

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*

38<sup>th</sup> Session

### ORDER OF BUSINESS

Hawai'i County Council  
Hilo, Hawai'i

Monday, June 5, 2006  
9:00 a.m.

INVOCATION

Pastor Paul McIlroy of Kea'au Bible 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.)

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

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

**ORDER OF RESOLUTIONS**

Res. 317-06: Requests a Feasibility Study for the Closure and Realignment of the Hilo Bayfront Highway and the Restoration of the Hilo Bayfront Beach.

Re: Comm. 824  
Intr. by: Mr. Ikeda  
Approve: PWIRC-45

**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. 362-06: Directs the Clerk of the County of Hawai'i to Take Necessary Action to Place the Charter Amendment Proposed by Ordinance No. 06-51 on the 2006 General Election Ballot. {Ordinance 06-51 amends the composition and terms of boards and commissions.}

Re: Comm. 887  
Intr. by: Ms. Isbell  
Approve: FC-297

**ADOPTED:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Res. 363-06: Authorizes the Payment of Funds of a Later Fiscal Year and More Than One Fiscal Year for a Multi-Year Lease (5 years) of Real Property for the Prosecuting Attorney's Kona Office. {The current lease expires on June 30, 2006, and the new lease would be for their current office location for an additional 1,450 square feet in the same building.}

Re: Comm. 888  
Intr. by: Ms. Isbell  
Approve: FC-298

**ADOPTED:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Res. 364-06: Authorizes the Payment of Funds of a Later Fiscal Year and More Than One Fiscal Year for a Multi-Year Lease (5 years) of Real Property at 891 Ululani Street to Accommodate the Relocation of Some of the Offices Presently in the County Building at 25 Aupuni Street. { This property located across from the Police Department was formerly the VA Hilo Medical Office Building, which contains 11,996 square feet of office space and 28 parking stalls. Although the lease would be for five years, provisions are included to end the lease after three years with no penalty. }

Re: Comm. 889  
 Intr. by: Ms. Isbell  
 Approve: FC-299

**ADOPTED:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Res. 365-06: Authorizes the Payment of Funds of a Later Fiscal Year and More Than One Fiscal Year for a Multi-Year Lease (5 years) of Real Property at Puainako Center, Building C, Bay C-5, 2100 Kanoelehua Street in Hilo, to Accommodate the Relocation of Some of the Offices Presently in the County Building at 25 Aupuni Street. { This space located next to Checkers Auto Parts, was formerly occupied by Long's Drugs Express and Pay 'n' Save, which contains 7,540 square feet of office space and 7,282 square feet of storage/warehouse space. Although the lease would be for five years, provisions are included to end the lease after three years with no penalty. }

Re: Comm. 889  
 Intr. by: Ms. Isbell  
 Approve: FC-300

**ADOPTED:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Res. 370-06: 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 Planning Department Transfer to Capital Projects Fund – G (Puna Makai Alternate Route Study-Council District 5). Discretionary funds from District 5 would be used to hire a transportation consultant to provide community outreach and education, and work with the Puna Community Development Plan (CDP) consultant, PlanPacific, Inc., to complete a comprehensive study to identify an alternate commuter route between Puna Makai and Hilo.}

Re: Comm. 897  
 Intr. by: Mr. Safarik  
 Waived: FC

**ADOPTED:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Res. 377-06: Determines the Real Property Tax Rates for the County of Hawai'i for the Fiscal Year July 1, 2006, to June 30, 2007.

Re: Comm. 915  
 Intr. by: Ms. Isbell  
 Public Hearings: May 16 and 18, 2006  
 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 224: 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 Agricultural (A-3a) and Open to Project District (PD) at Kau, North Kona, Hawai'i, Covered by Tax Map Key 7-2-5:1 (approx.725.2 acres).  
 {Hiluhilu Development, LLC, Applicant.}

Re: Comm. 687  
 Intr. by: Mr. Pilago  
 Approve: PC-73

**POSTPONED DRAFTS 1, 2, AND 3 TO 6/21/06 COUNCIL MEETING**

Bill 225: Planning Director Initiated Amending Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), Relating to Modifications of the Conditions of Ordinance No. 93 45, and Further Amending the Ordinance by Deleting Tax Map Key 7-2-05:1. The Remaining Area of 273.82 Acres is Retained as Agricultural (A-3a) at Kau, North Kona, Hawai'i, Covered by Tax Map Key 7-2-15:1-43, 46-86.

Re: Comm. 688  
 Intr. by: Mr. Pilago  
 Approve: PC-74

**POSTPONED TO 6/21/06 COUNCIL MEETING**

Bill 277: 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 – Disabled Parking (\$36,840); appropriates same to Disabled Parking – State. Funds would be used towards the County's Disabled Persons Parking Placard Program.}

Re: Comm. 858  
 Intr. by: Ms. Isbell  
 Approve: FC-296

**PASSED 1<sup>ST</sup> READING:**

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

**NOES:** None.

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

Bill 283  
 (Draft 2): Amends Chapter 2, Article 41, of the Hawai'i County Code 1983 (2005 Edition), Disaster and Emergency Fund, Relating to Fund Expenditures. {Proposal eliminates the maximum appropriation of \$1,000,000 per year and its accumulated maximum of \$5,000,000; and includes the allowance to pay for operational expense of the County after a disaster or emergency when the County is unable to realize revenue at sufficient levels due to the disaster or emergency.}

Re: Comm. 890.1  
 Intr. by: Ms. Isbell  
 Approve: FC-301

**PASSED 1<sup>ST</sup> READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Arakaki – 1.

**(Note: Subsequent Bill 292, Draft 2, is the companion legislation to Bill 283, Draft 2.)**

Bill 292  
(Draft 2):

Amends Chapter 2 of the Hawai'i County Code 1983 (2005 Edition), Administration, Relating to Budget Stabilization Fund. {This new special fund was created for the purpose of meeting general fund revenue shortfalls and to minimize the need for budget cuts or tax increases and would be a temporary supplement source of funds for the County to use during times of financial hardships while a plan for cost reduction or revenue enhancement is developed.}

Re: Comm. 890.2  
Intr. by: Ms. Isbell  
Approve: FC-302

**PASSED 1<sup>ST</sup> READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Arakaki – 1.

Bill 286:

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 PLANNING: Puna Makai Alternate Route Study – Council District 5 (\$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. 897  
Intr. by: Mr. Safarik  
Waived: FC  
2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 1<sup>ST</sup> READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Arakaki – 1.

Bill 288:

Amends Chapter 2, Article 6 and Article 16, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Mileage Reimbursement Rates for Duly Authorized Volunteer Police and Fire Personnel. {Proposal reflects a consistent reimbursement rate amongst all County employees and duly authorized volunteer police and fire personnel. Mileage reimbursements rates shall be prescribed by, and subject to, requirements set forth in Section 2-101(b) or by negotiated contracts of bargaining units.}

Re: Comm. 905  
Intr. by: Ms. Isbell  
Waived: FC

**PASSED 1<sup>ST</sup> READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

Bill 293: 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: Construction, Maintenance, and Repair of County Roads – State (\$2,000,000); funds shall be provided from State Grants Receivable (\$2,000,000). Funds would cover the costs of construction, maintenance, and repair of County roads.}

Re: Comm. 911  
Intr. by: Ms. Isbell  
Waived: FC  
2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 1<sup>ST</sup> READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:**Council Member Arakaki – 1.

; and

Comm. 911.1: From Finance Committee Chair Virginia Isbell, dated May 25, 2006, requesting that the above matter be waived.

Bill 294: 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 – Greetings Program (\$175,000); appropriates same to Greetings Program. Funds would be used to plan, develop, and operate the Department of Research and Development's Greetings Program, which is intended to provide services to enhance the experience of arriving and/or departing island visitors.}

Re: Comm. 917  
Intr. by: Ms. Isbell  
Waived: FC

**PASSED 1<sup>ST</sup> 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 235 Establishes an Operating Budget for the County of Hawai'i for the Fiscal Year  
(Draft 3): July 1, 2006, to June 30, 2007. {Proposed \$326,228,673 Operating Budget for the County of Hawai'i. Draft 3 amendments reflect an increase of 41,720,370, and are shown in Exhibit A.}

Re: Comm. 717.61  
Intr. by: Ms. Isbell  
1<sup>st</sup> Reading: May 17, 2006  
Public Hearings: March 16 and 22, 2006

**AMENDED TO DRAFT 4 & PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 236 Relates to Public Improvements and Financing Thereof for the Fiscal Year July 1,  
(Draft 3): 2006, to June 30, 2007. {Proposed \$135,112,000 Capital Improvements Project Budget for the County of Hawai'i. Draft 3 amendments reflect an increase of \$290,000, which adds the following projects: Pāhoa Fire Station – Replacement, Dirt Bike/ATV Track, Kahuku Community and Senior Center, Nā'ālehu Park Tennis Court Upgrade, Nā'ālehu Park Gathering Place, Honuapu Planning, Cooper Center Parking; and deletes West Hawai'i Composting Facility. }

Re: Comm. 718.7  
Intr. by: Ms. Isbell  
1<sup>st</sup> Reading: May 17, 2006  
Public Hearings: March 16 and 22, 2006

**AMENDED TO DRAFT 4 & PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 237: Amends Section 25-8-15 (Hāmākua District 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) to Family Agricultural (FA-3a) at Waikoekoe, Hamakua, Hawai'i, Covered by Tax Map Key 4-7-007:048 (approx. 34.559 acres). {Christopher Raymond, Applicant. }

Re: Comm. 723  
Intr. by: Mr. Pilago  
1<sup>st</sup> Reading: May 17, 2006

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** Council Member Jacobson – 1.

**ABSENT & EXCUSED:**None.

Bill 246  
(Draft 2): Amends Chapter 23, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Information Required for Submittal of a Subdivision Application, Revisions to Certain Time and Street Requirements, and Minor "Housekeeping" Changes to the Subdivision Code. {Draft 2 amendments relate to: tentative approval of the preliminary plat (Section 23-62), explanatory information of the preliminary plat (Section 23-66), and the information required on the final plat (Section 23-69).}

Re: Comm. 762.21  
Intr. by: Ms. Isbell  
1<sup>st</sup> Reading: May 2, 2006  
Postponed: May 17, 2006

**(Note: There is a pending motion by Ms. Isbell and duly seconded by Mr. Hoffmann to approve Bill 246, Draft 2.)**

*;and*

Comm. 762.57: From Council Member Pete Hoffman, dated May 8, 2006, transmitting Bill 246, Draft 3. Draft 3 deletes the Planning Department's proposed amendments to Section 23-50 of the Subdivision Code relating to "grades and curves" in its entirety; and as a result Section 23-50 of the Subdivision Code relating to "grades and curves" will remain unchanged; *and*

Bill 246  
(Draft 3): Amends Chapter 23, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Information Required for Submittal of a Subdivision Application, Revisions to Certain Time Requirements, and Minor "Housekeeping" Changes to the Subdivision Code.

Intr. by: Mr. Hoffmann

**AMENDED TO DRAFT 5 & PASSED 2<sup>ND</sup> & FINAL READING:**

**AYES:** Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Safarik, and Chair Higa – 6.

**NOES:** Council Members Isbell, Jacobson, and Pilago – 3.

**ABSENT & EXCUSED:**None.

*;and*

Comm. 762.58: From Duane D. Erway, President, Plan to Protect Kona, dated May 17, 2006; *and*  
Comm. 762.59: From Margaret Wille, dated May 17, 2006; *and*  
Comm. 762.60: From Michael Reimer, dated May 12, 2006; *and*  
Comm. 762.61: From Merry Anne Stone, dated May 14, 2006; *and*  
Comm. 762.62: From Terri Ribordy, dated May 15, 2006; *and*  
Comm. 762.64: From Gordana Leonard, dated May 17, 2006; *and*  
Comm. 762.65: From Kawila Duell, dated May 17, 2006.

Bill 247  
(Draft 4):

Amends Section 25-8-2 (North and South Kona District 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) to Family Agricultural (FA-3a) at Kaloko Mauka Subdivision, North Kona, Hawai'i, Covered by Tax Map Key 7-3-24:8 (approx. 21.992 acres). {Dennis D. Smith, Applicant.} {Draft 4 amends Condition E relating to restrictive covenants(s).}

Re: Comm. 763.6

Intr. by: Mr. Ikeda

1<sup>st</sup> Reading: May 17, 2006

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

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

**ABSENT & EXCUSED:**None.

Bill 260  
(Draft 3):

Adopts a Pay Plan for Persons Employed by the County Other Than Those Whose Pay is Otherwise Provided for, Designates Payroll Periods, Pay Days, Prescribes Requirements with Respect to Official Fidelity Bonds, and Repeals Ordinance No. 05-88 and All Amendments Thereto, Said Ordinance to be Known as the Salary Ordinance of 2006. {Draft 3 amendments allow each council member the option of requesting a 5% step raise for their Council District staff: Council Aides (CA-1), Council Aide to the Council Chairperson (CA-2), and Council Legislative Assistants (CLA-1).}

Re: Comm. 802.2

Intr. by: Mr. Higa

1<sup>st</sup> Reading: May 17, 2006

Postponed: May 2, 2006

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 261  
(Draft 2):

Initiates a Charter Amendment to Section 12-2.1, Chapter 2, Article XII, of the Hawai'i County Charter (2000), Relating to Impeachment of Elected Officers. {Proposed amendment would raise the low threshold of registered voters required to bring the significant charges for impeachment against an elected officer or officer appointed to a vacancy in any elected office; and provide that only those voters registered in the council district of a respective council member may bring charges to the circuit court when impeaching a district council member. Draft 2 amends "SECTION 7" which states that this ordinance shall not apply retroactively to council members serving in council term 2004-2006.}

Re: 807.1  
Intr. by: Mr. Higa  
1st Reading: May 2, 2006  
2nd Reading: May 17, 2006  
2/3 Vote: Third of three required readings,  
Section 15-1(a), Hawai'i County  
Charter

**PASSED 3<sup>RD</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 266:

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 Neighborhood Commercial (CN-10) to Single-Family Residential (RS-10) at Kalaoa 5<sup>th</sup>, North Kona, Hawai'i, Covered by Tax Map Key 7-3-61:1-10, 17, 18, 20-22, Por. 11, 12, 19, 24-26, 50, 53, 54 (approx. 6.643 acres). {Sonny Ventures, LLC, Applicant.}

Re: Comm. 817  
Intr. by: Mr. Pilago  
1<sup>st</sup> Reading: May 17, 2006

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 267  
(Draft 2): Planning Director Initiated Amending Chapter 25, the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Sewer Pump Station. {Amendment includes a sewer pump station as a permitted use in any zone district subject to the Planning Director's issuance of a plan approval.}

Re: Comm. 818.1  
Intr. by: Mr. Pilago  
1<sup>st</sup> Reading: May 17, 2006

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 269: Amends Article VII, Chapter 4, of the Hawai'i County Charter (2000), Relating to the Fire Department. {Adopts "Hawai'i Fire Department" as the formal name of the Department.}

Re: Comm. 829  
Intr. by: Mr. Jacobson  
1<sup>st</sup> Reading: May 17, 2006  
2/3 Vote: Second of three required readings, Section 15-1(a), Hawai'i County Charter

**PASSED 2<sup>ND</sup> OF THREE REQUIRED READINGS:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 271: 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 (\$110,000); appropriates to the following: Streetlights Other Current Expense, District 2 - \$30,000 and District 8 – \$50,000 (\$80,000) and Roads-in-Limbo Other Current Expense, District 8 - \$30,000 (\$30,000), for a total of \$110,000. Funds would be used to install streetlights in Districts 2 and 8, and for the Roads-in-Limbo project for District 8.}

Re: Comm. 833  
Intr. by: Ms. Isbell  
1<sup>st</sup> Reading: May 17, 2006

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 272: 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 – Waipio Park Ranger Pilot Program (\$60,000); appropriates same to Waipio Park Ranger Pilot Program.}

Re: Comm. 834  
 Intr. by: Ms. Isbell  
 1<sup>st</sup> Reading: May 17, 2006

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 273: Initiates a Charter Amendment to the Hawai'i County Charter (2000), Relating to Verifying and Certifying Petitions for Initiative and Referendum, Removal of Elected Officers and Charter Amendment or Revision. {The proposed amendments relate to: 1) eliminates the requirement of providing social security numbers; 2) changes the number of days the County Clerk has to verify and certify petitions and supplemental petitions; 3) deletes the mailing address provision; and 4) makes other housekeeping changes.}

Re: Comm. 835  
 Intr. by: Ms. Isbell  
 1<sup>st</sup> Reading: May 17, 2006  
 2/3 Vote: Second of three required readings, Section 15-1(a), Hawai'i County Charter

**PASSED 2<sup>ND</sup> OF THREE REQUIRED READINGS:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 278: 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: District 4 Parks Improvement (\$31,116); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (Contingency Relief) (\$31,116).}

Re: Comm. 860  
 Intr. by: Mr. Higa  
 1<sup>st</sup> Reading: May 17, 2006  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 279: 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: PARKS AND RECREATION: Play Equipment Upgrade – Laupāhoehoe Park Playground [\$500,000] (~~\$522,950~~); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (Contingency Relief) (\$22,950). Funds would be added to an existing CIP account and would be used to procure playground equipment as well as the design and installation of required materials at Laupāhoehoe Park. }

Re: Comm. 869  
 Intr. by: Mr. Holschuh  
 1<sup>st</sup> Reading: May 17, 2006  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 280: 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: Waiakea-Uka Park Comfort Station (\$70,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (Contingency Relief) (\$70,000). }

Re: Comm. 881  
 Intr. by: Mr. Arakaki  
 1<sup>st</sup> Reading: May 17, 2006  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 284: 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: District 5 – Park Improvements (\$50,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (Contingency Relief) (\$50,000). }

Re: Comm. 895  
 Intr. by: Mr. Safarik  
 1<sup>st</sup> Reading: May 17, 2006  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:**None.

Bill 285: 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: District 5 – Miscellaneous Department of Public Works Improvements (\$51,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (Contingency Relief) (\$51,000).}

Re: Comm. 896  
 Intr. by: Mr. Safarik  
 1<sup>st</sup> Reading: May 17, 2006  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>ND</sup> & FINAL READING:**

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

**NOES:** None.

**ABSENT & EXCUSED:** None.

Bill 287: 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 Federal Grants – Sexual Assault Multi-Disciplinary Training (\$4,350); appropriates same to Sexual Assault Multi-Disciplinary Training. Funds in addition to the \$34,500 previously appropriated for this grant, would be used by the Office of the Prosecuting Attorney to coordinate a statewide three-day training program aimed at improving the delivery of sexual assault services within the criminal justice system.}

Re: Comm. 902  
 Intr. by: Ms. Isbell  
 1<sup>st</sup> Reading: May 17, 2006

**PASSED 2<sup>ND</sup> & 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 April 30, 2006.

**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. 514.2:        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., CIVIL NO. 05-651;  
JAMES R. PARRISH AND LISA R. PARRISH, ET. AL. V. THE STATE OF HAWAI'I, ET. AL., CIVIL NO. 05-1-0315  
 From Corporation Counsel Lincoln S. T. Ashida, dated May 23, 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 but not limited to 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.}  
**CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL**
- Comm. 918:        REQUEST BY COUNCIL MEMBERS JACOBSON, PILAGO, AND HOFFMANN FOR A LEGAL OPINION AS TO POTENTIAL LIABILITY/LITIGATION ISSUES REGARDING THE MEMORANDUM, DATED OCTOBER 24, 2005, FROM THE DEPARTMENT OF PUBLIC WORKS TO THE PLANNING DIRECTOR RELATING TO HILUHILU DEVELOPMENT, LLC'S CHANGE OF ZONE APPLICATION AND POTENTIAL INDIVIDUAL LIABILITY OF COUNCIL MEMBERS WHO VOTE IN FAVOR OF THE HILUHILU DEVELOPMENT, LLC'S CHANGE OF ZONE APPLICATION  
 From Deputy Corporation Counsel Amy S. Self, dated May 23, 2006.  
**CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL**
- Comm. 919:        HOWARD ROBERT HOFELICH VS. STATE OF HAWAI'I, ET. AL., CIVIL NO. 05 CV 1178 IEG (JMA)  
 From Deputy Corporation Counsel Brandon A. K. Gonzalez, dated May 22, 2006.  
**CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL**
- Comm. 920:        WENDELL TANGARO V. JOSEPH BOTELHO, ET AL., CIVIL NO. 03-00211 DAE/LEK  
 From Deputy Corporation Counsel Harry P. Freitas, dated May 23, 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, JUNE 6, 2006</u>	
PLANNING COMMITTEE	9:00 a.m.	COUNCIL ROOM
HUMAN SERVICES AND ECONOMIC DEVELOPMENT COMMITTEE	10:00 a.m.	COUNCIL ROOM
FINANCE COMMITTEE	11:00 a.m.	COUNCIL ROOM
HOUSING AGENCY	1:30 p.m.	COUNCIL ROOM
	<u>TUESDAY, JUNE 20, 2006</u>	
COMMITTEES	TBA	SHERATON KEAUHOU BAY RESORT & SPA
	<u>WEDNESDAY, JUNE 21, 2006</u>	
COUNCIL	9:00 a.m.	SHERATON KEAUHOU BAY RESORT & SPA

**ADJOURNMENT 6:52 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 June 2, 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, June 14, 2006, at 6 p.m.; Sunday, June 18, 2006, at 10:30 a.m.; and Wednesday, June 21, 2006, at 6 p.m.

(Hawai'i Tribune Herald – June 1, 2006)

(West Hawai'i Today – June 1, 2006)