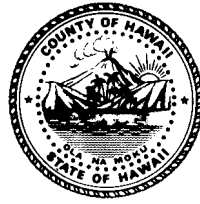


PETE HOFFMANN  
*Chair & Presiding Officer*

K. ANGEL PILAGO  
*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*

10<sup>th</sup> Session

### ORDER OF BUSINESS

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

Wednesday, April 18, 2007  
9:00 a.m.

INVOCATION

Pastor Kana Shimasaki of Hilo United Methodist Church

CALL TO ORDER

ROLL CALL

9:08 a.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

(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****ORDER OF RESOLUTIONS**

Res. 102-07: Amends Resolution No. 55-07, Adopting Rules of Procedure and Organization of the Council of the County of Hawai'i. {Proposed amendments are to Rule Nos. 17 (Reconsideration), 30 (Deputy County Clerk), 31 (Legislative Research Branch), and 32 (Legislative Auditor.)}

Re: Comm. 242  
 Intr. by: Mr. Hoffmann  
 Approve: PWIRC-14

**AMENDED TO DRAFT 2 & ADOPTED:**

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

*;and*

Comm. 242.1: From Council Member Stacy Higa, dated March 20, 2007, transmitting proposed amendments relating to Rule No. 17 (Reconsideration).

Res. 113-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$1,200 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Research and Development Hawai'i County Resource Center Miscellaneous Contract Services (Community Enterprises – Kailua-Kona Town Meetings). Discretionary funds from District 8 would be used as a grant towards Community Enterprises town meetings to defray some of the costs and expenses.}

Re: Comm. 265  
 Intr. by: Mr. Pilago  
 Approve: FC-86

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Res. 125-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$5,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Liquor Control Public Programs (Na Ma Kaholo/Kulu Kumu Hana). Discretionary funds from District 5 would be used as a grant towards Na Ma Kaholo for the Kulu Kumu Hana program. }

Re: Comm. 280  
 Intr. by: Ms. Naeole  
 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. 132-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$10,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Liquor Control Public Programs (Hilo Computer Assisted Learning Center). Discretionary funds from District 1 would be used as a grant towards the Hilo Computer Assisted Learning Center which provides programs for adult literacy. }

Re: Comm. 290  
 Intr. by: Mr. Yagong  
 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. 135-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$6,600 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Liquor Control Public Programs (Friends of the Children’s Justice Center of East Hawai‘i). Discretionary funds from District 3 would be used as a grant for Friends of the Children’s Justice Center of East Hawai‘i to research and develop abuse prevention education and counseling programs for middle and high school students.}

Re: Comm. 298  
 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. 136-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$10,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Liquor Control Public Programs (Boys and Girls Club of the Big Island). Discretionary funds from District 3 would be used as a grant towards the Boys and Girls Club of the Big Island’s Skills Mastery and Resistance Training Moves program in Kea‘au.}

Re: Comm. 299  
 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. 137-07: 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 Liquor Control Public Programs (Hilo Computer Assisted Learning Center). Discretionary funds from District 3 would be used as a grant towards the Hilo Computer Assisted Learning Center to improve and enhance the adult literacy program. }

Re: Comm. 300  
 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. 141-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$5,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Liquor Control Public Programs (Hilo Computer Assisted Learning Center). Discretionary funds from District 8 would be used as a grant towards the adult literacy program conducted at the Hilo Computer Assisted Learning Center. }

Re: Comm. 310  
 Intr. by: Mr. Pilago  
 Waived: FC

**ADOPTED:**  
**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.  
**NOES:** None.  
**ABSENT:** Council Member Yagong – 1.  
**EXCUSED:** None.

Res. 142-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$1,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Research and Development Tourism Promotion (Second Annual PowWow). Discretionary funds from District 6 would be used as a grant to support the Second Annual Hilo Inter-Tribal PowWow.}

Re: Comm. 311  
 Intr. by: Mr. Jacobson  
 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. 143-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$5,900 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Culture and Arts, Class/Activities (4<sup>th</sup> of July Fest). Discretionary funds from District 4 would be used towards the annual 4<sup>th</sup> of July Fest.}

Re: Comm. 312  
 Intr. by: Mr. Higa  
 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. 144-07: 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 Research and Development New Industry and Industrial Development (People Out Supporting Hilo). Discretionary funds from District 4 would be used as a grant towards the People Out Supporting Hilo.}

Re: Comm. 313  
 Intr. by: Mr. Higa  
 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. 145-07: 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 Research and Development Hawai'i County Resource Center, Miscellaneous Contract Services (Community Enterprises). Discretionary funds from District 7 would be used as a grant towards Community Enterprises.}

Re: Comm. 314  
 Intr. by: Ms. Ford  
 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. 146-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$5,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Research and Development Tourism Promotion (Honoka'a Western Weekend). Discretionary funds from District 1 would be used as a grant towards the annual Honoka'a Western Weekend celebration to be held on May 18 through 20, 2007.}

Re: Comm. 316  
 Intr. by: Mr. Yagong  
 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. 147-07: Authorizes the Mayor of the County of Hawai'i to Execute and Submit the 2007 Action Plan and All Other Related Documents to the United States Department of Housing and Urban Development for the 2007 Community Development Block Grant and to the State's Hawai'i Housing Finance and Development Corporation for the HOME Investment Partnerships and American Dream Downpayment Initiative Programs.

Re: Comm. 319  
 Intr. by: Mr. Hoffmann  
 Approve: CHA – April 3, 2007

**ADOPTED:**  
**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.  
**NOES:** None.  
**ABSENT:** Council Member Yagong – 1.  
**EXCUSED:** None.

Res. 148-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$1,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Human Resources Training Expenses, Miscellaneous Contract Services for Seminars (2007 Annual Clerical Conference). Discretionary funds from District 2 would be used towards expenses incurred by the 2007 Clerical Conference to be held on June 9, 2007, at Aunty Sally's Luau Hale ( Hilo).}

Re: Comm. 320  
 Intr. by: Mr. Ikeda  
 Waived: FC

**ADOPTED:**  
**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.  
**NOES:** None.  
**ABSENT:** Council Member Yagong – 1.  
**EXCUSED:** None.

Res. 149-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$2,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation, Recreation Division (Pu‘u‘eo Computer). Discretionary funds from District 2 would be used towards the purchase of a computer and related supplies for the Pu‘u‘eo Community Center. }

Re: Comm. 321  
 Intr. by: Mr. Ikeda  
 Waived: FC

**ADOPTED:**  
**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.  
**NOES:** None.  
**ABSENT:** Council Member Yagong – 1.  
**EXCUSED:** None.

Res. 150-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$2,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Parks and Recreation Elderly Activities Division Recreation Equipment (PowerPoint Equipment). Discretionary funds from District 2 would be used to purchase a PowerPoint projector, screen, and related equipment to be used at the Kamanā Senior Center, Pōmaika‘i Senior Center, and for East Hawai‘i senior events (for classes, presentations, demonstrations, and other activities). }

Re: Comm. 322  
 Intr. by: Mr. Ikeda  
 Waived: FC

**ADOPTED:**  
**AYES:** Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 8.  
**NOES:** None.  
**ABSENT:** Council Member Yagong – 1.  
**EXCUSED:** None.

Res. 151-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
{Transfers/appropriates \$1,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Human Resources Training Expenses (2007 County Office Support Staff Conference). Discretionary funds from District 3 would be used towards the 2007 County Office Support Staff Conference to be held at Aunty Sally's Lū'au Hale in Hilo on June 7, 2007.}

Re: Comm. 323  
Intr. by: Mr. Yoshimoto  
Waived: FC

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** Council Member Yagong – 1.

**EXCUSED:** None.

Res. 152-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
{Transfers/appropriates \$1,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Human Resources Training Expenses (2007 County Office Support Staff Conference). Discretionary funds from District 5 would be used towards the 2007 County Office Staff Conference to be held at Aunty Sally's Luau Hale in Hilo on June 7, 2007.}

Re: Comm. 324  
Intr. by: Ms. Naeole  
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. 153-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$10,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Prosecuting Attorney’s Office Kona Prosecuting Attorney Other Current Expense (Turning Point for Families, Inc.). Discretionary funds from District 7 would be used as a grant towards Turning Point for Families for victims of domestic violence. }

Re: Comm. 325  
 Intr. by: Ms. Ford  
 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. 154-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$12,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Prosecuting Attorney’s Office Kona Prosecuting Attorney Office (Aloha Performing Arts Company). Discretionary funds from District 7 would be used as a grant towards the Aloha Performing Arts Company who support programs for teens and residents in the arts by presenting performances in theater, dance, and voice. }

Re: Comm. 326  
 Intr. by: Ms. Ford  
 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. 155-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$10,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Research and Development New Industry and Industrial Development, Miscellaneous Contract Services (ARC of Kona). Discretionary funds from District 7 would be used as a grant towards ARC of Kona to produce two training videos for residents and staff.}

Re: Comm. 327  
 Intr. by: Ms. Ford  
 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. 156-07: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).  
 {Transfers/appropriates \$10,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Department of Research and Development New Industry and Industrial Development (American Red Cross). Discretionary funds from District 7 would be used as a grant towards the American Red Cross for disaster services.}

Re: Comm. 328  
 Intr. by: Ms. Ford  
 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. 159-07: Authorizes the Acceptance of a Monetary Gift of Three Thousand Six Hundred Sixty One Dollars and Five Cents (\$3,661.05) from the Gregg Malkin Memorial Fund to the Hawai'i Fire Department. {Funds would be used for the purchase of thermal gear for the Department's rescue team. }

Re: Comm. 334  
 Intr. by: Mr. Yagong  
 Waived: FC

**ADOPTED:**

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

**(Note: This resolution replaces Resolution 96-07 adopted at the Council's April 4<sup>th</sup> meeting, which contains an inadvertent error regarding the site of the accident. Finance Director William Takaba requests Resolution 96-07 be reconsidered, which is currently listed under "Other Business" of this agenda.)**

**10:15 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)**

**BILLS FOR ORDINANCES (FIRST READING)**

Bill 75: Planning Director Initiated Amends the Hawai'i County General Plan, as Adopted by Ordinance No. 05 25, Relating to General Plan Amendment Procedures. {The Planning Director's proposed changes to Sections 16.1, 16.2, and 16.3 of Ordinance 05-25, Hawai'i County General Plan, are as follows:

1. Amends Section 16.1 (Comprehensive Review) to require that the Planning Director submit recommended comprehensive amendments to the Council not more than 10 years after the adoption of previous comprehensive amendments, establish a deadline for Council-initiated amendments, submit recommendations to the Planning Commission, and notify property owners of amendments re-designating property to Open or Conservation not less than 21 days before the first Commission hearing. Within 150 days of receipt of the Director's recommendations, the Commission shall submit its recommendations to the Council, after which the Council shall adopt an amended General Plan, provided that any modifications which substantially change the general intent or subject matter of a proposed amendment shall be processed as a new interim amendment; and
2. Amends Section 16.2 (Interim Amendments) to require the following:
  - (a) In Council-initiated interim amendments, the Director shall submit recommendations to the Commission within 60 days of receipt and comply with the foregoing property owner notification requirement; the Commission shall consider proposed amendments at no less than two meetings and make its recommendations to the Council within 60 days of receipt, and the Council may make modifications within the general intent

and subject matter of the proposed amendments provided that any substantial change shall be processed as a new interim amendment; (b) in Director-initiated interim amendments, the Director shall submit recommendations to the Commission and comply with the foregoing property owner notification requirement; the Commission shall submit its recommendations to the Council within 120 days of receipt, and the Council may make modifications within the general intent and subject matter of the proposed amendments provided that any substantial change shall be processed as a new interim amendment; and (c) in applications for interim amendments filed by the general public, a Director-initiated amendment shall be processed in accordance with the foregoing procedures, and if the Director rejects such application, the Council may initiate the proposed amendment at any time, except during the comprehensive review process, in accordance with the foregoing procedures; and

3. Amends Section 16.3 (Rules and Regulations), which authorizes the Planning Director and Planning Commission to promulgate rules and regulations to implement the amendment procedures.

Re: Comm. 181.1  
 Intr. by: Mr. Pilago  
 Approve: PC-25

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

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Bill 76:

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 – 10 Acre (A-10a) to Family Agricultural – 3 Acre (FA-3a) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key 2-4-065:034 (approx. 10 acres). {Michael and Nina Tanabe, Applicant.}

Re: Comm. 256  
 Intr. by: Mr. Pilago  
 Approve: PC-26

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

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Bill 77: 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 – Product Development Program (\$100,000); appropriates same to Product Development Program-State. Funds would be used to support additional tourism product offerings on Hawai'i Island, which do not generally fit in the County Product Enrichment Program.}

Re: Comm. 260

Intr. by: Mr. Yagong

Approve: FC-85

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

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Bill 84: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Appropriates revenues in Retained Earnings from Previous Year (\$110,000); appropriates to the following: Ouli Ekahi Project Expense (\$50,000) and Ouli Ekahi Lease Payment (\$60,000), for a total of \$110,000. Funds would be used for operating expenditures created by a lack of maintenance to project cottages over an extended period of time and to cover higher lease payments.}

Re: Comm. 315

Intr. by: Mr. Yagong

Waived: FC

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

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Bill 85: 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 the following: Federal – 2007 HOME Program (\$995,756) and HOME – Program Income (\$49,862.21), for a total of \$1,045,618.21; appropriates to the following: Ainakea Senior Residences – Hawai'i Island Community Development Corporation (\$624,583), Kaloko Transitional Housing Project (\$325,279.21), American Dream Downpayment Initiative (\$10,756), and Office of Housing and Community Development Administration (\$85,000), for a total of \$1,045,618.21.}

Re: Comm. 317  
 Intr. by: Mr. Hoffmann  
 Approve: CHA – April 3, 2007

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

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Bill 86: 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 the following: Federal – 2007 Block Grant (\$2,438,491) and Block Grant – Program Income (\$210,047.50), for a total of \$2,648,538.50; appropriates to the following: Removal of Architectural Barriers – Americans with Disabilities Act Compliance – Various County Facilities (\$1,413,354), Hāmākua Health Center Mobile Dental Van – Acquisition (\$310,000), Residential Emergency Repair Program (\$300,000), Pāhoā Household Hazardous Waste Collection Event (\$50,000), Child and Family Service Hale 'Ohana Domestic Abuse Shelter – Renovations (\$274,350), and Administration, Planning and Fair Housing (\$300,834.50), for a total of \$2,648,538.50.}

Re: Comm. 318  
 Intr. by: Mr. Hoffmann  
 Approve: CHA – April 3, 2007

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

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Bill 318  
(2004-2006):

Ordinance Amending Chapter 25, Article 2, Division 4, Section 25-2-44, Hawai'i County Code 1983 (2005 Edition) Relating to Conditions on Change of Zone.  
{ Adds requirements to existing provisions within the Zoning Code relating to conditions on change of zone ordinances regarding water supply improvements or strategies as specified by the Department of Water Supply as well as transportation improvements or strategies to accommodate the impacts of development on transportation facilities; the above be made concurrent with development associated with any change of zone in order to manage growth and coordinate the delivery of government services in the County. }

Re:	Comm. 998
Intr. by:	Mr. Hoffmann
Pursuant to Section 25-2-43, Hawai'i County Code, recommends to commit to Planning Director and Planning Commission:	PC-106
Recommendation to commit failed due to the vote of 3-ayes and 6-noes:	September 7, 2006
Pending motion to Reconsider Bill 318 by Ms. Isbell and duly seconded by Mr. Safarik:	September 20, 2006
Commits Bill 318 to the Planning Director and Planning Commission:	October 16, 2006
Recommits Bill 318 to the Planning Department and Planning Commission:	February 21, 2007 (Planning Committee)

**POSTPONED TO MAY 2, 2007, COUNCIL MEETING**

; and

Comm. 307:

From Mayor Harry Kim, dated April 3, 2007, transmitting for Council's consideration and action the Planning Commission's letters and enclosures relating to Bill 318. The Planning Commission transmits an unfavorable recommendation to Bill 318 and a favorable recommendation to the Planning Director's proposed modifications to Bill 318, for reasons which are listed in this communication as well as the proposed modifications to this bill.

**1:00 P.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)**

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

Bill 62: Amends Section 25-8-30 (Na'alehu 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 – 7,500 Square Feet (RS-7.5) to Village Commercial – 7,500 Square Feet (CV-7.5) at Poupouwela and Kowala, Ka'u, Hawai'i, Covered by Tax Map Key 9-5-024:008 (approx. 17,382 square feet). {Big Island Ventures, LLC, Applicant. }

Re: Comm. 199  
 Intr. by: Mr. Hoffmann  
 1<sup>st</sup> Reading: April 4, 2007

**PUBLIC HEARING TO BE HELD NO LATER THAN MAY 31, 2007 (KA'U DISTRICT)**

and; Comm. 199.2.

Bill 66: 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 Contribution from Private Source (\$3,661.05); appropriates same to Rescue Equipment - Private. }

Re: Comm. 232  
 Intr. by: Mr. Yagong  
 1<sup>st</sup> Reading: April 4, 2007

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

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Bill 67: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Appropriates revenues in State Grants – Hawai'i Tourism Authority – Tourism Strategy Plan (\$24,750); appropriates same to Hawai'i Tourism Authority – Tourism Strategy Plan. }

Re: Comm. 233  
 Intr. by: Mr. Yagong  
 1<sup>st</sup> Reading: April 4, 2007

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

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Bill 68: Amends Ordinance No. 06-79, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2007. {Appropriates revenues in Federal Grants – Hawai'i County Police Department (HCPD) Data Grant (\$66,400.80); appropriates same to HCPD Data Grant.}

Re: Comm. 235  
 Intr. by: Mr. Yagong  
 1<sup>st</sup> Reading: April 4, 2007

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

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Bill 69: 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 Federal Grants – Community Based Traffic Coordinator (\$22,000); appropriates same to Community Based Traffic Coordinator. Funds would be used for the Police Department's Community Based Traffic Coordinator Program to reduce the number of alcohol, speed, and seat belt non-use related traffic fatalities and injuries on the Big Island by 10 percent.}

Re: Comm. 236  
 Intr. by: Mr. Yagong  
 1<sup>st</sup> Reading: April 4, 2007

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

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Bill 70: 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 Federal Grants – Hawai'i County Police Department (HCPD) Roadblock Program (\$20,500); appropriates same to HCPD Roadblock Program. Funds would be used for the Police Department's Roadblock Program to reduce the number of alcohol related fatalities and injuries, to increase public awareness, and to provide a constant deterrence against impaired driving by conducting impaired driving roadblocks on our highways.}

Re: Comm. 237  
 Intr. by: Mr. Yagong  
 1<sup>st</sup> Reading: April 4, 2007

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

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

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Bill 78: 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 – Federal Highways Administration (\$5,500,000); fund shall be provided from Federal Grants Receivable (\$5,500,000). Funds would be used for repair work for damages resulting from the October 15, 2006, earthquake.}

Re: Comm. 266  
 Intr. by: Mr. Yagong  
 1<sup>st</sup> Reading: April 4, 2007  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

**PASSED 2<sup>ND</sup> & 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 4) (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; and rezonings to ML, MG, or MCX, approved after the effective date of this ordinance with a potential to generate more than one hundred employees on a full-time equivalent basis must earn one affordable housing credit for every four full-time equivalent jobs created.}

Re: Comm. 200.14  
 Intr. by: Mr. Hoffmann  
 Postponed: November 9 and December 7, 2005  
 1<sup>st</sup> Reading: March 9, 2007  
 Held Over Pursuant  
 to Council Rule 26(e): March 21 and April 4, 2007

**HELD OVER PURSUANT TO COUNCIL RULE 26(e)**

**(Note: There is a pending motion by Mr. Hoffmann and duly seconded by Mr. Jacobson to approve Bill 156, as amended.)**

**REPORTS**

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

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the Month Ending January 31, 2007.  
**ACCEPTED**

- FC-84  
(Comm. 259): Recommends acceptance of a donation by Stationers of a dry erase board (estimated value of \$300) and cork bulletin board (estimated value of \$200) to the Department of Parks and Recreation, Elderly Division's Elderly Recreation Services.  
**APPROVED**
- PC-23  
(Comm. 254): Recommends approval of the nomination of Ms. Shelly H. A. Ogata (Council District 3) to the Planning Commission.  
**APPROVED**
- PC-24  
(Comm. 268): Recommends approval of the nomination of Ms. Kelly Ann Soo (Council District 8) 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. 66.1: THOMAS YOUNG V. COUNTY OF HAWAI'I, CIVIL NO. 05-01-164K  
From Deputy Corporation Counsel Joseph K. Kamelamela, dated April 3, 2007.  
**CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL**
- 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 TO THE MAY 2, 2007, COUNCIL MEETING**
- Postponed: March 9, 21, and April 4, 2007
- ;and*
- Comm. 138.1: From Corporation Counsel Lincoln S. T. Ashida, dated March 9, 2007, requesting this matter be deferred to the March 21<sup>st</sup> Council meeting; *and*
- Comm. 138.2: From Deputy Corporation Counsel Harry P. Freitas, dated March 29, 2007, requesting this matter be deferred to the April 18<sup>th</sup> Council meeting.
- Comm. 247: REQUEST FOR REPRESENTATION OF POLICE OFFICERS LORENZO ATIENDA, ROBERT PULE AND DAVID REIS; GEORGE L. K. "KEOKI" KAI, JR., ET AL. V. COUNTY OF HAWAI'I, ET AL.; CIVIL NO. CV 06-00009 DAE/KSC  
From Deputy Corporation Counsel Harry P. Freitas, dated March 13, 2007.
- Postponed: April 4, 2007  
**CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL**
- ;and*
- Comm. 247.1: From Deputy Corporation Counsel Harry P. Freitas, dated March 29, 2007, requesting this matter be deferred to the April 18<sup>th</sup> Council meeting.

- Comm. 293: CLAIM AGAINST THE COUNTY/STANLYN MARIE BLAS  
From Deputy Corporation Counsel Harry P. Freitas, dated March 28, 2007.  
**CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL**
- Comm. 294: CLAIM AGAINST THE COUNTY/STATE FARM INSURANCE ON BEHALF OF FREDERICK WOODY JR.  
From Deputy Corporation Counsel Harry P. Freitas, dated March 29, 2007.  
**CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL**
- Comm. 296: REQUEST FOR DISCUSSION OF THE ATTORNEY-CLIENT PRIVILEGE WITH THE HAWAI'I COUNTY COUNCIL; OUR ENTRY NO.: WRK 03-6524  
From Corporation Counsel Lincoln S. T. Ashida, dated March 29, 2007, requesting to discuss the waiver of the privilege (intentional and inadvertent), and a process for obtaining the knowing waiver of the privilege in the future.  
**CLOSE FILE**
- Comm. 297: CLAIM AGAINST THE COUNTY/ATTORNEY KEVIN SEITER ON BEHALF OF ANDY SCHMID  
From Deputy Corporation Counsel Harry P. Freitas, dated April 2, 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.)

- Comm. 334: REQUEST RECONSIDERATION OF RESOLUTION 96-07 (ACCEPTANCE OF A MONETARY GIFT FROM THE GREGG MALKIN MEMORIAL FOUNDATION)  
From Finance Director William Takaba, dated April 9, 2007, requesting the reconsideration of Resolution 96-07. States that the site of the accident was incorrectly noted in Resolution 96-07 and has submitted a new resolution with the correct incident site (Resolution 159-07). Due to this inadvertent error, requests the Council file Resolution 96-07.
- Res. 96-07: Authorizes the Acceptance of a Monetary Gift of Three Thousand Six Hundred Sixty One Dollars and Five Cents (\$3,661.05) from the Gregg Malkin Memorial Fund to the Hawai'i Fire Department. {Funds would be used for the purchase of thermal gear for the Department's rescue team.}

Re: Comm. 232  
Intr. by: Mr. Yagong  
Approve: FC-74  
Adopted: April 4, 2007

**FILED:**

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

**NOES:** None.

**ABSENT:** Council Member Higa – 1.

**EXCUSED:** None.

**(Note: Unless Rule 17, Council Rules of Procedure is suspended, if the motion to reconsider passes, Resolution 96-07 will be placed on the Council's May 2, 2007 agenda under "Other Business".)**

**ANNOUNCEMENTS**

COMMITTEES	<u>TUESDAY, MAY 1, 2007</u> TBA	SHERATON KEAUHOU BAY RESORT & SPA
COUNCIL	<u>WEDNESDAY, MAY 2, 2007</u> 9:00 a.m.	SHERATON KEAUHOU BAY RESORT & SPA
COMMITTEES	<u>TUESDAY, MAY 15, 2007</u> TBA	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
COUNCIL PUBLIC HEARING RE REAL PROPERTY TAX RATES – HILO	5:00 p.m.	
COUNCIL	<u>WEDNESDAY, MAY 16, 2007</u> 9:00 a.m.	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
COUNCIL PUBLIC HEARING RE REAL PROPERTY TAX RATES – KONA	<u>THURSDAY, MAY 17, 2007</u> 6:00 p.m.	SHERATON KEAUHOU BAY RESORT & SPA

**ADJOURNMENT 4:11 p.m.**

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

The meeting place is accessible for persons with disabilities. Persons who need special accommodations to attend this meeting should call 961-8255 by April 16, 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 unanticipated 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, April 25, 2007, at 6 p.m.; Sunday, April 29, 2007, at 10:30 a.m.; and Wednesday, May 2, 2007, at 6 p.m.