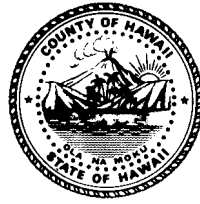


STACY K. HIGA  
*Chair & Presiding Officer*

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*

39<sup>th</sup> Session

### ORDER OF BUSINESS

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

Wednesday, June 21, 2006  
9:00 a.m.

INVOCATION

Pastor Jason Meechan of Thy Word Ministries – Kona

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

December 21, 2005; January 5, 2006; January 20, 2006;  
and February 1, 2006

(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, CERTIFICATES OF MERIT, EXPRESSIONS OF CONDOLENCE, AND COMMUNICATIONS**

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

Comm. 928:                    NOMINATES PATRICIA PROVALENKO (COUNCIL DISTRICT 9) TO THE COST OF GOVERNMENT COMMISSION  
From Mayor Harry Kim, dated May 26, 2006, recommending approval of the above nomination.

Waived:                    FC

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

**ORDER OF RESOLUTIONS**

Res. 378-06:                Authorizes the Acceptance of a Donation of Construction of New Dug Out Benches with Concrete Slabs for Pu'u Nui Park. {Donated by Goodfellow Brothers, Inc., with an estimated value of \$6,500.}

Re:                            Comm. 910  
Intr. by:                    Ms. Isbell  
Approve:                    FC-303

Res. 379-06:                Directs the Clerk of the County of Hawai'i to Take Necessary Action to Place the Charter Amendment Proposed by Ordinance No. 06-60 on the 2006 General Election Ballot. {Ordinance No. 06-60 amends the name of the Department of Civil Service, the titles of the director and deputy director, and the name of the civil service commission.}

Re:                            Comm. 916  
Intr. by:                    Ms. Isbell  
Approve:                    FC-304

Res. 384-06:                Accepts the Dedication of Road Lot R-1 (Ahihi-Kauhale Connector Road), Containing an Area of 26,421 Square Feet, Situate in the District of North Kona, County and State of Hawai'i, Bearing Tax Map Key: (3)7-3-010:Por. 029, from Keahole Group, LLC.

Re:                            Comm. 940  
Intr. by:                    Mr. Ikeda  
Waived:                    PWIRC

Res. 385-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$80,000 out and from Provision for Compensation Adjustment – General Fund; credits same to Civil Defense Agency Salaries and Wages (\$25,000) and Unemployment Compensation – General Fund (\$55,000), for a total of \$80,000. Shortage of funds are due to overtime costs arising from unusual amounts of emergencies, temporary assignment costs during the deployment of the Civil Defense Administrator, and claims for the current year were more than expected.}

Re: Comm. 942  
 Intr. by: Ms. Isbell  
 Waived: FC

Res. 386-06: Accepts the Donation of a Right-of-Way, Being a Portion of Tax Map Key: (3)2-4-012:030, Situate at Waiākea, County and State of Hawai'i, from Yoshimi Nakayama and Aiko Nakayama, for the South Hilo Roadside Improvements Project. {Acquiring this property would allow for roadside safety improvements along Komohana Street in South Hilo containing an area of 1,198 square feet).}

Re: Comm. 943  
 Intr. by: Mr. Ikeda  
 Waived: PWIRC

Res. 387-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-4-013:007, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements along Komohana Street in South Hilo include constructing concrete retaining walls and drywells, erecting guardrails, striping, marking paving, roadway shoulders, and adjusting utility boxes containing an area of 2,023 square feet).}

Re: Comm. 944  
 Intr. by: Mr. Ikeda  
 Waived: PWIRC  
 Note: First of two required readings, Section 101-13, Hawai'i Revised Statutes

**(Note: Subsequent Resolutions 388-06 through 400-06 regarding Eminent Domain contains the same language relating to roadside safety improvements: “constructing concrete retaining walls and drywells, erecting guardrails, striping, marking paving, roadway shoulders, and adjusting utility boxes”.)**

Res. 388-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-2-038:017, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements will be performed along Kino'ole Street in South Hilo containing an area of 900 square feet.}

Re: Comm. 944  
Intr. by: Mr. Ikeda  
Waived: PWIRC  
Note: First of two required readings, Section 101-13,  
Hawai'i Revised Statutes

Res. 389-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-2-038:018, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements will be performed along Kino'ole Street in South Hilo containing an area of 480 square feet.}

Re: Comm. 944  
Intr. by: Mr. Ikeda  
Waived: PWIRC  
Note: First of two required readings, Section 101-13,  
Hawai'i Revised Statutes

Res. 390-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-2-038:015, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements will be performed along Kino'ole Street in South Hilo containing an area of 1,034 square feet.}

Re: Comm. 944  
Intr. by: Mr. Ikeda  
Waived: PWIRC  
Note: First of two required readings, Section 101-13,  
Hawai'i Revised Statutes

Res. 391-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-4-012:024, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements will be performed along Komohana Street in South Hilo containing an area of 1,640 square feet.}

Re: Comm. 944  
Intr. by: Mr. Ikeda  
Waived: PWIRC  
Note: First of two required readings, Section 101-13,  
Hawai'i Revised Statutes

Res. 392-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-4-013:011, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements will be performed along Komohana Street in South Hilo containing an area of 2,700 square feet. }

Re: Comm. 944  
Intr. by: Mr. Ikeda  
Waived: PWIRC  
Note: First of two required readings, Section 101-13,  
Hawai'i Revised Statutes

Res. 393-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-4-012:029, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements will be performed along Komohana Street in South Hilo containing an area of 900 square feet. }

Re: Comm. 944  
Intr. by: Mr. Ikeda  
Waived: PWIRC  
Note: First of two required readings, Section 101-13,  
Hawai'i Revised Statutes

Res. 394-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-4-012:028, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements will be performed along Komohana Street in South Hilo containing an area of 900 square feet. }

Re: Comm. 944  
Intr. by: Mr. Ikeda  
Waived: PWIRC  
Note: First of two required readings, Section 101-13,  
Hawai'i Revised Statutes

Res. 395-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-4-012:027, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements will be performed along Komohana Street in South Hilo containing an area of 160 square feet. }

Re: Comm. 944  
Intr. by: Mr. Ikeda  
Waived: PWIRC  
Note: First of two required readings, Section 101-13,  
Hawai'i Revised Statutes

Res. 396-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-4-012:026, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements will be performed along Komohana Street in South Hilo containing an area of 1,640 square feet. }

Re: Comm. 944  
Intr. by: Mr. Ikeda  
Waived: PWIRC  
Note: First of two required readings, Section 101-13,  
Hawai'i Revised Statutes

Res. 397-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-4-012:023, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements will be performed along Komohana Street in South Hilo containing an area of 900 square feet. }

Re: Comm. 944  
Intr. by: Mr. Ikeda  
Waived: PWIRC  
Note: First of two required readings, Section 101-13,  
Hawai'i Revised Statutes

Res. 398-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-4-012:025, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements will be performed along Komohana Street in South Hilo containing an area of 160 square feet. }

Re: Comm. 944  
Intr. by: Mr. Ikeda  
Waived: PWIRC  
Note: First of two required readings, Section 101-13,  
Hawai'i Revised Statutes

Res. 399-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-4-013:046, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements will be performed along Komohana Street in South Hilo containing an area of 1,800 square feet. }

Re: Comm. 944  
Intr. by: Mr. Ikeda  
Waived: PWIRC  
Note: First of two required readings, Section 101-13,  
Hawai'i Revised Statutes

Res. 400-06: Authorizes the Acquisition of Private Property by Eminent Domain, Being Portion of Tax Map Key:(3)2-4-012:022, Situate at Waiākea, County and State of Hawai'i, for the South Hilo Roadside Improvements Project. {Roadside safety improvements will be performed along Komohana Street in South Hilo containing an area of 894 square feet. }

Re: Comm. 944  
 Intr. by: Mr. Ikeda  
 Waived: PWIRC  
 Note: First of two required readings, Section 101-13, Hawai'i Revised Statutes

**9:45 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: June 5, 2006

*;and*

Comm. 687.75: From Council Member Pete Hoffman, dated May 30, 2006, transmitting Bill 224, Draft 2. Draft 2 relates to the following: Amends Conditions D, I and J (relating to golf course, university, and public school facilities), deletes Condition T (relating to golf course), adds new Condition T (relating to University of Hawai'i), adds new Condition U (relating to State Department of Education), amends Condition W (relating to regional park), amends Condition Z (relating to road construction), deletes Condition FF (relating to infrastructure commitments to the University of Hawai'i), and re-letters certain conditions.

*; and*

Bill 224 (Draft 2): 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. }

Intr. by: Mr. Hoffmann  
 Postponed: June 5, 2006

*;and*

*(Comm. 687.79/Bill 224, Draft 3, continues on the next page.)*

Comm. 687.79: From Council Chair Stacy K. Higa, dated June 5, 2006, transmitting Bill 224, Draft 3. Draft 3 amendments relate to the following: Amends Conditions D, I, and J (relating to golf course) amends Condition P (relating to occupancy), amends Condition S (relating to retail space), deletes Condition T (relating to golf course), amends Condition U (relating to parks), amends Condition X (relating to access), amends Condition AA (relating to vehicular security gate), amends Condition EE (relating to the university), amends Condition OO (relating to fair share contribution), and re-letters certain conditions.

*; and*

Bill 224 (Draft 3): 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. }

Intr. by: Mr. Higa  
 Postponed: June 5, 2006

**(Note: There are three pending motions: 1) Mr. Pilago moved to approve Bill 224, duly seconded by Mr. Hoffmann; 2) Mr. Hoffmann moved to amend Bill 224 with Draft 2, duly seconded by Mr. Jacobson; and 3) Mr. Holschuh moved to amend Bill 224, Draft 2, with Draft 3, duly seconded by Ms. Isbell.)**

*; and*

Comm. 687.43: From Kitty Lagareta, Chairperson, Board of Regents, University of Hawai'i, dated May 26, 2006; *and*

Comm. 687.76: From Guido Giacometti, Island Advisors, Inc., Owner's Representative – Hiluhilu Development LLC, dated May 31, 2006; *and*

Comm. 687.77: From Dawn Henry, dated June 5, 2006; *and*

Comm. 687.78: From Jerry Schneyer, Spokesman, Makalei Estates Community Association, undated.

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: June 5, 2006

Bill 251  
(Draft 2): 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-5a) to Residential and Agricultural (RA-1a) (approx. 97.347 acres) and Multiple Family Residential (RM-3.5) (approx. 10.829 acres) at Moeauoa 2<sup>nd</sup>, North Kona, Hawai'i, Covered by Tax Map Key 7-5-3:7, 8, 9. {SCD Kona 108, LLC, Applicant. }

Re: Comm. 766.5  
Intr. by: Mr. Pilago  
Approve: PC-67  
Postponed: May 17, 2006

**(Note: There is a pending motion by Mr. Pilago and duly seconded by Ms. Isbell to approve Bill 251, Draft 2.)**

*;and*

Comm. 766.7: From Planning Director Christopher J. Yuen, dated May 9, 2006; *and*  
Comm. 766.8: From Cheryl King, dated May 14, 2006; *and*  
Comm. 766.9: From Loraine Peters, dated May 17, 2006; *and*  
Comm. 766.10: From Jake Jacobs, dated May 17, 2006; *and*  
Comm. 766.11: From Cory Harden, dated May 15, 2006; *and*  
Comm. 766.12: From Virginia Cochran and James Cochran, dated May 14, 2006; *and*  
Comm. 766.13: From Gust Koutroupas, dated May 13, 2006; *and*  
Comm. 766.14: From Walter A. Hoffman, dated May 12, 2006; *and*  
Comm. 766.15: From Members of The Salvation Army Kona Corps Advisory Board, dated May 15, 2006 (William L. Wong, Chair; Chuck Corbe; Jeff Martin; David Rees-Thomas; James Allen; Matthew Kilgore; Noel Black-Ackerman; Ken Apilado, and John Harris); *and*  
Comm. 766.16: From Bill and Lorraine Van Horn, dated May 10, 2006; *and*  
Comm. 766.17: Petitions (54) signed by individual lot owners of the Malulani Gardens Subdivision, as well as written testimony from residents of Malulani Gardens; *and*  
Comm. 766.18: From Adele DeCuyper, dated May 17, 2006; *and*  
Comm. 766.19: From Pamela S. Poore, undated.

Bill 281: 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 Neighborhood Commercial (CN-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-034:012 (approx. 20,000 square feet). {Kathy Tripp, Applicant. }

Re: Comm. 883  
Intr. by: Mr. Pilago  
Approve: PC-87

**1:30 P.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)**

**ORDER OF THE DAY (SECOND OR FINAL READING)**

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<sup>nd</sup> Reading: June 5, 2006  
 2/3 Vote: Third of three required readings,  
 Section 15-1(a), Hawai'i County  
 Charter

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<sup>nd</sup> Reading: June 5, 2006  
 2/3 Vote: Third of three required readings,  
 Section 15-1(a), Hawai'i County  
 Charter

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  
 1<sup>st</sup> Reading: June 5, 2006

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  
1<sup>st</sup> Reading: June 5, 2006

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  
1<sup>st</sup> Reading: June 5, 2006

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  
1<sup>st</sup> Reading: June 5, 2006  
2/3 Vote: Section 10-6(d), Hawai'i County Charter

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  
1<sup>st</sup> Reading: June 5, 2006

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  
 1<sup>st</sup> Reading: June 5, 2006  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

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  
 1<sup>st</sup> Reading: June 5, 2006

## REPORTS

PC-75 (Comm. 891): Recommends approval of the nomination of Mr. Alvin Rho (Council District 8) to the Planning Commission.

PC-76 (Comm. 912): Recommends approval of the nomination of Mr. Darren M. Ah Chong to the Puna District Community Development Plan Steering Committee (CDPSC).

PC-77 (Comm. 912): Recommends approval of the nomination of Mr. Eddie Alonzo to the CDPSC.

PC-78 (Comm. 912): Recommends approval of the nomination of Ms. Stephanie Bath to the CDPSC.

PC-79 (Comm. 912): Recommends approval of the nomination of Mr. W. Gregory Braun to the CDPSC.

PC-80 (Comm. 912): Recommends approval of the nomination of Ms. Barbara M. Lively to the CDPSC.

PC-81 (Comm. 912): Recommends approval of the nomination of Ms. B. Martha Lockwood to the CDPSC.

PC-82 (Comm. 912): Recommends approval of the nomination of Mr. Jon A. Olson to the CDPSC.

- PC-83  
(Comm. 912): Recommends approval of the nomination of Ms. Shirley M. Pedro to the CDPSC.
- PC-84  
(Comm. 912): Recommends approval of the nomination of Mr. Alan S. Rudo to the CDPSC.
- PC-85  
(Comm. 912): Recommends approval of the nomination of Ms. Kim D. Tavares to the CDPSC.
- PC-86  
(Comm. 912): Recommends approval of the nomination of Mr. Frederick R. Warshauer to the CDPSC.

#### **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. 514.3: 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 June 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 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.}

#### **OTHER BUSINESS**

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

**ANNOUNCEMENTS**

COMMITTEES	<u>THURSDAY, JULY 6, 2006</u> TBA	COUNCIL ROOM
COUNCIL	<u>FRIDAY, JULY 7, 2006</u> 9:00 a.m.	COUNCIL ROOM
COMMITTEES	<u>TUESDAY, JULY 18, 2006</u> TBA	COUNCIL ROOM
COUNCIL	<u>WEDNESDAY, JULY 19, 2006</u> 9:00 a.m.	COUNCIL ROOM
COMMITTEES	<u>MONDAY, JULY 31, 2006</u> TBA	COUNCIL ROOM
COUNCIL	<u>TUESDAY, AUGUST 1, 2006</u> 9:00 a.m.	COUNCIL ROOM

**ADJOURNMENT**

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 19, 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](mailto:counciltestimony@co.hawaii.hi.us). **Please submit a separate testimony for each item.** 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 28, 2006, at 6 p.m.; Sunday, July 2, 2006, at 10:30 a.m.; and Wednesday, July 5, 2006, at 6 p.m.

(Hawai'i Tribune Herald – June 18, 2006)

(West Hawai'i Today – June 18, 2006)