF BUSINESS

Hawai'i County Council
Hilo, Hawai'i

Wednesday, April 5, 2006
9:00 a.m.

INVOCATION

Kahu Wendell Davis of Kamehameha Schools Hawai'i Campus

CALL TO ORDER

9:12 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

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

Comm. 776: NOMINATION OF AN OFFICER AND ALTERNATE TO THE HAWAI'I STATE ASSOCIATION OF COUNTIES (HSAC) EXECUTIVE COMMITTEE FOR FISCAL YEAR 2006-2007.
From HSAC Alternate Vice Chair James Y. Arakaki, dated March 21, 2006, recommending approval of the nominations of Stacy Higa as Vice Chair, James Y. Arakaki as Alternate Vice Chair, and Donald Ikeda as Second Alternate Vice Chair of the HSAC Executive Committee.

Waived: PWIRC

APPROVED

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

ORDER OF RESOLUTIONS

Res. 258-06: Accepts the Dedication of Real Property, Being a Portion of Tax Map Key: (3)2-4-048:068, Situate at Waiākea, in the District of South Hilo, County and State of Hawai'i, from William Takaba and Cheryl Ann Takaba. {Parcel contains an area of approximately 1,080 square feet and would be used for future road widening purposes along the frontage of Edena Street.}

Re: Comm. 677
Intr. by: Mr. Ikeda
Approve: PWIRC-38

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Res. 271-06: Authorizes the Receipt and Expenditure of State Funding Appropriated by the State Legislature Pursuant to Act 178, Session Laws of Hawai'i 2005, for Community Anti-Drug Efforts on the Island of Hawai'i. {Funds would be utilized by providing grants to community organizations to undertake projects that promote community anti-drug efforts.}

Re: Comm. 729
Intr. by: Ms. Isbell
Approve: FC-249

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Res. 274-06: Authorizes the Director of Finance to Negotiate a Lease of Real Property in Kawaihae, Tax Map Key (3) 6-1-03:10, 11 and 14 (approx. 4.670 acres), to the Kawaihae Canoe Club. {Parcel to be used for recreational, cultural, and educational purposes relating to the perpetuation and preservation of the art of Hawaiian outrigger canoe racing and Hawaiian koa canoes within the communities of South Kohala, North Kohala, and Hāmākua. }

Re: Comm. 732
 Intr. by: Ms. Isbell
 Approve: FC-251

ADOPTED:

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

NOES: None.

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

Res. 275-06: Authorizes the Acceptance of a Monetary Donation of \$600 to the Hawai'i County Police Department. {Funds donated by the Kona Coast Resort would be used for the Department's Special Response Team. }

Re: Comm. 733
 Intr. by: Ms. Isbell
 Approve: FC-252

ADOPTED:

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

NOES: None.

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

Res. 276-06: Authorizes the Acceptance of a Donation of an Automated External Defibrillator (AED) for the Hilo Municipal Golf Course. {The wall-mounted Phillips AED, donated by the Hawai'i Island Golf Association, has an estimated total value of \$1,875. }

Re: Comm. 736
 Intr. by: Ms. Isbell
 Approve: FC-254

ADOPTED:

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

NOES: None.

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

;and

Comm. 736.1: From Council Chair Stacy K. Higa, dated March 23, 2006.

Res. 277-06: Authorizes the Acceptance of a Donation of a Search Canine to the Hawai'i County Police Department's Juvenile Aid Section. {The trained canine, donated by Canines for Kids, Inc., is capable of searching for missing children and Alzheimer's patients and to trail criminal suspects.}

Re: Comm. 737
 Intr. by: Ms. Isbell
 Approve: FC-255

ADOPTED:

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

NOES: None.

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

Res. 278-06: Creates an Investigator III (Temporary) Position and a Legal Assistant II (Temporary) Position for the Office of the Prosecuting Attorney's Non-Support Prosecution Project Team. {The Investigator III position would provide investigative and follow-up support critical to the identification and development of persistent non-support cases; and the Legal Assistant II position would provide paralegal support for the project.}

Re: Comm. 738
 Intr. by: Ms. Isbell
 Approve: FC-256

ADOPTED:

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

NOES: None.

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

Res. 279-06: Authorizes the Granting of an Easement for Utility Purposes Over a Portion of Lot 2 (Kula'imano Heights, Unit VIII, Increment 2), Being Tax Map Key: (3)2-8-007:073, Situate at Kumula Street, Pepe'ekeo, District of South Hilo, County and State of Hawai'i, to Hawaiian Telcom, Inc. {The fair market value of the site with an area of 908 square feet is \$1,500.}

Re: Comm. 739
 Intr. by: Mr. Ikeda
 Approve: PWIRC-39

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Res. 280-06: Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year for One Truck Tractor for the Environmental Management Department's Solid Waste Division. {Replaces one of their truck tractors that was involved in a highway accident and deemed totaled by an appraiser. }

Re: Comm. 741
 Intr. by: Ms. Isbell
 Approve: FC-257

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Res. 281-06: Authorizes the Office of the Mayor to Enter Into a Contract for Goods and Services, Adm. Serv. Office Log No. 06-212, with the Department of Health, State of Hawai'i, to Update and/or Revise the County of Hawai'i Erosion and Sedimentation Control Standards and Guidelines. {The Public Works Department has received a grant of \$44,000 from the Department of Health for the update and/or revision of the County's Erosion and Sedimentation Control Guidelines. Funds would be used to a) review existing Standards and Guidelines; b) compare and evaluate standards and guidelines from other counties in the State of Hawai'i and/or selected municipalities on the mainland; c) prepare an updated report including application of Best Management Practices to different types of projects and settings; and d) incorporate applicable comments by participating committees/agencies into the draft Revised County's Standards and Guidelines. }

Re: Comm. 742
 Intr. by: Ms. Isbell
 Approve: FC-258

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Res. 284-06 (Draft 2): Creates a Park Caretaker II Position, a Park Caretaker I Position, and a Park Caretaker I Position for the Department of Parks and Recreation. {These positions would ensure that the Pu'umaile/Lehia Park located in Hilo and the Honl's/Waiaha Beach Park located in Kona are properly serviced and maintained. }

Re: Comm. 747.1
 Intr. by: Ms. Isbell
 Approve: FC-262

ADOPTED:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Res. 286-06: Creates a Property Manager Position and a Clerk III Position for the Department of Finance. {The Department is responsible in providing staff to manage the lands acquired by the County and to minimize use of outside agents, and to fulfill this responsibility, these positions would staff the new Property Management Division.}

Re: Comm. 749
 Intr. by: Ms. Isbell
 Approve: FC-264

ADOPTED:

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

NOES: None.

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

Res. 288-06: Supports Financing of the Planning, Design and Construction of the Waste Reduction Facility in East Hawai'i Utilizing the Design-Build-Operate Procurement Process.

Re: Comm. 752
 Intr. by: Mr. Safarik
 Waived: EMC

AMENDED TO DRAFT 2 & ADOPTED:

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

NOES: Council Member Ikeda – 1.

ABSENT & EXCUSED: Council Member Arakaki – 1.

10:00 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)

BILLS FOR ORDINANCES (FIRST READING)

Bill 223: Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), by Changing the District Classification from Open (O) to General Industrial (MG-15a) at Kalaoa 1st-4th, North Kona, Hawai'i, Covered by Tax Map Key 7-3-49:36 and 37 (approx. 15.643 acres). {Hawai'i Electric Light Company, Inc., Applicant.}

Re: Comm. 686
 Intr. by: Mr. Pilago
 Approve: PC-56

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Bill 238: Amends Article VII, Chapter 1, of the Hawai'i County Charter (2000), Relating to the Department of Civil Service. {The proposed Charter amendments are for the purposes of: changing the name of the Civil Service Commission to Merit Appeals Board; changing the name of the Department of Civil Service to Department of Human Resources; changing the title of Director of Personnel or Director of Civil Service to Director of Human Resources; and changing the title of Deputy Director of Personnel or Deputy Director of Civil Service to Deputy Director of Human Resources.}

Re: Comm. 726
 Intr. by: Ms. Isbell
 Approve: FC-248
 2/3 Vote: First of three required readings,
 Section 15-1(a), 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 239
 (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. {Appropriates revenues in Healing Our Island (\$100,000) and Community Anti-Drug Effort Account (\$100,000), for a total of \$200,000; appropriates to Healing Our Island (\$100,000) and Community Anti-Drug Effort Account (\$100,000), for a total of \$200,000.}

Re: Comm. 729.1
 Intr. by: Ms. Isbell
 Approve: FC-250

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 240: 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 Contribution/Donation from Private Source (\$600); appropriates same to Police Administration Division – Other Current Expense.}

Re: Comm. 733
 Intr. by: Ms. Isbell
 Approve: FC-253

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 242: 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 – Erosion and Sedimentation Control (\$44,000); appropriates same to Erosion and Sedimentation Control. }

Re: Comm. 742
 Intr. by: Ms. Isbell
 Approve: FC-259

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 243: Amends Ordinance No. 95-82 of the County of Hawai'i Adopted on July 5, 1995, as Amended by Ordinance No. 96-92 Adopted on August 15, 1996, Relating to the Issuance of General Obligation Bonds. {Amends the 1996A General Obligation Bond to allow use of unspent funds for any appropriated capital improvement projects which are in progress or ready to start. }

Re: Comm. 745
 Intr. by: Ms. Isbell (B/R)
 Approve: FC-260
 2/3 Vote: Section 47-5, Hawai'i Revised Statutes

AMENDED TO DRAFT 2 & PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

Bill 244: 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 (\$1,200,000); appropriates to the following: Landfills – Other Current Expense (\$1,150,000) and Recycling Program – County Other Current Expense (\$50,000), for a total of \$1,200,000. Funds would be re-appropriated for the Waikoloa Village Curbside Study, which had lapsed; road and paving improvements at the Hilo Transfer and Recycling Facility; cover rising fuel costs; and construct the sliver fill at the South Hilo Sanitary Landfill. }

Re: Comm. 746
 Intr. by: Ms. Isbell (B/R)
 Negative Recommendation: FC-261

PASSED 1ST READING:

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

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki – 1.

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 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
 Postponed: March 22, 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. {Increases revenue in Fund Balance from Previous Year (\$2,773,465), changing the revenue total to \$2,541,465; and appropriates to the following: Office of Management – Other Current Expense (\$15,000). Please note that all remaining items are the same as contained in Draft 1 for a total of \$2,541,465. }

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

Postponed: March 22, 2006

;and

Comm. 671.5: From Finance Committee Chair Virginia Isbell, dated March 21, 2006, requesting proposed amendments to Bill 214, Draft 2. The amendments are designed to allow additional examination and review of the requests for: 1) environmental assessments during sale of County land; 2) overtime; 3) property management division salary and wages, operating expenses, and equipment; 4) police commission other current expense; 5) matching funds for the 2004 and 2005 Assistance to Firefighters Grant; and 6) flood control contractual services. In addition, the amendments propose: 1) establishing additional contingency funds for council districts (\$80,000/district); 2) funding legislative expenses; and 3) funding election expenses.

Postponed: March 22, 2006

;and

Comm. 671.4: From Council Member Virginia Isbell, dated March 22, 2006, transmitting Bill 214, Draft 3. Draft 3 amendments move funds to the Council's contingency account to allow for additional examination and review of the requests for 1) environmental assessments during sale of County land; 2) overtime; 3) property management division salary and wages, operating expenses, and equipment; 4) police commission other current expense; and 5) matching funds for the 2004 and 2005 Assistance to Firefighters Grant. In addition, the amendments propose to 1) establish additional contingency funds for council districts (\$80,000/district); 2) fund legislative expenses; 3) fund election expenses; and 4) fund a Grant Writer position, SR 24 for the Department of Research and Development (attaches Exhibit "A" which lists the total adjustments); *and*

Bill 214
(Draft 3): 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 (\$3,727,401), for a total of \$3,495,401; 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 (\$2,025), Advertising (\$58,700), Treasury – Other Current Expense (\$20,000), Civil Service – Other Current Expense (\$750), Research and Development – Salary and Wages (\$11,073), 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 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'ū Police – Other Current Expense (\$14,000), Puna Police – Other Current Expense (\$7,000), Fire Protection

– Other Current Expense (\$150,000), 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), Legislative – Contingency Relief (\$1,155,497), Clerk-Council Services – Other Current Expense (\$115,300), Clerk-Council Services – Equipment (\$104,736), Election Division – Other Current Expense (\$12,300), and Election Division – Equipment (\$1,600), for a total of \$3,495,401.)

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

AMENDED TO DRAFT 4 & 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.

(Note: There are three pending motions: 1) Ms. Isbell moved to approve Bill 214, duly seconded by Mr. Holschuh; 2) Ms. Isbell moved to amend Bill 214 with Draft 2, duly seconded by Mr. Ikeda; and 3) Ms. Isbell moved to amend Bill 214, Draft 2, with her proposed amendments contained in Communication 671.5, duly seconded by Mr. Ikeda.)

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: March 22, 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.

(Note: There is a pending motion by Ms. Isbell and duly seconded by Mr. Pilago to approve Bill 215.)

Bill 219
(Draft 2): 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. 679.2
Intr. by: Mr. Jacobson
1st Reading: March 22, 2006

PASSED 2ND & FINAL READING:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell,
Pilago, Safarik, and Chair Higa – 7.
NOES: Council Member Jacobson – 1.
ABSENT & EXCUSED: Council Member Arakaki – 1.

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
1st Reading: March 22, 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 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
1st Reading: March 22, 2006
2/3 Vote: Second of three required readings,
Section 15-1(a), Hawai'i County Charter

PASSED 2ND READING:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell,
Jacobson, Pilago, Safarik, and Chair Higa – 8.
NOES: None.
ABSENT & EXCUSED: Council Member Arakaki – 1.

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
 1st Reading: March 22, 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 Report from the Finance Department for the Month Ended December 31, 2005.

ACCEPTED

FC-247 (Comm. 722): Recommends approval of the nomination of Mr. George “Rick” Robinson (Council District 7) to the Civil Service 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: March 22, 2006

CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL

- 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: March 22, 2006
- CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL**
- Comm. 771: CLAIM AGAINST THE COUNTY/STATE FARM INSURANCE
RE: MICHAEL GIRE
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated March 20, 2006.
CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL
- Comm. 772: CLAIM AGAINST THE COUNTY/FREDDY RICE DBA FR CATTLE
COMPANY
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated March 20, 2006.
CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL
- Comm. 777: MARLA ULEP VS. COUNTY OF HAWAI'I, ET AL. VS. KEVIN JACKSON;
CIVIL NO. 04-1-0314
 From Deputy Corporation Counsel Brandon A. K. Gonzalez, dated March 21, 2006.
CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL
- Comm. 778: ROXIE McCALL, ET AL. VS. PATRICK WILSON CLOSE, ET AL.; CIVIL
NO. 05-1-0374
 From Deputy Corporation Counsel Brandon A. K. Gonzalez, dated March 21, 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, APRIL 18, 2006</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, APRIL 19, 2006</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>MONDAY, MAY 1, 2006</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>TUESDAY, MAY 2, 2006</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM

ADJOURNMENT 4:23 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 April 3, 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, April 12, 2006, at 6 p.m.; Sunday, April 16, 2006, at 10:30 a.m.; and Wednesday, April 19, 2006, at 6 p.m.

(Hawai'i Tribune Herald – April 2, 2006)
(West Hawai'i Today – April 2, 2006)