

PETE HOFFMANN
Chair & Presiding Officer

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Vice Chair



BRENDA FORD
STACY K. HIGA
DONALD IKEDA
BOB JACOBSON
EMILY I. NAEOLE
DOMINIC YAGONG
J YOSHIMOTO

COUNTY COUNCIL

*County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720*

8th Session

ORDER OF BUSINESS

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

Wednesday, March 21, 2007
9:00 a.m.

INVOCATION Father Edgar Brillandes of St. Joseph Church

CALL TO ORDER 9:06 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES December 20, 2006, and January 4, 2007 - **APPROVED**

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

*Serving the Interests of the People of Our Island
Hawai'i County is an Equal Opportunity Provider and Employer.*

MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE

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

COMMUNICATIONS

Comm. 246: PROCESSING REQUESTS FOR THE RELEASE AND EXPENDITURE OF CONTINGENCY RELIEF MONIES
From Corporation Counsel Lincoln S. T. Ashida, dated March 6, 2007, requesting to discuss with the Council a more efficient system of processing requests for the release and expenditure of contingency relief monies.

Waived: FC

CLOSE FILE

ORDER OF RESOLUTIONS

Res. 82-07: Commits to Funding the Cost Items Awarded to the Hawai'i Fire Fighters Association (HFFA) by Arbitration, Affecting Fire Fighters in Bargaining Unit 11 for the Contract Period July 1, 2007 Through June 30, 2011. {Funds would be used to cover the cost items awarded by the arbitration panel to resolve the impasse between the employers and HFFA, which include across-the-board increases, step movements, dinner meal allowance increase, uniform maintenance allowance increase, night shift differential increase, and a second pair of station boots.}

Re: Comm. 195
Intr. by: Mr. Yagong
Approve: FC-65

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Res. 84-07: Authorizes the Abandonment and Quitclaim of the County of Hawai'i's Interest in Road Parcels "A," "B," "C," "D," "E," and "F," Situate at Kapua, District of South Kona, County and State of Hawai'i to Adjoining Property Owner Kapua Orchard Estates, LLC. {Portions of the Old Māmalahoa Highway are no longer used by the public based on the current alignment of the present Māmalahoa Highway.}

Re: Comm. 212
Intr. by: Ms. Ford
Negative: PWIRC-12

FILED DUE TO THE FOLLOWING VOTE:

AYES: Council Member Yoshimoto – 1.

NOES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 8.

ABSENT: None.

EXCUSED: None.

Res. 92-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$1,500 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Transfer to Capital Project Fund-General (To be allotted to Park Improvement Projects – Council District 3). Discretionary funds from District 3 would be used to cover the remaining balance of the Waiākea-Uka Park Comfort Station project. }

Re: Comm. 228
 Intr. by: Mr. Yoshimoto
 Waived: FC

ADOPTED:
AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.
NOES: None.
ABSENT: None.
EXCUSED: None.

Res. 100-07: Appoints Evan R. Shirley to the Congresswoman Patsy T. Mink Commission.
 {Mr. Shirley served as the American Civil Liberties Union (ACLU) of Hawai'i's first full-time Executive Director and Legal Counsel from 1972 to 1975 and continues to be an active member of the Hawai'i Chapter. }

Re: Comm. 240
 Intr. by: Mr. Hoffmann
 Waived: PWIRC

ADOPTED:
AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.
NOES: None.
ABSENT: None.
EXCUSED: None.

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

BILLS FOR ORDINANCES (FIRST READING)

Bill 55
(Draft 2): Provides for the Establishment of the Kailua Village Business Improvement District No. 1. {Provides for and finances supplemental services and improvements in Kailua Village, pursuant to Hawai'i County Code Chapter 35, Article 2, Section 35-11.}

Re: Comm. 183.3

Intr. by: Mr. Pilago

Approve: FC-67

PASSED 1ST READING (and public hearing to be held on June 5, 2007, 6 p.m., at the Sheraton Keauhou Bay Resort and Spa):

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 58: 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 (\$10,000); appropriates same to Traffic Division Equipment (Matching Funds for two Smart Signs for Paniolo Drive). Funds would be used towards the purchase of two Smart Signs to help control speeding on Paniolo Drive in Waikoloa Village.}

Re: Comm. 190

Intr. by: Mr. Yagong

Approve: FC-64

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 59: Amends Chapter 24, of the Hawai'i County Code 1983 (2005 Edition), Relating to Vehicles and Traffic. {Allows the Public Works Director to reduce the existing 25 miles per hour maximum speed limit in five-mile-per-hour increments to a minimum of 15 miles per hour for any subdivision being developed under Chapter 23 of the Hawai'i County Code.}

Re: Comm. 191

Intr. by: Ms. Ford

Approve: PWIRC-11

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 64: 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 State Grants – Used Oil Collection (\$2,500); appropriates same to Used Oil Collection. Funds would be used for a used motor oil program and for conducting education and outreach on that program.}

Re: Comm. 205
Intr. by: Mr. Yagong
Approve: FC-66

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 71: 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 (\$25,000); appropriates same to Golf Course Equipment [Two Tru Turf Roll & Slice (“Rollers”)]. Funds would be used towards the purchase of two Tru Turf Roll & Slice (“Rollers”) for the maintenance of the Hilo Municipal Golf Course.}

Re: Comm. 243
Intr. by: Mr. Higa
Waived: FC

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 72: 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: Kamehameha Park Comfort Station – Private [\$250,000] (\$380,000) and Kamehameha Park Comfort Station – County (\$40,000); funds shall be provided from Fair Share Assessment Contributions (\$130,000) and General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$40,000). Additional funds would be used to construct a new comfort station at Kamehameha Park. }

Re: Comm. 244
 Intr. by: Mr. Yagong
 Waived: FC
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 73: 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 FINANCE: Earthquake Damages – FEMA (\$1,200,000); funds shall be provided from Federal Grants Receivable (\$1,200,000). Funds would be used for repair work for damages resulting from the October 15, 2006, earthquake. }

Re: Comm. 245
 Intr. by: Mr. Yagong
 Waived: FC
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 1ST READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

10:00 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 12: 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. {Increases an appropriation to PUBLIC WORKS: Land Acquisition for Public Works Facilities [\$100,000] \$1,000,000; appropriation increase shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$900,000). Additional funds would be used to acquire properties as requested by the landowners who have not been able to utilize their property due to the pond created by the County/State of Hawai'i (runoff generated by the State Mohouli Housing Project) and would like to be properly compensated for their loss. }

Re: Comm. 38
 Intr. by: Mr. Yagong
 Postponed: February 22, 2007
 1st Reading: March 9, 2007
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Higa – 1.

EXCUSED: None.

Bill 24: Amends the State Land Use Boundaries Maps for the County of Hawai'i by Changing the District Classification From the Agricultural to the Urban District at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-56:23 (approx. 2.649 acres). {Glenn T. Nakamura, Applicant. }

Re: Comm. 86
 Intr. by: Mr. Pilago
 1st Reading: March 9, 2007

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Higa – 1.

EXCUSED: None.

Bill 25: 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 Agricultural – 3 Acres (A-3a) to Residential and Agricultural - .5 Acre (RA-.5a) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-56:23 (approx. 2.649 acres). {Glenn T. Nakamura, Applicant. }

Re: Comm. 86
 Intr. by: Mr. Pilago
 1st Reading: March 9, 2007

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.

NOES: None.

ABSENT: Council Member Higa – 1.

EXCUSED: None.

Bill 30: 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 Limited Industrial – 20,000 Square Feet (ML-20) to Industrial-Commercial Mixed Use – 20,000 Square Feet (MCX-20) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-2-35:47 (approx. 21,050 square feet). {Clark Realty Corporation, Applicant. }

Re: Comm. 104
 Intr. by: Mr. Pilago
 1st Reading: March 9, 2007

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 34
(Draft 2):

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. {Increases PUBLIC WORKS: Laiopua Connector Road Project [\$7,600,000] (~~\$10,000,000~~); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$2,400,000). Funds would be used to extend Keanalehu Drive approximately 1,700 feet and Manawalea Street approximately 3,800 feet to the intersection of both roads providing another link between Kealakehe Schools and residents of Laiopua. }

Re: Comm. 125.1
Intr. by: Mr. Yagong
Postponed: February 22, 2007
1st Reading: March 9, 2007
2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 36:

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 Safety and Efficiency Study (\$350,000); funds shall be provided from Highway Fund – Fund Balance (\$350,000). Funds would be used to assist the Public Works Department lay the foundation for developing an overall strategy to effectively operate their transportation roadways for the next 20-30 years. }

Re: Comm. 130
Intr. by: Mr. Yagong
Postponed: February 22, 2007
1st Reading: March 9, 2007
2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 39: 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 MANAGEMENT: West Hawai'i Emergency Shelter – County Match (\$500,000) and West Hawai'i Emergency Shelter – State Grant (\$500,000), for a total of \$1,000,000; funds shall be provided from Transfer from General Fund (\$500,000) and State Grants Receivable (\$500,000), for a total of \$1,000,000. Funds would be used towards the planning, design, and construction costs of the West Hawai'i Emergency Shelter. }

Re: Comm. 131
 Intr. by: Mr. Yagong
 Postponed: February 22, 2007
 1st Reading: March 9, 2007
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 40: 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 FINANCE: Earthquake Damages – County Share (\$5,000,000); funds shall be provided from Transfer from General Fund (\$5,000,000). Funds would be used towards any and all costs relating to the October 15, 2006, earthquake. }

Re: Comm. 131
 Intr. by: Mr. Yagong
 Postponed: February 22, 2007
 1st Reading: March 9, 2007
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 41: 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 FIRE: Kapoho Communications Radio Site and Tower Replacement (\$755,000); funds shall be provided from Transfer from General Fund (\$755,000). Funds would be used towards the development of a facility to house radio equipment to utilize an existing tower in partnership with HELCO enabling County agencies radio communication in the Puna area. }

Re: Comm. 131
 Intr. by: Mr. Yagong
 Postponed: February 22, 2007
 1st Reading: March 9, 2007
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 44: Planning Director Initiated 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 – 1 Acre (A-1a) to Open (O) at Pu'uuanahulu, North Kona, Hawai'i, Covered by Tax Map Key 7-1-5:9 and 7-1-7:44-47 (approx. 182.946 acres).

Re: Comm. 156
 Intr. by: Mr. Pilago
 1st Reading: March 9, 2007

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 45: Authorizes the Mayor of the County of Hawai'i to Enter Into an Intergovernmental Agreement for a State Water Pollution Control Revolving Fund Loan for Wastewater Public Improvement Projects; and Authorizes the Issuance of \$6,747,000 General Obligation Bonds of the County of Hawai'i for the Purpose of Financing Qualified Wastewater Public Improvements of the County of Hawai'i. {An application will be submitted for a State Water Pollution Control Revolving Fund Loan (SRF loan) to the Director of the Department of Health to finance the construction of the wastewater projects listed in "Exhibit A."}

Re: Comm. 169
 Intr. by: Mr. Yagong
 1st Reading: March 9, 2007

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 46: 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 ENVIRONMENTAL MANAGEMENT: North Kona Sewer – County (\$466,000) and North Kona Sewer – State Revolving Funds (\$3,104,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$466,000) and State Revolving Funds (\$3,104,000). Installation of the Sewer Infrastructure is required to allow planned development of the North Kona area.}

Re: Comm. 169
 Intr. by: Mr. Yagong
 1st Reading: March 9, 2007
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 47: 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 ENVIRONMENTAL MANAGEMENT: North Kona Effluent Reuse Upgrade – County (\$546,000) and North Kona Effluent Reuse Upgrade – State Revolving Funds (\$3,643,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$546,000) and State Revolving Funds (\$3,643,000). Installation of the Reuse Water Infrastructure is required to allow future use of treated wastewater from the Kealakehe Wastewater Treatment Plant for irrigation in lieu of current disposal into a seepage pit.}

Re: Comm. 169
 Intr. by: Mr. Yagong
 1st Reading: March 9, 2007
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 48: 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. {Increases ENVIRONMENTAL MANAGEMENT: Honoka'a Large Capacity Cesspool Replacement [\$600,000] \$1,200,000; fund increase shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$600,000). Fund increase is due to the additional complexity involved in the design of a Wastewater Treatment Plant and would include property surveying, installation of roadway access, as well as utility infrastructure (water, electricity, telephone).}

Re: Comm. 170
 Intr. by: Mr. Yagong
 1st Reading: March 9, 2007
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 49: 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 ENVIRONMENTAL MANAGEMENT: Kealakehe Wastewater Treatment Plant Aeration Upgrade (\$300,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$300,000). Funds would be used to upgrade the Kealakehe Wastewater Treatment Plant Aeration system.}

Re: Comm. 171
 Intr. by: Mr. Yagong
 1st Reading: March 9, 2007
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 50: Amends Chapter 2, Article 25, Section 2-139 and Section 2-140 of the Hawai'i County Code 1983 (2005 Edition), as Amended, Administration, Relating to Appropriation of Funds to Nonprofit Organizations. {Establishes procedures for the awarding of grants to nonprofit organizations from other sources, including the Council's district contingency relief account.}

Re: Comm. 174
 Intr. by: Ms. Naeole
 1st Reading: March 9, 2007

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 52
 (Draft 3): Amends Chapters 23 (Subdivision Control Code) and 25 (Zoning Code), Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Stormwater Management. {Requires that most new development have onsite drainage of rainwater into drywells or other methods that infiltrate stormwater into the ground.}

Re: Comm. 178.4
 Intr. by: Mr. Pilago
 1st Reading: March 9, 2007

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 53: Amends Chapter 24 of the Hawai'i County Code 1983 (1995 Edition), Vehicles and Traffic, Relating to Temporary Changes in Traffic Controls to Effectuate Traffic Code Amendments. {Allows the Public Works Director to extend the period of temporary traffic control for an additional 90 days without obtaining an extension from the County Council.}

Re: Comm. 180
 Intr. by: Ms. Ford
 1st Reading: March 9, 2007

PROPOSED AMENDMENTS TO BILL 53 WERE APPROVED, THEREFORE, WILL BE HELD OVER TO THE NEXT REGULAR MEETING

Bill 63 (Draft 2): Amends Chapter 15, Article 7, Section 15-62, Hawai'i County Code 1983 (2005 Edition) Relating to Membership and Tenure of the Veterans Advisory Committee. {Adds Camp Tarawa Detachment #1255 of the Marine Corps League to the Veterans Advisory Committee, as well as changes made by Ordinance 06-159, which adds the Korean War Veterans Organization and three at-large members to the Veterans Advisory Committee.}

Re: Comm. 202.2
 Intr. by: Mr. Hoffmann
 1st Reading: March 9, 2007

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 65: 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 Wireless Enhanced 911 System (\$50,000); appropriates same to Wireless Enhanced 911 System. Funds would be used to lease, purchase, or maintain all necessary equipment, including hardware, software, and database provisioning required to provide technical functionality for Wireless Enhanced 911 Services.}

Re: Comm. 206
 Intr. by: Mr. Yagong
 1st Reading: March 9, 2007

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 156
 (Draft 2)
 (2004-2006): Amends Chapter 11 (Housing), Article 1, Section 11-4(d), Hawai'i County Code 1983 (2005 Edition), to Include Affordable Housing Requirements for Industrial Park Developments. {Requires industrial park developments, consisting of multiple individual enterprises which cumulatively generate over 100 employees on a fulltime equivalent basis, to earn one affordable housing credit for every four fulltime equivalent jobs created.}

Re: Comm. 200.4
 Intr. by: Mr. Hoffmann
 1st Reading: March 9, 2007
 Postponed: November 9 and December 7, 2005

PROPOSED AMENDMENTS TO BILL 156, DRAFT 2, WERE APPROVED, THEREFORE, WILL BE HELD OVER TO THE NEXT REGULAR MEETING

Bill 345
 (Draft 4)
 (2004-2006): Planning Director Initiated Amends Chapter 25, Article 1, Subsection 25-1-5(b), of the Zoning Code, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to the Definition of Family and Group Living Facility, and Amending Chapter 25, Article 2, Section 25-2-61, Applicability; Use Permit Required.

Re: Comm. 67.62
 Intr. by: Ms. Ford
 Approve: PC-128
 Postponed: December 20, 2006
 1st Reading: January 4, 2007 (Note: Pursuant to Council Rule No. 12-9(b), due to the tie vote of 4-ayes, 4-noes, and 1-absent & excused, this matter was placed on the January 19, 2007, agenda)

Committed to
 Planning Committee: February 7, 2007
 1st Reading: March 9, 2007

PASSED 2ND & FINAL READING:

AYES: Council Members Ford, Higa, Jacobson, Pilago, Yoshimoto, and Chair Hoffmann – 6.
NOES: Council Members Ikeda and Naeole – 2.
ABSENT: Council Member Yagong – 1.
EXCUSED: None.

REPORTS

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the Month Ending October 31, 2006.
ACCEPTED

PC-19 (Comm. 203): Recommends approval of the nomination of Ms. Kim Tavares (Council District 6) to the Board of Appeals.
APPROVED

REFERRALS FOR EXECUTIVE SESSION

The Council anticipates convening an executive meeting regarding the following cases, pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes, as amended, for the purpose of consulting with the Corporation Counsel and/or its attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities and liabilities, including the current status of the litigation. A 2/3 vote pursuant to HRS Section 92-4 and Rule 12 of the Rules of Procedure of the County Council is necessary to hold an executive meeting.

Comm. 138: COUNTY OF HAWAI'I V. ROBERT NIGEL RICHARDS, ET. AL. CIV. NO. 05-1-015K
 From Corporation Counsel Lincoln S. T. Ashida, dated January 25, 2007.

Postponed: March 9, 2007

POSTPONED TO THE APRIL 4, 2007, COUNCIL MEETING

;and

Comm. 138.1: From Corporation Counsel Lincoln S. T. Ashida, dated March 9, 2007, requesting this matter be deferred to the March 21st Council meeting.

Comm. 225: CLAIM AGAINST THE COUNTY/PAMELA CUARISMA
 From Deputy Corporation Counsel Harry P. Freitas, dated March 7, 2007.
CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL

Comm. 227: CLAIM AGAINST THE COUNTY/GEICO INSURANCE ON BEHALF OF KAUKA CASE
 From Deputy Corporation Counsel Harry P. Freitas, dated March 7, 2007.
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

COUNCIL PUBLIC HEARING RE OPERATING AND CAPITAL BUDGETS (E. HAWAI'I)	<u>WEDNESDAY, MARCH 21, 2007</u> 5:00 p.m.	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
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FINANCE COMMITTEE SPECIAL MEETING (DEPARTMENTAL AND PROGRAM REVIEWS OF BUDGETS)	<u>WEDNESDAY, MARCH 28, 2007</u> 9:00 a.m.	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
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THURSDAY, MARCH 29, 2007

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

9:00 a.m.

COUNCIL ROOM – HILO
333 Kīlauea Avenue
Ben Franklin Building
Second Floor

FRIDAY, MARCH 30, 2007

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

9:00 a.m.

COUNCIL ROOM – HILO
333 Kīlauea Avenue
Ben Franklin Building
Second Floor

TUESDAY, APRIL 3, 2007

COMMITTEES

TBA

SHERATON KEAUHOU
BAY RESORT & SPA

WEDNESDAY, APRIL 4, 2007

COUNCIL

9:00 a.m.

SHERATON KEAUHOU
BAY RESORT & SPA

ADJOURNMENT 4:46 p.m.

Note: B/R, when listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation “By Request” on behalf of the requesting party. It does not necessarily signify support of or opposition to the proposal.

The meeting place is accessible for persons with disabilities. Persons who need special accommodations to attend this meeting should call 961-8255 by March 19, 2007. 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 or other 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 must register with the Council/Clerk's staff. Those testifying in person and submitting written testimony should bring **seventeen (17)** 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 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.** For testimonies submitted by e-mail or fax, 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, March 28, 2007, at 6 p.m.; Sunday, April 1, 2007, at 10:30 a.m.; and Wednesday, April 4, 2007, at 6 p.m.