

MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE**8:00 A.M.: STATEMENTS FROM THE PUBLIC ON COMMUNICATIONS****COMMUNICATIONS**[Comm. 1134:](#)

REQUEST TO DISCUSS SETTING A PUBLIC HEARING TO DECREASE CERTAIN REAL PROPERTY TAX RATES PURSUANT TO HAWAI'I COUNTY CODE SECTION 19-90

From Council Member Dominic Yagong, dated April 2, 2008, proposing a decrease in the following rates: Improved Residential Taxable Building (ranging between \$8.10 to \$5.10) and Agricultural or Native Forests Taxable Building (ranging between \$8.35 to \$5.35).

Waived: FC

FILED (Public Hearing to be held on April 25, 2008)

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

NOES: None.

ABSENT: None.

EXCUSED: None.

[Comm. 589.14:](#)

UPDATE OF THE ACTIVITIES OF THE LEGISLATIVE LIAISON

From Council Chair Pete Hoffmann, dated March 28, 2008, requesting this matter be agendaized in order for the Ad Hoc Task Force (and Mr. Ralph Boyea, if available) to apprise the Council on the activities of the legislative liaison.

FILED

[Comm. 1082:](#)

NOMINATION OF MR. STEVEN G. PAVAO (COUNCIL DISTRICT 2) TO THE ENVIRONMENTAL MANAGEMENT COMMISSION

From Mayor Harry Kim, dated March 4, 2008, requesting approval of the above nomination.

APPROVED THE NOMINATION OF STEVEN G. PAVAO

AYES: Council Members Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 7.

NOES: Council Member Ford – 1.

ABSENT: None.

EXCUSED: Council Member Yoshimoto – 1.

8:30 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF RESOLUTIONS

ORDER OF RESOLUTIONS

[Res. 550-08](#): Encourages the Cost-Effective Installation of Solar Water Heating Systems and Photovoltaic Energy Systems on County Buildings. {Calls upon the Mayor to assign qualified administrative personnel to help determine the funding requirements to implement and oversee such installation on County facilities in order to meet the County's energy goals and to report the funding requirements for installation of the solar systems to the Council prior to the submission of the operating budget on March 1, 2009.}; and FESC-2.

ADOPTED:

AYES: Council Members Ford, Higa, Ikeda, Naeole, Pilago, Yagong, and Chair Hoffmann – 7.

NOES: None.

ABSENT: Council Members Jacobson and Yoshimoto – 2.

EXCUSED: None.

[Res. 553-08](#): Requests that the County of Hawai'i Complete Construction of the Māmalahoa Bypass Highway Over the Richards/Coupe Property. {Encourages construction of the Māmalahoa Bypass Highway and not wait for the appeal process to run its course (Civil Nos. 00-1-0181K and 05-1-015K, *County of Hawai'i v. Robert Nigel Richards, et al.*), and that the Administration consider undertaking the construction of the Richards/Coupe section of the Māmalahoa Bypass Highway and seek reimbursement from Oceanside 1250 for the construction costs.}; and FJC-6.

ADOPTED:

AYES: Council Members Higa, Ikeda, Naeole, Pilago, Yoshimoto, and Chair Hoffmann – 6.

NOES: Council Members Ford and Jacobson – 2.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Res. 562-08](#): Creates a Construction Equipment Mechanic Position and Abolishes a Lubrication Worker Position Within the Department of Public Works' Automotive Division. {The new position is needed in the Kohala District to take care of the increase in construction equipment to service in that area, and the abolished position can only perform lubrication work and is no longer needed.}; and FC-261.

ADOPTED:

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

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Res. 563-08:](#)

Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year for a Multi-Year Lease (5 years) of a Copier for the Department of Parks & Recreation. {The Parks and Recreation Department's Coordinated Services for the Elderly's current copier is no longer repairable.}; and FC-262.

ADOPTED:

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

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Res. 564-08:](#)

Authorizes the Office of the Mayor to Enter Into an Agreement with the State of Hawai'i Department of Transportation, Pursuant to HRS 46-7, for a Data Grant for the Hawai'i County Police Department. {Funds would be used to establish a statewide traffic data system and to ensure compliance with national standards.}; and FC-264.

ADOPTED:

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

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Res. 574-08:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$2,500 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Research and Development Agriculture Research and Development Other Current Expense (12th Annual Taste of Puna). Contingency Relief funds from District 3 would be used to cosponsor the 12th Annual Taste of Puna to be held on June 21, 2008.}

ADOPTED:

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

NOES: None.

ABSENT: None.

EXCUSED: None.

[Res. 575-08:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$50,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Public Works Transfer to Highway Fund (Roads-in-Limbo – Hāmākua). Contingency Relief funds from District 1 would be used to address roads-in-limbo, specifically Loke Street and Kahawai Road in the Hāmākua District.}

ADOPTED:

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

NOES: None.

ABSENT: None.

EXCUSED: None.

[Res. 576-08:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$6,900 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Parks and Recreation Elderly Activities Division Recreation Equipment (Miscellaneous Equipment).
 Contingency Relief funds from District 2 would be used towards the purchase of miscellaneous equipment which will be used at various senior center sites, and for various East Hawai'i senior activities and events.}

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. 577-08:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$15,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Research and Development Tourism Promotion Miscellaneous Contract Services (Mālama Punalu'u Festival).
 Contingency Relief funds from District 6 would be used towards the Mālama Punalu'u Festival.}

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. 579-08:](#)

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 Office of the Prosecuting Attorney Kona Prosecuting Attorney Other Current Expense (Big Island Substance Abuse Council (BISAC)- Adult and Adolescent Outpatient Treatment Services and Therapeutic Living Program Services). Contingency Relief funds from District 7 would be used for BISAC's program, "Adult and Adolescent Outpatient Services and Therapeutic Living Program Services".}

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. 580-08:](#)

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 Office of the Prosecuting Attorney Kona Prosecuting Attorney Other Current Expense (Big Island Substance Abuse Council (BISAC)-Baby Substance Abuse Free Environment (S.A.F.E.)). Contingency Relief funds from District 7 would be used for BISAC's Baby S.A.F.E. program.}

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. 581-08:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$500 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Research and Development Agriculture Research and Development Other Current Expense, Miscellaneous Contract Services (Taste of Puna-Cook Off). Contingency Relief funds from District 6 would be used to support the Taste of Puna – Cook Off.}

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. 584-08:](#)

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 Tourism Promotion, Miscellaneous Contract Services (2008 Hui Okinawa Haari Boat Race). Contingency Relief funds from District 2 would be used towards costs related to the 2008 Hui Okinawa Haari Boat Race.}

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. 585-08:](#)

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 Office of Housing and Community Development Transfer to Housing Fund (Office for Social Ministry (OSM)-Hawai'i Island Mobile Care Health Project). Contingency Relief funds from District 7 would be used for the Mobile Care Health Project.}

ADOPTED:

AYES: Council Members Ford, Higa, Jacobson, Naeole, Pilago,
Yoshimoto, and Chair Hoffmann – 7.

NOES: None.

ABSENT: Council Members Ikeda and Yagong – 2.

EXCUSED: None.

[Res. 586-08:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$15,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Office of Housing and Community Development Transfer to Housing Fund (Office for Social Ministry (OSM)-Hawai'i Island Mobile Care Health Project). Contingency Relief funds from District 1 would be used for the OSM's Mobile Care Health Project dental care services in the Hāmākua District.}

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. 587-08:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$15,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Office of Housing and Community Development Transfer to Housing Fund (Office of Social Ministry (OSM)-Hawai'i Island Mobile Care Health Project). Contingency Relief funds from District 9 would be used for the OSM's Mobile Care Health Project dental care services.}

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. 588-08:](#)

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 Tourism Promotion (Waikoloa Dry Forest Recovery Project). Contingency Relief funds from District 9 would be used towards public outreach programs focused on community and tourist educational programs on rare flora and environmental protection.}

ADOPTED:

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

NOES: None.

ABSENT: None.

EXCUSED: None.

[Res. 589-08:](#)

Supports the Various Efforts of the House of Representatives to Present Solutions for Our State's Health-Care Crisis. {Lobbies for the passage of State legislation to help alleviate the healthcare crisis, including but not limited to legislation aimed at medical tort liability reform.}

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. 590-08:](#)

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$1,600 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Parks and Recreation, Recreation Division Equipment, Computer Equipment and Software (Yano Hall Computer). Contingency Relief funds from District 7 would be used towards the purchase of a computer and printer for Yano Hall.}

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. 591-08:

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$36,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Public Works Transfer to Capital Project Fund-General (West Hawai'i Traffic Calming Improvements). Contingency Relief funds from District 7 would be used to construct speed humps to resolve safety issues on La'aloa Avenue.}

ADOPTED:

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

NOES: None.

ABSENT: None.

EXCUSED: None.

Res. 592-08:

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$150,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Public Works Transfer to Capital Project Fund-General (to be allotted to Kino'ole/Kamana Improvements). Contingency Relief funds from District 2 would be used towards the Kino'ole Street/Kamana Street Improvements project (improvements include, but are not limited to, streetlights, smart signs, traffic calming devices, traffic control mechanisms, guardrails, and other necessary and appropriate improvements).}

ADOPTED:

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

NOES: None.

ABSENT: None.

EXCUSED: None.

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

BILLS FOR ORDINANCES (FIRST READING)

Bill 235

(Draft 2):

Planning Director Initiated: Amends Ordinance No. 96-7 by Amending the Portion of Condition M.4 Relating to the Construction of a Barricade or Breakaway Gate to Prevent the Use of Haleki'i Street as a Vehicular Thoroughfare Prior to the Opening of the Entire Māmalahoa Bypass. Ordinance No. 96-7 Reclassified Lands from Unplanned (U) to Agricultural 1-Acre (A-1a) at Honuaino 3rd and 4th, Hokukano 1st and 2nd, Haleki'i, Keekee 1st and 2nd, Ilikahi, Kanakau 1st and 2nd, Kalukalu 1st, 2nd and 3rd, and Onouli 1st, North and South Kona, Hawai'i, Covered by Tax Map Key:7-9-12:4 & 11; 8-1-4:3, 7, 65 & 68; 8-1-27:16, 20, 21, 27-43; 8-1-28:9, 10, 19-28, 30, 44-47; 8-1-30:1-3, 5-9, 12-53; 8-1-32:1-54; 8-1-33:1-20; 8-1-34:1-25 (formerly 7-9-12: Portion of 3, 4 & 11 and 8-1-4: Portion of 3), and Included a Condition M.4 Stating that a Barricade or Breakaway Gate Meeting with the Requirements of the Department of Public Works, Shall be Installed by the Applicant as Part of the Required Haleki'i Street Improvements, the Purpose of this Condition Being to Prevent the Use of Haleki'i Street as a Vehicular Thoroughfare

Between the Existing Māmalahoa Highway and a Portion of the Māmalahoa Highway Bypass Until the Entire Proposed Māmalahoa Highway Bypass Between the Approximate Vicinity of Keauhou and Captain Cook has been Completed and Opened for General Public Use; and FJC-7; *and*

AMENDED TO DRAFT 3 & PASSED 1ST READING:

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

NOES: Council Member Ikeda – 1.

ABSENT: None.

EXCUSED: None.

[Comm. 997.7:](#)

From Planning Director Christopher J. Yuen, dated March 10, 2008, providing comment on amendments to Bills 235 and 236 that the Council is considering; *and*

[Comm. 997.10:](#)

From Council Member Brenda J. Ford, dated March 24, 2008, transmitting proposed amendments to Bill 235, Draft 2; *and*

[Comm. 997.12:](#)

From Public Works Director Bruce C. McClure, P. E., dated March 28, 2008, providing comments to major issues that they have concerns about relating to Bill 235, Draft 2 (and subsequent Bill 236, Draft 2); *and*

[Comm. 997.13:](#)

From Mayor Harry Kim, dated March 27, 2008, transmitting proposed amendments to Bill 235, Draft 2 (attaches a proposed “Draft 3”).

[Bill 236](#)

(Draft 2):

Planning Director Initiated: Amends Ordinance No. 96-8 by Amending the Portion of Condition L.4 Relating to the Construction of a Barricade or Breakaway Gate to Prevent the Use of Haleki'i Street as a Vehicular Thoroughfare Prior to the Opening of the Entire Māmalahoa Bypass. Ordinance No. 96-8 Reclassified Lands from Agricultural 5-Acre (A-5a) and Unplanned (U) to Agricultural 1-Acre (A-1a) at Honuaino 3rd and 4th, Hokukano 1st and 2nd, Kanaeue 1st and 2nd, Haleki'i, Keekee 1st and 2nd, Ilikahi, Kanakau 1st and 2nd, Kalukalu 1st, 2nd and 3rd, and Onouli 1st, North and South Kona, Hawai'i, Covered by Tax Map Key:7-9-12:4, 6, 9, 29; 8-1-4: 3, 56, 59-62, 64, 70; 8-1-26:1-3, 5-9, 11-57; 8-1-27:1-15, 17-26, 33-38, 43; 8-1-28:1-3, 7-18, 28-38, 40-43; 8-1-29:1, 2, 4, 6-46, 53-59, 62, 63; 8-1-30:1-9, 49, 51 (formerly 7-9-6: Portion of 1, 7-9-12: Portions of 3 and 4 and 8-1-4: Portion of 3), and Included a Condition L.4 Stating that a Barricade or Breakaway Gate Meeting with the Requirements of the Department of Public Works, Shall be Installed by the Applicant as Part of the Required Haleki'i Street Improvements, the Purpose of this Condition Being to Prevent the Use of Haleki'i Street as a Vehicular Thoroughfare Between the Existing Māmalahoa Highway and a Portion of the Māmalahoa Highway Bypass Until the Entire Proposed Māmalahoa Highway Bypass Between the Approximate Vicinity of Keauhou and Captain Cook has been Completed and Opened for General Public Use; and FJC-8; *and*

AMENDED TO DRAFT 3 & PASSED 1ST READING:

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

NOES: Council Member Ikeda – 1.

ABSENT: None.

EXCUSED: None.

[Comm. 997.11:](#)

From Council Member Brenda J. Ford, dated March 25, 2008, transmitting proposed amendments to Bill 236, Draft 2; *and*

- [Comm. 997.12:](#) From Public Works Director Bruce C. McClure, P. E., dated March 28, 2008, providing comments to major issues that they have concerns about relating to Bill 236, Draft 2 (and previous Bill 235, Draft 2); *and*
- [Comm. 997.14:](#) From Mayor Harry Kim, dated March 27, 2008, transmitting proposed amendments to Bill 236, Draft 2 (attaches a proposed "Draft 3").
- [Bill 240:](#) Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Adds PUBLIC WORKS: Māmalahoa Bypass Mitigation Measures (\$500,000); funds shall be provided from Fair Share Contributions (Fund Balance – Designated). Funds would be used to construct traffic calming improvements on Ali'i Drive and Haleki'i Street to mitigate the anticipated increase in vehicle traffic caused by the opening of the northern portion of the Māmalahoa Bypass.}; and FJC-5.
PASSED 1ST READING:
AYES: Council Members Ford, Higa, Ikeda, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.
NOES: None.
ABSENT: Council Member Jacobson – 1.
EXCUSED: None.
- [Bill 248](#)
(Draft 2): Amends Chapter 24 of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Vehicles and Traffic. {Amends Chapter 24, Article 10, Division 2, Section 24-264, Schedule 12, by adding Ali'i Drive, Kaleiopapa Street intersection (Kona) as a "stop" location.}; and FJC-1.
PASSED 1ST READING:
AYES: Council Members Ford, Higa, Ikeda, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 8.
NOES: None.
ABSENT: Council Member Jacobson – 1.
EXCUSED: None.
- [Bill 249:](#) Amends Chapter 24, of the Hawai'i County Code 1983 (2005 Edition), Relating to Vehicles and Traffic. {Amends Chapter 24, Article 10, Division 2, Section 24.264, Schedule 12, by adding Ali'i Drive, Lunapule Road intersection (Kona) and Ali'i Drive, Royal Poinciana Drive intersection (Kona) as "stop" locations.}; and FJC-2; *and*
AMENDED TO DRAFT 2 & PASSED 1ST READING:
AYES: Council Members Ford, Higa, Ikeda, Jacobson, Naeole, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 9.
NOES: None.
ABSENT: None.
EXCUSED: None.
- [Comm. 1019.3:](#) From Deputy Corporation Counsel Ivan M. Torigoe, dated February 28, 2008, transmitting proposed amendments (relating to grammar and Hawaiian diacritical marks).

[Bill 250:](#) Amends Chapter 24 of the Hawai'i County Code 1983 (2005 Edition) Relating to Vehicles and Traffic. {Amends Chapter 24, Article 10, Division 1, Section 24-256, Schedule 4 and Section 24-255, Schedule 3, by reducing the speed limit from 30 mph to 25 mph from Honalo Junction for 4,100 feet south.}; and FJC-3; *and*

PASSED 1ST READING:

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

NOES: Council Member Ford – 1.

ABSENT: None.

EXCUSED: None.

[Comm. 1020.4:](#) From Deputy Corporation Counsel Ivan M. Torigoe, dated February 28, 2008, transmitting proposed amendments (relating to grammar and Hawaiian diacritical marks).

[Bill 251:](#) Amends Chapter 24, of the Hawai'i County Code 1983 (2005 Edition), Relating to Vehicles and Traffic. {Amends Chapter 24, Article 10, Division 2, Section 24-267, Schedule 15, by adding Haleki'i Street (new portion to be dedicated – 4,000 feet), restricted to one way southbound traffic from 3:30 p.m. to 6:30 p.m. Monday through Friday, except holidays.}; and FJC-4; *and*

AMENDED TO DRAFT 2 & PASSED 1ST READING:

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

NOES: None.

ABSENT: None.

EXCUSED: None.

[Comm. 1021.4:](#) From Assistant Corporation Counsel Gerald Takase, dated February 28, 2008, transmitting proposed amendments to Bill 251.

[Bill 255:](#) 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 - 15,000 Square Feet (RS-15) to Single Family Residential - 10,000 Square Feet (RS-10) at Waiakea, South Hilo, Hawai'i, Covered by Tax Map Key:2-4-010:031 (approx. 22,200 square feet). {Arnold H. Hara and Lillian K. Murakami, Applicants.}; and PC-77.

PASSED 1ST READING:

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

NOES: None.

ABSENT: Council Member Naeole – 1.

EXCUSED: None.

[Bill 265:](#)

Planning Director Initiated: Amends Chapter 25, Article 2, Division 3, Section 25-2-35, Hawai'i County Code, 1983 (2005 Edition) Relating to Administrative Enforcement. {Provides for assessment of fines for violations of the Zoning Code during the appeal process.}; and PC-78.

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 266](#)

(Draft 2):

Planning Director Initiated: Amends Chapter 2, Article 7, Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to the Planning Commission's Review of a Draft Community Development Plan or Amendments Thereof. {Provides a time frame for the Planning Commission to review and submit its recommendation to the Council on a draft community development plan or any amendment thereof.}; and PC-79.

PASSED 1ST READING:

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

NOES: None.

ABSENT: Council Member Ikeda – 1.

EXCUSED: None.

[Bill 267:](#)

Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Increases ENVIRONMENTAL MANAGEMENT: Queen Lili'uokalani Village LCC Replacement – County [\$900,000] ~~\$1,300,000~~; fund increase shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$400,000). Additional funds would be used to install a portion of the Queen Lili'uokalani Village onsite sewer collection system along Palani Road.}; and FC-263.

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 268:](#) Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in Federal Grants – Hawai'i County Police Department (HCPD) Data Grant (\$75,000); appropriates same to HCPD Data Grant.}; and FC-265.

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 277:](#) Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Increases revenues in Transfer from General Fund (\$50,000); appropriates same to North Hilo/Hāmākua – Other Current Expense (Materials for Loke Street and Kahawai Road in Hāmākua). Funds would be used to repair and maintain two roads-in-limbo (Loke Street and Kahawai Road) in the Hāmākua District. Appropriates funds that will be transferred by Resolution 575-08 (previously listed on this agenda) from the District 1 Contingency Relief funds.}

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 278:](#) Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007 to June 30, 2008. {Adds DEPARTMENT OF PUBLIC WORKS: Kino'ole/Kaumana Intersection Improvements (\$350,000); funds shall be provided from General Obligation Bonds, Capital Project Fund-Fund Balance, and/or Other Sources. Appropriates funds that will be transferred by Resolution 592-08 (previously listed on this agenda) from the District 2 Contingency Relief funds.}

PASSED 1ST READING:

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

NOES: None.

ABSENT: None.

EXCUSED: None.

2:00 P.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING) AND REPORTS

ORDER OF THE DAY (SECOND OR FINAL READING)

[Bill 209](#)
(Draft 3): Amends Chapter 2, Article 15, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to the Imposition of Administrative Fines for Violations of the County Code of Ethics. {Adds a provision giving the Board of Ethics authority to impose administrative fines up to \$1,000 for violations of the County Ethics Code.}; *and*

**AMENDED TO DRAFT 4 & HELD OVER PURSUANT TO COUNCIL
RULE 25(e)**

[Comm. 870.7:](#) From Council Member Brenda J. Ford, dated March 17, 2008, transmitting proposed amendments to Bill 209, Draft 3; *and*

[Comm. 870.9:](#) From Council Member Brenda J. Ford, dated March 27, 2008, transmitting a proposed amendment to Bill 209, Draft 3; *and*

[Comm. 870.11:](#) From Council Member Dominic Yagong, dated April 2, 2008, transmitting a proposed amendment to Bill 209, Draft 3.

[Bill 254](#)
(Draft 2): Planning Director Initiated: Amends Chapter 25, Article 2, Division 4, Section 25-2-45 of the Hawai'i County Code 1983 (2005 Edition) with Respect to Non-Significant Zoning Changes. {The Planning Director recommends that nonsignificant zoning changes be limited to those that increase or decrease zoning designations affecting five percent of the area, or one acre, whichever is less, of any affected lot; and that the Zoning Code be amended to specifically require notice to surrounding property owners and posting of a sign on the property, as generally required for other land use changes.}

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 257](#)
(Draft 2): Initiates a Charter Amendment to Article XI of the Hawai'i County Charter (2000), Relating to Initiative and Referendum. {Repeals Article XI in its entirety and replaces it with new language relating to: adds a new section entitled, "Initiative and Referendum Process"; adds a new definitions section; amends Sections 11-3, 11-4, 11-7, and 11-8; and makes various other changes.}; *and*

AMENDED TO DRAFT 3 & PASSED 2ND OF THREE REQUIRED READINGS:

AYES: Council Members Ford, Jacobson, Pilago, Yagong, Yoshimoto, and Chair Hoffmann – 6.

NOES: Council Members Higa, Ikeda, and Naeole – 3.

ABSENT: None.

EXCUSED: None.

[Comm. 1056.3:](#) From Council Chair Pete Hoffmann, dated March 10, 2008, transmitting proposed amendments to Bill 257, Draft 2.

[Bill 258](#)
(Draft 2):

Amends Chapter 2, Article 15, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Campaign Mailing Restrictions. {Adds a provision prohibiting mass mailings of material designed to support a candidate's nomination, at the public expense, by incumbent Council Members in election years.}

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 259:](#)

Amends Chapter 2, Article 15, Section 2-91.1(a), Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Filing of Financial Disclosures by Regulatory Employees. {Requires regulatory employees of the Environmental Management Department to file financial disclosures.}

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 260:](#)

Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in State Grants – Homeownership Program (\$50,000); appropriates same to Homeownership Program.}

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 261:](#)

Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Appropriates revenues in Federal Grants – Assistance to Firefighters (\$244,560); appropriates same to Assistance to Firefighters.}

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT: Council Member Yoshimoto – 1.

EXCUSED: None.

[Bill 262:](#)

Initiates an Amendment to Article III, Legislative Branch, County Council, of the Hawai'i County Charter (2000), to Reorganize the Office of the County Clerk and County Council by Establishing an Independent Audit Function Within the Legislative Branch Through the Office of the Legislative Auditor. {Establishes an independent auditing function within the Legislative Branch.}; *and*

AMENDED TO DRAFT 2 & PASSED 2ND OF THREE REQUIRED READINGS:

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

NOES: None.

ABSENT: Council Member Naeole – 1.

EXCUSED: None.

[Comm. 1067.2:](#)

From Council Member Brenda J. Ford, dated March 20, 2008, transmitting proposed amendments to Bill 262.

[Bill 263:](#)

Amends Article XIII, General Provisions, Section 13-11, Penalties, of the Hawai'i County Charter (2000), Relating to the Clarification of Language Regarding Civil Fines and Increases the Maximum Monetary Penalty for Criminal Fines. {Increases the criminal penalty amount from \$1,000 to an amount not to exceed \$2,000, and amends the section to clarify the County's authority regarding the imposition of civil fines.}

PASSED 2ND OF THREE REQUIRED READINGS:

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

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Bill 271:](#)

Amends Chapter 7, Article 2, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Civil Defense Disaster Control. {Increases the effectiveness of civil defense ordered evacuations during impending disasters or disasters by amending Section 7-6, Definitions, by adding to authorized personnel Civil Defense designees.}

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT: Council Member Yagong – 1.

EXCUSED: None.

[Bill 272:](#) Amends Ordinance No. 07-82, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2008. {Increases revenues in Transfer from General Fund (\$20,000); appropriates same to Young Men's Christian Association (YMCA) – Homeless Children's Program. Funds from Council District 4 would be used for the island's YMCA Homeless Children's Program.} {Appropriates funds that were transferred by Resolution 536-08 (adopted on February 21, 2008) from the District 4 Contingency Relief funds to the Housing fund.}

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 273:](#) Amends Ordinance No. 07-83, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2007, to June 30, 2008. {Adds PUBLIC WORKS: Bridge Repairs – Islandwide (\$500,000); funds shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources. Funds would be used for existing bridges (islandwide) as they are identified as needing repairs and maintenance to make it safer to motorists and the general public.}

PASSED 2ND & FINAL READING:

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

NOES: None.

ABSENT: Council Member Ford – 1.

EXCUSED: None.

REPORTS

FINANCIAL REPORT: Monthly Budget Status Report from the Finance Department for the Month Ended February 29, 2008.

ACCEPTED

FC-260
([Comm. 1080](#)): Recommends acceptance of the donation of computer hardware, software, storage media, and a printer (with a total estimated value of \$1,343.50), by Mr. Donald R. Dietrich, to the Parks and Recreation Department – Aquatics Division, to be used at the Kona Community Aquatic Center.

APPROVED

FC-266
([Comm. 1090](#)): Recommends approval of the nomination of Mr. Wesley Takai (Council District 2) to the Tax Board of Review.

APPROVED

PC-80
([Comm. 1091](#)): Recommends approval of the nomination of Ms. Charlene Hart (Council District 6) to the Board of Appeals.

APPROVED

REFERRALS FOR EXECUTIVE SESSION

A 2/3 vote pursuant to HRS Section 92-4 and Rule 11 of the Rules of Procedure of the County Council is necessary to hold an executive meeting.

OTHER BUSINESS

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

ANNOUNCEMENTS**ADJOURNMENT 6:28 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 for this meeting should call 961-8255 by **April 7, 2008**. Persons using TDDs may call 961-8521.

Copies of this agenda and items listed on the agenda are available on the County Council-Clerk web page at http://co.hawaii.hi.us/council/agendas_and_actions.htm; the County Clerk's Office, 333 Kīlauea Avenue, Hilo; the Office of the Mayor, 75-5706 Kuakini Highway, Suite 103, Kailua-Kona; the Kona Council Office, Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona; and the Waimea Council Office at the Holomua Center, 64-1067 Māmalahoa Highway, Suite 5, Waimea. For further information, please call 961-8255.

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.

In the event of an unanticipated emergency situation, including but not limited to: severe adverse weather conditions, road closures, or natural disasters, the Hawai'i County Council and its Committees may conduct its meetings via videoconference pursuant to Hawai'i Revised Statutes § 92-3.5. If that occurs, individual Council Members may be at either the meeting site or one of the videoconference sites. If the audio stream is lost for more than a short period of time, the meeting will be terminated.

Submitting Testimony: Those wishing to testify in person must register with the County Clerk's staff. Those submitting written testimony at the meeting should bring **seventeen (17)** copies for distribution. Testimony may also be submitted (1) by mail to the County Clerk's Office in Hilo at 25 Aupuni St., Hilo, Hawai'i, 96720; (2) by facsimile to (808) 961-8912; or (3) by e-mail to counciltestimony@co.hawaii.hi.us. **Please submit separate testimony for each item.** For testimony received via e-mail or fax, copies will be distributed at the meeting when transmitted in a timely manner. All oral and written testimony will be made a part of the public record.

Viewing of Meetings on Government Access Television - Channel 52:

Wednesday, April 16, 2008, at 6 p.m.; Sunday, April 20, 2008, at 10:30 a.m.; and Wednesday, April 23, 2008, at 6 p.m.

UPCOMING MEETINGS

FINANCE COMMITTEE	<u>THURSDAY, APRIL 10, 2008</u> 9:00 a.m.	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
FINANCE COMMITTEE PUBLIC HEARING RE RESOLUTION 551-08 (WASTE-TO-ENERGY FACILITY)	<u>TUESDAY, APRIL 15, 2008</u> 6:00 p.m.	PĀHOA NEIGHBORHOOD FACILITY (PĀHOA COMMUNITY CENTER) 15-2910 Puna Road
FINANCE COMMITTEE PUBLIC HEARING RE RESOLUTION 551-08 (WASTE-TO-ENERGY FACILITY)	<u>THURSDAY, APRIL 17, 2008</u> 6:00 p.m.	SHERATON KEAUHOU BAY RESORT AND SPA
FINANCE COMMITTEE PUBLIC HEARING RE RESOLUTION 551-08 (WASTE-TO-ENERGY FACILITY)	<u>FRIDAY, APRIL 18, 2008</u> 6:00 p.m.	PĀHALA COMMUNITY CENTER 96-3159 Maile Street
COMMITTEES	<u>MONDAY, APRIL 21, 2008</u> TBA	SHERATON KEAUHOU BAY RESORT & SPA
COUNCIL	<u>TUESDAY, APRIL 22, 2008</u> TBA	SHERATON KEAUHOU BAY RESORT & SPA
COUNCIL PUBLIC HEARING RE REAL PROPERTY TAX RATES	<u>FRIDAY, APRIL 25, 2008</u> 5:00 p.m.	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
COMMITTEES	<u>TUESDAY, MAY 6, 2008</u> TBA	SHERATON KEAUHOU BAY RESORT & SPA
COUNCIL	<u>WEDNESDAY, MAY 7, 2008</u> TBA	SHERATON KEAUHOU BAY RESORT & SPA