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Vice Chair



BRENDA FORD
STACY K. HIGA
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DOMINIC YAGONG
J YOSHIMOTO

COUNTY COUNCIL

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

36th Session

ORDER OF BUSINESS

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

Tuesday, May 20, 2008
8:30 a.m.

INVOCATION Reverend Brian Welsh of Haili Church

CALL TO ORDER **8:30 a.m.**

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES March 25, 2008 – postponed on May 7, 2008
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**8:30 A.M.: STATEMENTS FROM THE PUBLIC ON COMMUNICATIONS AND ORDER OF RESOLUTIONS****COMMUNICATIONS**

Comm. 1241: REQUEST TO ADDRESS THE COUNCIL REGARDING SOLID WASTE ISSUES
 From Mayor Harry Kim, dated May 13, 2008, requesting to address the Council on solid waste issues.
FILED

ORDER OF RESOLUTIONS

Res. 639-08: Urges the United States Military to Address the Hazards of Depleted Uranium at the Pōhakuloa Training Area. {Urges the Military to address hazards caused by residual quantities of depleted uranium in and around the Pōhakuloa Training Area resulting from weapon training exercises.}

POSTPONED AT THE CALL OF THE CHAIR

and;

Comm. 1210.1: From Council Chair Pete Hoffmann, dated May 13, 2008, requesting the scheduling of a presentation by the U.S. Military regarding the hazards of depleted uranium at the Pōhakuloa Training Area.

Res. 643-08: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
 {Transfers/appropriates \$1,000 out and from Clerk-Council Services-Contingency Relief account; credits same to Department of Human Resources Training Expenses, Miscellaneous Contract Services for Seminars (2008 Annual Clerical Conference). Contingency Relief funds from District 1 would be used to defray expenses for the 2008 Office Support Staff Conference, "Balancing Work and Play – Your Choice", to be held on May 29, 2008, at the Naniloa Hotel.}

ADOPTED:

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

NOES: None.

ABSENT: None.

EXCUSED: None.

10:30 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)

BILLS FOR ORDINANCES (FIRST READING)

- Bill 252: Establishes an Operating Budget for the County of Hawai'i for the Fiscal Year July 1, 2008, to June 30, 2009. {Proposed \$398,258,830 Operating Budget for the County of Hawai'i.}; and FC-275.
;*and*
- Comm. 1039.6: From Mayor Harry Kim, dated May 5, 2008, transmitting Bill 252, Draft 2. Draft 2 proposes numerous amendments to the previously submitted budget for FY 2008-2009. A narrative summary of the amendments is attached to Communication No. 1039.6 (available to the public). This draft revises revenues and expenditures for accounts proposed in Draft 1 as follows: General Fund (total adjustment +\$1,903,641), Highway Fund (total adjustment +\$552,067), Sewer Fund (total adjustment +\$105,527), Solid Waste Fund (total adjustment -\$315,692), and Housing Fund (total adjustment +\$2,295,648). Draft 2 proposes one new position and deletes three positions; *and*
- Bill 252 (Draft 2): Establishes an Operating Budget for the County of Hawai'i for the Fiscal Year July 1, 2008, to June 30, 2009. {Proposed \$403,204,998 Operating Budget for the County of Hawai'i.}
AMENDED TO DRAFT 3 & 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.
;*and*
- Comm. 1039.7: From Mayor Harry Kim, dated May 5, 2008, transmitting an updated Position Vacancy Status Report as of May 1st; *and*
- Comm. 1039.8: From Public Works Director Bruce C. McClure, P.E., dated May 9, 2008, transmitting his response to questions by Council Members during the April 1, 2008, Finance Committee meeting; *and*
- Comm. 1039.9: From Council Member Brenda J. Ford, dated May 5, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$38,300); *and*
- Comm. 1039.10: From Council Member Brenda J. Ford, dated May 5, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$93,456); *and*
- Comm. 1039.11: From Council Member Brenda J. Ford, dated May 5, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$80,000); *and*
- Comm. 1039.12: From Council Member Angel Pilago, dated May 5, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$55,000); *and*
- Comm. 1039.13: From Council Chair Pete Hoffmann, dated May 5, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$74,412); *and*
- Comm. 1039.14: From Council Chair Pete Hoffmann, dated May 5, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$2,000,000); *and*
- Comm. 1039.15: From Council Member Brenda J. Ford, dated May 5, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$23,721); *and*
- Comm. 1039.16: From Council Member Bob Jacobson, dated May 7, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$50,000); *and*
- Comm. 1039.17: From Council Member Donald Ikeda, dated May 8, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$1,800,000); *and*
- Comm. 1039.18: From Council Member Emily Naeole, dated May 5, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$107,514); *and*

- Comm. 1039.19: From Council Member Brenda J. Ford, dated May 5, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$62,440); *and*
- Comm. 1039.20: From Council Member Bob Jacobson, dated May 5, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$166,400); *and*
- Comm. 1039.21: From Council Member Dominic Yagong, dated May 9, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (-\$2,331,000); *and*
- Comm. 1039.22: From Council Member Dominic Yagong, dated May 9, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$330,000); *and*
- Comm. 1039.23: From Council Member Donald Ikeda, dated May 12, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$188,835); *and*
- Comm. 1039.24: From Council Member Donald Ikeda, dated May 12, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$366,000); *and*
- Comm. 1039.25: From Council Member Bob Jacobson, dated May 5, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (-\$200,000); *and*
- Comm. 1039.26: From Council Member Brenda Ford, dated May 13, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$76,790); *and*
- Comm. 1039.27: From Council Member Bob Jacobson, dated May 13, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (-\$592,500); *and*
- Comm. 1039.28: From Council Chair Pete Hoffmann, dated May 13, 2008, transmitting a proposed amendment to Bill 252, Draft 2 (+\$1,000,000).

HSEDC-9
(Comm. 996.4): The Committee on Human Services and Economic Development is in accord with the purpose and intent of the funding recommendations of \$1,500,000 to 64 nonprofit agency programs, as set forth in Communication 996.4 for inclusion in Bill 252, Draft 2, and recommends its adoption.

Bill 253: Relates to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2008, to June 30, 2009. {Proposed 68 projects totaling \$134,976,000 Capital Improvements Project Budget for the County of Hawai'i}; FC-276.
;*and*

Comm. 1040.1: From Mayor Harry Kim, dated May 5, 2008, transmitting Bill 253, Draft 2. Draft 2 proposes 86 projects requiring a total appropriation of \$159,562,000 with the following breakdown: Federal Grants Receivable (\$14,186,000), State CIP (\$4,450,000), State Revolving Fund (\$15,039,000); Fair Share (\$1,200,000); Fund Balance – Lapsed Highway Fund Projects (\$1,200,000); and General Obligation Bonds, Capital Projects Fund Balance, and/or Other Sources (\$124,545,000), for a total of \$159,562,000. Details are contained in Communication 1040.1; *and*

Bill 253
(Draft 2): Relates to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2008, to June 30, 2009. {Proposed \$159,562,000 Capital Improvements Project Budget for the County of Hawai'i.}

AMENDED TO DRAFT 3 & PASSED 1ST READING:

AYES: Council Members Ford, Ikeda, Naeole, Yagong, Yoshimoto, and Chair Hoffmann – 6.

NOES: None.

ABSENT: Council Members Higa, Jacobson, and Pilago – 3.

EXCUSED: None.

;*and*

- Comm. 1040.2: From Planning Director Christopher J. Yuen, dated May 6, 2008, transmitting a proposed amendment to Bill 253, Draft 2; *and*
- Comm. 1040.3: From Housing Administrator Edwin S. Taira, dated May 7, 2008, transmitting a proposed amendment to Bill 253, Draft 2 (+\$5,413,000); *and*
- Comm. 1040.4: From Council Member Stacy K. Higa, dated May 5, 2008, transmitting a proposed amendment to Bill 253, Draft 2 (+\$2,000,000); *and*
- Comm. 1040.5: From Council Member Brenda J. Ford, dated May 5, 2008, transmitting a proposed amendment to Bill 253, Draft 2 (+\$300,000); *and*
- Comm. 1040.6: From Council Member Stacy K. Higa, dated May 5, 2008, transmitting a proposed amendment to Bill 253, Draft 2 (+\$3,000,000); *and*
- Comm. 1040.7: From Council Member Emily I. Naeole, dated May 9, 2008, transmitting a proposed amendment to Bill 253, Draft 2 (+\$190,000); *and*
- Comm. 1040.8: From Council Member Emily I. Naeole, dated May 9, 2008, transmitting a proposed amendment to Bill 253, Draft 2 (+\$2,500,000); *and*
- Comm. 1040.9: From Council Member Brenda J. Ford, dated May 5, 2008, transmitting a proposed amendment to Bill 253, Draft 2 (+\$500,000); *and*
- Comm. 1040.10: From Council Member Brenda J. Ford, dated May 5, 2008, transmitting a proposed amendment to Bill 253, Draft 2 (+\$90,000); *and*
- Comm. 1040.11: From Council Member Dominic Yagong, dated May 8, 2008, transmitting a proposed amendment to Bill 253, Draft 2 (+\$5,129,000); *and*
- Comm. 1040.12: From Council Member Bob Jacobson, dated May 17, 2008, transmitting a proposed amendment to Bill 253, Draft 2 (+\$500,000); *and*
- Comm. 1040.13: From Council Member Brenda J. Ford, dated May 13, 2008, transmitting a proposed amendment to Bill 253, Draft 2 (+\$12,500,000); *and*
- Comm. 1040.14: From Council Chair Pete Hoffmann, dated May 13, 2008, transmitting a proposed amendment to Bill 253, Draft 2 (+\$1,000,000).

Bill 276: Initiates a Charter Amendment to Article III, Legislative Branch, County Council, Section 3-17, of the Hawai'i County Charter 2000 (2006 Edition), Relating to the County Reapportionment Commission, Amending Section 3-17 in its Entirety, Renaming it the Redistricting Commission, and Establishing Appropriate Redistricting Criteria. {The proposed amendment replaces the language of the present Section 3-17 in its entirety and renames the section, "County Redistricting and the Redistricting Commission".}; PWIRC-67.

FILED DUE TO THE FOLLOWING VOTE (2/3 VOTE REQUIRED):

AYES: Council Members Ford, Jacobson, Pilago, Yagong, and Chair Hoffmann – 5.

NOES: Council Members Higa, Ikeda, Naeole, and Yoshimoto – 4.

ABSENT: None.

EXCUSED: None.

;and

- Comm. 1121.8: From Council Member Brenda J. Ford, dated May 12, 2008, transmitting proposed amendments to Bill 276. States that due to a massive rewrite of this bill, the application of ramseyer formatting to illustrate the proposed amendments was not a practical exercise; therefore, attaches a "Draft 2" of this bill, which incorporates the proposed amendments outlined in this communication (1121.8).

Bill 285: Authorizes the Issuance of General Obligation Bonds of the County of Hawai'i for the Purpose of Funding All or a Portion of the Costs of Various Improvement Projects for the County; Fixing the Form, Denominations, and Certain Other Details of Such Bonds and Providing for the Sale Thereof; and Authorizes the Taking of Other Actions Relating to the Issuance and Sale of the Bonds. {Principal amount not to exceed \$112,000,000, these funds would be used for a variety of capital improvement projects. The Finance Department's goal is to provide funds in a timely manner for prioritized projects as they develop and reach new contractual phases. Prioritization of projects are based on the following: addresses legal mandates, corrects major deficiencies or items critical for public safety and health, and addresses environmental concerns, operational efficiency and maintenance or improvement of existing assets. Currently, the Finance Department has identified 47 projects that will be requiring funds to encumber in contracts within the next nine months. (If the County sells bonds in the amount of \$112 million, the estimated percentage of debt service to total general expenditures will be less than 12.0%, assuming a 4.75% interest rate.)}; and FC-285.

FILED DUE TO THE FOLLOWING VOTE:

AYES: Council Members Ford and Chair Hoffmann – 2.

NOES: Council Members Ikeda, Naeole, Yagong, and Yoshimoto – 4.

ABSENT: Council Members Higa, Jacobson, and Pilago – 3.

EXCUSED: None.

;and

Comm. 1168.1: From Council Member Brenda J. Ford, dated May 8, 2008, transmitting proposed amendments to Bill 285.

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

NOTE: At 5 p.m. the Council will recess for the Finance Committee's Public Hearing regarding real property tax rates.

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 284: Adopts a Pay Plan for Persons Employed by the County Other Than Those Whose Pay is Otherwise Provided for, Designating Payroll Periods, Pay Days, Prescribing Requirements with Respect to Official Fidelity Bonds, and Repealing Ordinance No. 07-76 and All Amendments Thereto, Said Ordinance to be Known as the Salary Ordinance of 2008. {The significant amendments are: clarifies that the rates of compensation for the employees occupying positions covered by the Salary Ordinance are set by the pay grade assigned or by a fixed salary established by Section 7; provides the Council Chair with the authority to appoint employees and to authorize step movements; and includes the Engineering Student, SR-13, BU-03, class of work for the Department of Human Resources.}

PASSED 2ND & FINAL READING:

AYES: Council Members Ikeda, Naeole, Yagong, Yoshimoto, and Chair Hoffmann – 5.

NOES: None.

ABSENT: Council Members Ford, Higa, Jacobson, and Pilago – 4.

EXCUSED: None.

;and

Comm. 1167.1: From Council Chair Pete Hoffmann, dated May 9, 2008, transmitting proposed amendments to Bill 284.

REPORTS

FC-286
(Comm. 1177): Recommends approval of the nomination of Mr. Larry Komata (Council District 2) to the Public Access, Open Space and Natural Resources Preservation Commission.
APPROVED

FC-288
(Comm. 1185): Recommends acceptance of a monetary donation in the amount of \$100 by Kandi's Drive Inn, Inc., to the Parks and Recreation Department's Annual Biggest Easter Egg Hunt.
APPROVED

FC-292
(Comm. 1196): Recommends approval of the nomination of Mr. Kale Bob to the Tax Board of Review.
APPROVED

PWIRC-70
(Comm. 1198): Recommends approval of the nomination of Ms. Billie Keawekane (Council District 4) to the Transportation Commission.
APPROVED

PSPRC-15
(Comm. 1178): Recommends approval of the nomination of Mr. Gene Carvalho (Council District 6) to the Liquor Commission.
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.)

Comm. 1088.6: RECONSIDERATION OF BILLS 269 AND 280 (MARIJUANA ERADICATION APPROPRIATIONS)

From Deputy Clerk Kenneth G. Goodenow, dated May 9, 2008, requesting the reconsideration of Bills 269 and 280. These bills were not published after first reading held on April 22, 2008; therefore, they must be reconsidered and a re-vote taken.

MOTION FOR RECONSIDERATION PASSES

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

NOES: None.

ABSENT: Council Member Jacobson – 1.

EXCUSED: None.

Bill 269: 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 – Marijuana Eradication (\$282,000); appropriates same to Marijuana Eradication.}

FILED DUE TO THE FOLLOWING VOTE:

AYES: Council Members Higa, Ikeda, Yoshimoto, and Chair Hoffmann – 4.

NOES: Council Members Ford, Naeole, Pilago, and Yagong – 4.

ABSENT: Council Member Jacobson – 1.

EXCUSED: None.

NOTE: Pursuant to Hawai'i Revised Statutes, Section 92, notice is hereby given that if the motion to reconsider Bill 269 is approved, a re-vote will be taken on Bill 269 at this meeting.

Bill 280: 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 – Statewide Marijuana Eradication (\$159,000); appropriates same to Statewide Marijuana. Funds would be used to suppress the cultivation of marijuana and to minimize product availability in the State of Hawai'i.}

FILED DUE TO THE FOLLOWING VOTE:

AYES: Council Members Higa, Ikeda, Yoshimoto, and Chair Hoffmann – 4.

NOES: Council Members Ford, Naeole, Pilago, and Yagong – 4.

ABSENT: Council Member Jacobson – 1.

EXCUSED: None.

NOTE: Pursuant to Hawai'i Revised Statutes, Section 92, notice is hereby given that if the motion to reconsider Bill 280 is approved, a re-vote will be taken on Bill 280 at this meeting.

ANNOUNCEMENTS

ADJOURNMENT 5:23 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 **May 19, 2008**. TTY users may use Relay Service (711)(961-8255) to contact our office.

The agenda is available on the County Council-Clerk web page at http://co.hawaii.hi.us/council/agendas_and_actions.htm. Copies of the agenda and items listed on the agenda are available at 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, May 28, 2008, at 6 p.m.; Sunday, June 1, 2008, at 10:30 a.m.; and Wednesday, June 4, 2008, at 6 p.m.

UPCOMING MEETINGS

FINANCE COMMITTEE PUBLIC HEARING RE REAL PROPERTY TAX RATES	<u>TUESDAY, MAY 20, 2008</u> 5:00 p.m.	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
COUNCIL	<u>MONDAY, JUNE 2, 2008</u> TBA	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
COUNCIL	<u>TUESDAY, JUNE 3, 2008</u> TBA	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
COMMITTEES	<u>TUESDAY, JUNE 17, 2008</u> TBA	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor

COUNCIL

WEDNESDAY, JUNE 18, 2008

TBA

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