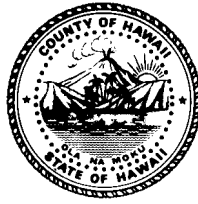


STACY K. HIGA
Chair & Presiding Officer

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*

48th Session

ORDER OF BUSINESS

Hawai'i County Council
**333 Kilauea Avenue
(Ben Franklin Building)
Second Floor, Council Room
Hilo, Hawai'i**

Tuesday, October 31, 2006
9:00 a.m.

INVOCATION

Reverend Brian Welsh of Haili Church

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE

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

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 432-06: Opposes the Commencement of Service of the Hawai'i Superferry at Kawaihae Harbor Until Economic, Social, and Environmental Concerns are Addressed. {Requests the postponement of commencement of operations of the Hawai'i Superferry pending the preparation of an Environmental Impact Statement (Hawai'i Revised Statutes Chapter 343), and pending the construction of necessary improvements at Kawaihae Harbor to adequately accommodate current harbor users as well as the Superferry. }

Re: Comm. 1026
Intr. by: Mr. Hoffmann
Approve: HSEDC-6

;and
Comm. 1026.12: From Council Member Pete Hoffmann, dated October 17, 2006, transmitting Resolution 432-06, Draft 2. Draft 2 inserts language addressing concerns regarding potential negative impacts to significant cultural resources on Hawai'i Island; *and*

Res. 432-06 (Draft 2): Opposes the Commencement of Service of the Hawai'i Superferry at Kawaihae Harbor Until Economic, Social, and Environmental Concerns are Addressed.

Intr. by: Mr. Hoffmann

;and
Comm. 1026.13: From Jeff Sacher, dated October 17, 2006.

Res. 440-06: Creates a Business Manager Position, a Contracts Technician Position, and a Clerk III Position for the Department of Environmental Management. {The duties and responsibilities for these positions include: provide common oversight for all the Business Services Section's functions and help establish new policies and procedures as well as to improve and keep existing policies current; and improve the timeliness and efficiency of drafting and processing the department's contracts. }

Re: Comm. 1038
Intr. by: Ms. Isbell
Negative: FC-328 (due to 4-yes, 3-noes, and 2-absent and excused)
Postponed: September 20, 2006 and October 16, 2006

(Note: There is a pending motion to adopt Resolution 440-06 by Ms. Isbell and duly seconded by Mr. Jacobson.)

;and
(Comm. 1038.3 continues on the next page.)

- Comm. 1038.3: From Environmental Management Director Barbara Bell, dated September 18, 2006, addressing concerns raised at the Finance Committee's September 6, 2006, meeting; *and*
- Comm. 1038.4: From Lane H. Shibata and Colleen Schrandt, Audit Analysts, Legislative Auditor's Office, dated October 12, 2006, transmitting comments by their office regarding the subject position descriptions and justifications as they relate to the audit findings.

Res. 465-06: Requests the Planning Director to Initiate a Zoning Code Amendment for an Ordinance Changing the District Classification from Unzoned and Agricultural (A-1a) to Agricultural (A-500a) at Waimea, South Kohala, Hawai'i, Covered by Tax Map Key 6-5-001:020, in Order to Preserve the Waimea Pu'u as Cultural and Open Space Resources and to Preserve Their Agricultural and Recreational Uses.

Re: Comm. 1090
Intr. by: Mr. Hoffmann
Approve: PC-118

Res. 466-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$3,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Police Department-Police Administration Division Other Current Expense Educational, Recreational and Scientific Equipment (Neighborhood Watch Program). Discretionary funds from District 5 would be used for the purpose of providing lights, signs, and decals for the Hawaiian Paradise Park Neighborhood Watch Program.}

Re: Comm. 1091
Intr. by: Mr. Safarik
Approve: FC-339

Res. 469-06: Supports the Establishment of a Volunteer Fire Station Within Ka'ohē Homesteads by the Ka'ohē Homesteads Community and Farm Watch. {Establishment of a volunteer fire station would provide fire fighting and educational resources for the future benefit of residents in Ka'ohē Homesteads.}

Re: Comm. 1095
Intr. by: Mr. Safarik
Approve: PSPRC-36

Res. 470-06: Authorizes the Acceptance of a Donation of Six Buses for the County Mass Transit Agency. {Donated by the City and County of Honolulu, with an estimated total value of \$10,800.}

Re: Comm. 1099
Intr. by: Ms. Isbell
Approve: FC-342

Res. 471-06: Authorizes the Office of the Mayor to Enter Into an Agreement with Honoka'a Elementary School, Pursuant to HRS 46-7, for the Implementation of the Promoting Alternative Thinking Strategies (PATHS) Curriculum. {The community delinquency prevention program was offered to each school complex, which Honoka'a agreed to participate in. The PATHS curriculum facilitates development of self-control, emotional awareness and interpersonal problem-solving skills and reduces aggression and behavior problems. }

Re: Comm. 1100

Intr. by: Ms. Isbell

Approve: FC-343

Res. 472-06: Authorizes the Office of the Mayor to Enter Into an Agreement with Waiākea Elementary School, Pursuant to HRS 46-7, for the Implementation of the Promoting Alternative Thinking Strategies (PATHS) Curriculum. {The community delinquency prevention program was offered to each school complex, which Waiākea agreed to participate in. The PATHS curriculum facilitates development of self-control, emotional awareness and interpersonal problem-solving skills and reduces aggression and behavior problems. }

Re: Comm. 1100

Intr. by: Ms. Isbell

Approve: FC-344

Res 473-06: Authorizes the Exchange of Interests in Real Properties, Situate in Waimea, South Kohala, County and State of Hawai'i, Covering Tax Map Key (3)6-5-003:Pors. 004, 002 and 029, Between the County of Hawai'i, George A Magoon, II, and the Roman Catholic Church of the State of Hawai'i, for the Creation of the Waimea Trails and Greenways.

Re: Comm. 1103

Intr. by: Ms. Isbell

Approve: FC-345

Res. 485-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$3,800 out and from Clerk-Council Services-Contingency Relief account; and credits same to Department of Parks and Recreation Friends of the Park (Kohala Pool Mural). Discretionary funds from District 9 would be used towards the installation of a community mural at Kohala Pool. }

Re: Comm. 1121

Intr. by: Mr. Hoffmann

Approve: FC-348

Res. 486-06: Declares the Intention of the County of Hawai'i to Establish a Community Facilities District, Designated as Community Facilities District No. 1 – The Villages of Aina Le'a, to Authorize Financing for Prescribed Special Improvements, to Authorize Levy of a Special Tax, and to Authorize Issuance of Bonds Secured by Proceeds of the Special Tax.

Re: Comm. 1122
Intr. by: Ms. Isbell
Approve: FC-349

Res. 487-06: Approves the Development of an Audit Schedule Based on a Risk Assessment Analysis by the Legislative Auditor's Office to Methodically Conduct Audits of Various Departments and Activities of the County of Hawai'i. {Pursuant to Rule No. 22, 2(d), states that the Legislative Auditor shall, at the discretion of the Council, conduct performance and financial audits of the funds, programs and operations of any agency or operation of the County when requested by resolution.}

Re: Comm. 1123
Intr. by: Ms. Isbell
Approve: FC-350

Res. 489-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$30,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Transfer to Capital Projects Fund-G (Department of Public Works-East Hawai'i Traffic Calming Improvements Capital Improvement Project). Discretionary funds from District 2 would be used towards costs related to the installation of "Smart Signs" (speed limit signs alerting drivers to the speed in which they are driving) and would be installed on Ainako Avenue, Kūkūau Street, and Waiānuenu Avenue.}

Re: Comm. 1130
Intr. by: Mr. Ikeda
Waived: FC

Res. 490-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$1,200 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Parks and Recreation, Recreation Division Other Current Expense (Pu'u'eo Community Center). Discretionary funds from District 2 would be used towards the purchase of equipment and supplies for the Center, to better serve the community and the general public.}

Re: Comm. 1131
Intr. by: Mr. Ikeda
Waived: FC

Res. 493-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$20,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Public Works Transfer to Highway Fund (Traffic Division Equipment, Miscellaneous Equipment). Discretionary funds from District 3 would be used towards the purchase of two "Smart Signs" to help control speeding on West Kawaiilani Street and Ainaola Drive by alerting drivers of their vehicle speed in real-time.}

Re: Comm. 1139
Intr. by: Mr. Arakaki
Waived: FC

Res. 496-06: Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year for a Multi-Year Maintenance Agreement for the Automated Booking System at the Various Police Stations Throughout the Island. {Wishes to enter into a four-year maintenance agreement with Sagem Morpho, Inc., as their current maintenance agreement expired on June 30, 2006.}

Re: Comm. 1146
Intr. by: Ms. Isbell
Waived: FC

Res. 497-06: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$5,500 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Research and Development Tourism Promotion Miscellaneous Contract Services (Filipino Centennial Celebration). Discretionary funds from District 5 would be used for the provision of Special Duty Police Officers to direct traffic during the Filipino Centennial Celebration Parade.}

Re: Comm. 1148
Intr. by: Mr. Safarik
Waived: FC

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

BILLS FOR ORDINANCES (FIRST READING)

Bill 4
(Draft 6): Amends Chapter 4 of the Hawai'i County Code 1983 (2005 Edition), Animals. {Repeals the existing Chapter 4, Animals, and sets out a new chapter regarding Animals. The proposed new Chapter 4 contains the following key amendments to the existing Chapter 4: 1) provides the County the option of contracting with an "animal care center" for animal control and care services; 2) establishes a spay-neuter special fund, which will include all license, impoundment and kennel fees and which will also consist of monies from Council appropriations, grants and private contributions; 3) increases license, impoundment, and kennel fees and establishes a new reduced license fee for dogs with an implanted microchip; 4) standardizes fines; 5) clarifies what constitutes a noisy dog violation and procedures for enforcement of same; and 6) broadens powers of enforcement and provides for deputizing livestock owners to prevent attacks on their livestock. }

Re: Comm. 22.91
 Intr. by: Mr. Jacobson
 Approve: PSPRC-4 (Bill 4, Draft 4)
 Postponed (Bill 4, February 16, 2005 (pending public
 Draft 5) hearings)
 Public Hearings Held: March 10, 15, 17, and 22, 2005
 Referred to PSPRC: February 15, 2006
 (Bill 4, Drafts 5 and 6)
 Negative: PSPRC-32 (Bill 4, Draft 6)

Bill 301: Amends Chapter 4 of the Hawai'i County Code 1983 (2005 Edition), Animals. {Replaces Chapter 4, Animals, Hawai'i County Code, in its entirety by combining the better elements of Bill 4, Draft 6, and Bill 258. }

Re: Comm. 937
 Intr. by: Mr. Jacobson
 Negative: PSPRC-31

Bill 258: Amends Chapter 4 of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Animals. {Repeals Chapter 4, Animals, Hawai'i County Code, in its entirety and establishes a new chapter relating to Animals. Replicates Chapter 7, Animals and Fowl, of the Revised Ordinances of Honolulu with a few minor adjustments. Contains provisions relating to the following: cockfighting and related equipment, animal nuisances, dog licenses, regulation of dogs, public spay and neuter clinic for dogs and cats, cat identification program, and regulation of dangerous dogs. Also includes provisions regarding licensed obedience trial, tracking, and show dogs, sterilization of cats and dogs, strict enforcement of strays, and regulation of noisy animals (not just dogs). }

Re: Comm. 798
 Intr. by: Mr. Arakaki
 Approve: PSPRC-33

;and

(Comm. 798.7/Bill 258, Draft 2, continues on the next page.)

Comm. 798.7: From Council Member Fred C. Holschuh, dated October 5, 2006, transmitting Bill 258, Draft 2. Draft 2 incorporates amendments, which are listed in this communication, based on discussion during the June 20, 2006, Public Safety and Parks and Recreation Committee, consultation with various parties with vested interest in this bill (including the Hawai'i Island Humane Society, the Office of the Prosecuting Attorney, the State of Hawai'i District Court system, Hawai'i County Planning Department, the hunting community, and other animal control agencies), including his own personal viewpoint and perspective. (A ramseyered version of Bill 258, Draft 2, is attached to this communication.);*and*

Bill 258
(Draft 2): Amends Chapter 4 of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Animals. {Repeals Chapter 4, Animals, Hawai'i County Code, in its entirety and establishes a new chapter relating to Animals.}

Intr. by: Mr. Holschuh

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 2nd, 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 and June 21, 2006

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

;and

Comm. 766.1: From Adele DeCuyper, dated June 20, 2006; *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 continues on the next page.)

Comm. 766.19: From Pamela S. Poore, undated; *and*
 Comm. 766.20: From Stanford S. Carr, Managing Member, Stanford Carr Development, LLC, dated June 14, 2006; *and*
 Comm. 766.21: From Richard A. Wheelock, SCD Kona 108 LLC, dated August 29, 2006; *and*
 Comm. 766.22: From Richard A. Wheelock, SCD Kona 108 LLC, dated October 18, 2006.

Bill 305
 (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 – 10,000 Square Feet (RS-10) to Multiple Family Residential – 2,500 Square Feet (RM-2.5) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-36:102 and 103 (approx. 67,500 square feet). {Ivan Mochida, Applicant.}

Re: Comm. 953.12
 Intr. by: Mr. Pilago (B/R)
 Negative: PC-119 (due to 4-ayes and 5-noes)

Bill 332: 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 – 10,000 Square Feet (RS-10) to General Commercial – 20,000 Square Feet (CG-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-28:31 (approx. 33,803 square feet). {Association of Apartment Owners of Lanikaula Professional Center, Applicant.}

Re: Comm. 1045
 Intr. by: Mr. Pilago
 Approve: PC-114

Bill 333: Amends Ordinance No. 98 98, Which Reclassified Lands from Single Family Residential – 10,000 Square Feet (RS-10) to Industrial Commercial Mixed – 20,000 Square Feet (MCX-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-037:029; Request: Time Extension to Conditions B and C. {Seawind Holding, Inc., Applicant.}

Re: Comm. 1046
 Intr. by: Mr. Pilago
 Approve: PC-115

Bill 334
 (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 – 10,000 Square Feet (RS-10) to Industrial-Commercial Mixed – 20,000 Square Feet (MCX-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-35:63 (approx. 21,050 square feet). {James Ishii, Applicant.}

Re: Comm. 1047.1
 Intr. by: Mr. Pilago (B/R)
 Approve: PC-116

Bill 335: 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 – 10,000 Square Feet (RS-10) to Industrial-Commercial Mixed – 20,000 Square Feet (MCX-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-36:64 (approx. 22,900 square feet). {NST Development, LLC, Applicant.}

Re: Comm. 1048
 Intr. by: Mr. Pilago
 Approve: PC-117

Bill 341: Amends Chapter 19 of the Hawai'i County Code 1983 (2005 Edition), Real Property Taxes, Relating to Home Exemptions. {Allows homeowners to rent a portion of their home as residential rental and remain in the homeowner class retaining their homeowner's exemption.}

Re: Comm. 1096
 Intr. by: Ms. Isbell (B/R)
 Approve: FC-340

Bill 343: Amends Ordinance No. 06-80, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2006 to June 30, 2007. Adds PUBLIC WORKS: Traffic Signs and Markings for Road Safety Improvements Islandwide (\$600,000); funds shall be provided from Highway Fund-Fund Balance and/or Other Sources (\$600,000). {Requires installation of new signage and thermoplastic reflective markings due to new projects such as Safety Improvement Projects, redesign of existing roadway geometrics, and pavement resurfacing.}

Re: Comm. 1098
 Intr. by: Ms. Isbell
 Approve: FC-341
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 347
 (Draft 2): Names a County Recreational Facility (TMK:(3)7-5-018:020) Pursuant to Chapter 15, Hawai'i County Code 1983 (2005 Edition). {Designates the name "Wai'aha Beach Park", located along Ali'i Drive, Kailua-Kona.}

Re: Comm. 1106
 Intr. by: Mr. Jacobson
 Approve: PSPRC-37

Bill 349: Amends Ordinance No. 06-80, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2006 to June 30, 2007. Adds PUBLIC WORKS: East Hawai'i Traffic Calming Improvements Capital Improvement Project (\$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. 1130
 Intr. by: Mr. Ikeda
 Waived: FC
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 353: Amends Ordinance No. 06-80, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2006 to June 30, 2007. Adds PARKS AND RECREATION: Honoli'i Gulch Property Acquisition (\$2,000,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$2,000,000). {Acquisition of the property would enhance Honoli'i Beach Park by expanding recreational activities (canoeing, paddle boarding, fishing, expansion of trails along the river, and the creation of an educational center geared towards introducing children to the natural and positive values of the land).}

Re: Comm. 1140
 Intr. by: Mr. Higa
 Waived: FC
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

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 321 (Draft 2): Amends Ordinance No. 95 118, Which Amended Ordinance No. 92-36, Which Reclassified Lands from Unplanned (U) and Double-Family Residential – 3,750 Square Feet (RD-3.75) to Multiple Family Residential – 2,500 Square Feet (RM-2.5) and Village Commercial – 7,500 Square Feet (CV-7.5), Respectively, at Hienaloli 4th and 5th, North Kona, Hawai'i, Tax Map Key:7-5-10:Portion of 13 (Formerly 7-5-23:63). {Samson LLC, Applicant.}

Re: Comm. 1004.1
 Intr. by: Mr. Pilago (B/R)
 1st Reading: October 16, 2006

Bill 322
(Draft 2): Amends Ordinance No. 90 010, Which Amended Ordinance No. 86 49, Which Reclassified Lands from Multiple Family Residential – 2,000 Square Feet (RM-2) to Village Commercial – 7,500 Square Feet (CV-7.5) at Hienaloli 5th and 6th, North Kona, Hawai'i, Tax Map Key:7-5-10:Portion of 13 (Formerly 7-5-23:64 and 67). {Samson LLC, Applicant. }

Re: Comm. 1005.1
Intr. by: Mr. Pilago (B/R)
1st Reading: October 16, 2006

Bill 330: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Increases revenues in Environmental Management Department Administration Charges (\$117,192); appropriates to the following: Environmental Management Salaries and Wages (\$104,922), Environmental Management Other Current Expense (\$3,270), and Environmental Management Equipment (\$9,000), for a total of \$117,192. }

Re: Comm. 1038
Intr. by: Ms. Isbell
Negative: FC-329 (due to 4-ayes, 3-noes, and 2-absent and excused)
Postponed: September 20, 2006 and October 16, 2006

Bill 336: Amends Ordinance No. 06-80, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2006 to June 30, 2007. {Adds PUBLIC WORKS: Kaūmana Drive Flood Protection – Federal (\$50,000); funds shall be provided from Federal Grants Receivable (\$50,000). Additional funds provided by the Natural Resources Conservation Service (NRCS) would be used to meet the consultant's fee proposal for additional work in their fee proposal. }

Re: Comm. 1057
Intr. by: Mr. Ikeda
1st Reading: October 16, 2006
2/3 Vote: Section 10-6(d), Hawai'i County Charter

Bill 346
(Draft 2): Amends Chapter 14, Article 12, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to the Official Bulletin Board. {Due to the renovations of the Hawai'i County Building, the official bulletin board would be moved from 25 Aupuni Street (Hilo) to 101 Aupuni Street (Hilo). }

Re: Comm. 1105.1
Intr. by: Mr. Higa
1st Reading: October 16, 2006

Bill 348: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Increases revenues in Transfer from General Fund (\$4,000); appropriates same to Landfills Other Current Expense (Miscellaneous Contract Services – Kona Outdoor Circle). Funds would be used to plant trees at the old Kealakehe dump site and scrap metal area. }

Re: Comm. 1116
 Intr. by: Ms. Isbell
 1st Reading: October 16, 2006

REPORTS

FC-338
 (Comm. 1078): Recommends the acceptance of a donation of \$500 to the Parks and Recreation Department-Aquatics Division, to purchase water polo equipment for use at the Pāhala Pool, donated by the Volcano School of Arts and Science, Ms. Marilyn Heistand, and Grade 3.

FC-346
 (Comm. 1108): Recommends the acceptance of a donation of 32 cubic yards of cinder to the Department of Parks and Recreation, to be used for the beautification of Kahakai Park in Hawaiian Beaches, donated by Sanford's Service Center, Inc. (estimated value of \$261.68).

FC-347
 (Comm. 1109): Recommends the acceptance of a donation of a State of Hawai'i flag to the Office of the County Clerk-Elections Division, to be displayed together with the American flag in their display window at the Prince Kuhio Mall, donated by Ms. Geraldine Embernate (estimated value of \$20).

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. 1126: CLAIM AGAINST THE COUNTY/LONI IONI ANN ANDRADE
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated October 6, 2006.

Comm. 1127: CLAIM AGAINST THE COUNTY/HELEN ESKELSON 11-20-2004
 From Deputy Corporation Counsel Joseph K. Kamelamela, dated October 11, 2006.

OTHER BUSINESS

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

ANNOUNCEMENTS

	<u>TUESDAY, NOVEMBER 14, 2006</u>	
COMMITTEES	TBA	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
	<u>WEDNESDAY, NOVEMBER 15, 2006</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
	<u>TUESDAY, NOVEMBER 28, 2006</u>	
COMMITTEES	TBA	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
	<u>WEDNESDAY, NOVEMBER 29, 2006</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor

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 October 30, 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 333 Kīlauea Avenue, 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 **seventeen (17)** 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 25 Aupuni Street, Hilo, Hawai'i 96720, (2) by facsimile to (808) 961-8912, or (3) by e-mail to *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, 333 Kīlauea Avenue, Hilo, Hawai'i 96720.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, November 8, 2006, to follow the viewing of the October 24, 2006, Council meeting which is scheduled to start at 6 p.m.; Sunday, November 12, 2006, at 10:30 a.m.; and Wednesday, November 15, 2006, at 6 p.m.

(Hawai'i Tribune Herald – October 29, 2006)

(West Hawai'i Today – October 29, 2006)