

Brenda Ford  
*Chair*

Dominic Yagong  
*Vice Chair*



Stacy K. Higa, *Member*  
Pete Hoffmann, *Member*  
Donald Ikeda, *Member*  
Bob Jacobson, *Member*  
Emily I. Naeole, *Member*  
K. Angel Pilago, *Member*  
J Yoshimoto, *Member*

**HAWAI'I COUNTY COUNCIL  
COMMITTEE ON PUBLIC WORKS &  
INTERGOVERNMENTAL RELATIONS  
27<sup>th</sup> Session**

**DATE:** March 11, 2008 (Tuesday)

**PLACE:** Sheraton Keauhou Bay Resort and Spa  
78-128 Ehukai Street  
Kailua-Kona, Hawai'i

**TIME:** 9:15 a.m.

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

**CALL TO ORDER**

**STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA**

**REFERRALS:**

[Comm. 975:](#) PRESENTATION OF THE FLOODING AD HOC COMMITTEE REPORT  
From Councilmember Brenda Ford, dated January 22, 2008, requesting time at the Public Works and Intergovernmental Relations Committee to present the above report.

Close file:

Ayes: Committee Members Higa, Hoffmann, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, Yagong and Chair Ford.

Noes: None.

Absent: None.

[Comm. 1029:](#) APPOINTMENT OF AMOS MEYERS, JR. TO THE HAWAI'I COUNTY TRANSPORTATION COMMISSION  
From Mayor Harry Kim, dated February 11, 2008, requesting the confirmation of the above appointment.

Recommends confirmation of the appointment of Amos Meyers to the Transportation Commission:

Ayes: Committee Members Higa, Hoffmann, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, Yagong and Chair Ford.

Noes: None.

Absent: None.

[Comm. 1050:](#)  
[\(Res. 545-08\)](#) A RESOLUTION REQUESTING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS TO ENFORCE CHAPTER 27, ARTICLE 6, OF THE HAWAI'I COUNTY CODE (requests immediate notice to landowners upon receipt of complaints of blockages or obstructions in drainageways, floodways, levee systems and watercourses)

From Councilmember Bob Jacobson, dated February 26, 2008, transmitting the above resolution.

Recommends adoption of Res. 545-08:

Ayes: Committee Members Higa, Hoffmann, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, Yagong and Chair Ford.

Noes: None.

Absent: None.

[Comm. 1056:](#)  
[\(Bill 257\)](#) ORDINANCE TO INITIATE A CHARTER AMENDMENT TO ARTICLE XI OF THE HAWAI'I COUNTY CHARTER (2000), RELATING TO INITIATIVE AND REFERENDUM (repeals Article XI relating to initiative and referendum in its entirety and replaces it with new language that reorganizes the Article, adds a new definitions section, establishes a committee chair, clarifies the meaning of a non-vote, and gives the petitioners' committee control over final language of a petition)

From Council Chair Pete Hoffmann, dated February 27, 2008, transmitting the above bill.

Recommends passage of Bill 257, as amended to Draft 2, on first reading:

Ayes: Committee Members, Hoffmann, Jacobson, Naeole, Pilago, Yagong and Chair Ford.

Noes: None.

Absent: Committee Members Higa, Ikeda and Yoshimoto.

[Comm. 1059:](#)  
[\(Bill 258\)](#) AN ORDINANCE AMENDING 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 designed to support a candidate's nomination, at the public expense, by incumbent Council Members in an election year)

From Council Chair Pete Hoffmann, dated February 27, 2008, transmitting the above bill.

Recommends passage of Bill 258, as amended to Draft 2, on first reading:

Ayes: Committee Members Higa, Hoffmann, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, Yagong and Chair Ford.

Noes: None.

Absent: None.

[Comm. 1061:](#)  
[\(Bill 259\)](#) AN ORDINANCE AMENDING 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 (adds inspectors and supervising inspectors of the Department of Environmental Management) From Corporation Counsel Lincoln Ashida, dated February 27, 2008, transmitting the above bill.

Recommends passage of Bill 259 on first reading:

Ayes: Committee Members Ikeda, Jacobson, Naeole, Pilago, Yagong and Chair Ford.

Noes: None.

Absent: Committee Members Higa, Hoffmann and Yoshimoto.

[Comm. 1067:](#)  
[\(Bill 262\)](#) AN ORDINANCE TO INITIATE 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 office of the Legislative Auditor)

From Councilmember Brenda Ford, dated February 28, 2008, transmitting the above bill.

Recommends passage of Bill 262 on first reading:

Ayes: Committee Members Higa, Hoffmann, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, Yagong and Chair Ford.

Noes: None.

Absent: None.

(Note: Mr. Yagong voted "kanalua times two.")

[Comm. 1068:](#)  
[\(Bill 263\)](#) AN ORDINANCE AMENDING 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 INCREASING THE MAXIMUM MONETARY PENALTY FOR CRIMINAL FINES (increases the penalties for violations of provisions of the Charter, ordinances, or of rules and regulations from \$1,000 to an amount not to exceed \$2,000 and amends the County's authority on the imposition of civil fines)

From Councilmember Brenda Ford, dated February 28, 2008, transmitting the above bill.

Recommends passage of Bill 263 on first reading:

Ayes: Committee Members Higa, Hoffmann, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, Yagong and Chair Ford.

Noes: None.

Absent: None.

[Comm. 1072](#)  
[\(Res. 557-08\)](#)

A RESOLUTION REQUIRING THE COUNTY OF HAWAI‘I MASS TRANSIT AGENCY TO CREATE A PARTNERSHIP WITH THE STATE OF HAWAI‘I DEPARTMENT OF TRANSPORTATION TO DESIGN AND CONSTRUCT PARK AND RIDE FACILITIES AT DESIGNATED SITES ALONG STATE HIGHWAY 19 WITHIN COUNCIL DISTRICT 1 (for park and ride facilities in Pāpa‘ikou, Pepe‘ekeo, Laupāhoehoe and the Lakeland Subdivision in Kamuela)

From Councilmember Dominic Yagong, dated February 28, 2008, transmitting the above resolution.

Recommends adoption of Res. 557-08:

Ayes: Committee Members Hoffmann, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto and Chair Ford.

Noes: None.

Absent: Committee Members Higa and Yoshimoto.

### **UNFINISHED BUSINESS**

[Comm. 1018:](#)  
[\(Bill 248\)](#)

AN ORDINANCE AMENDING CHAPTER 24, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION), RELATING TO VEHICLES AND TRAFFIC (proposed Stop locations - Ali‘i Drive at Kaleiopapa Road intersection, all approaches)

From Director of Public Works Bruce McClure, dated February 4, 2008, transmitting the above bill.

**Postponed: February 20, 2008**

Postponed to Joint Committee meeting on Public Works and Intergovernmental Relations, Finance and Planning which was held after the last scheduled committee meeting, and which recommended passage of Bill 248, as amended to Draft 2, on first reading:

Ayes: Committee Members Higa, Hoffmann, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, Yagong and Chair Ford.

Noes: None.

Absent: None.

[Comm. 1018.6:](#)

From Deputy Corporation Counsel Ivan Torigoe, dated February 28, 2008, transmitting proposed amendments to Bill 248, which corrects grammatical errors and conforms to Hawaiian diacritical marks.

[Comm. 1019:](#)  
[\(Bill 249\)](#) AN ORDINANCE AMENDING CHAPTER 24, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION) RELATING TO VEHICLES AND TRAFFIC (proposed Stop locations - on Ali‘i Drive at Lunapule Road and Royal Poinciana intersections, all approaches)  
From Director of Public Works Bruce McClure, dated February 4, 2008, transmitting the above bill.

**Postponed: February 20, 2008**

Postponed to Joint Committee meeting on Public Works and Intergovernmental Relations, Finance and Planning which was held after the last scheduled committee meeting, and which recommended passage of Bill 249 on first reading:

Ayes: Committee Members Higa, Hoffmann, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, Yagong and Chair Ford.

Noes: None.

Absent: None.

[Comm. 1019.3:](#) From Deputy Corporation Counsel Ivan Torigoe, dated February 28, 2008, transmitting proposed amendments to Bill 249, which corrects grammatical errors and conforms to Hawaiian diacritical marks.

[Comm. 1020:](#)  
[\(Bill 250\)](#) AN ORDINANCE AMENDING CHAPTER 24 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION) RELATING TO VEHICLES AND TRAFFIC (proposed 25 mile per hour speed limit - Māmalahoa Highway from Honalo Junction for 4,100 feet south)  
From Director of Public Works Bruce McClure, dated February 4, 2008, transmitting the above bill.

**Postponed: February 20, 2008**

Postponed to Joint Committee meeting on Public Works and Intergovernmental Relations, Finance and Planning which was held after the last scheduled committee meeting, and which recommended passage of Bill 250 on first reading:

Ayes: Committee Members Higa, Hoffmann, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto and Yagong.

Noes: Chair Ford.

Absent: None.

[Comm. 1020.4:](#) From Deputy Corporation Counsel Ivan Torigoe, dated February 28, 2008, transmitting proposed amendments to Bill 250, which corrects grammatical errors and conforms to Hawaiian diacritical marks.

[Comm. 1021:](#) AN ORDINANCE AMENDING CHAPTER 24, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION), RELATING TO VEHICLES AND TRAFFIC (proposed One Way Street - Haleki‘i Street southbound from the Māmalahoa Bypass Highway extending 4,000 feet )  
(Bill 251)  
 From Director of Public Works Bruce McClure, dated February 4, 2008, transmitting the above bill.

**Postponed: February 20, 2008**

Postponed to Joint Committee meeting on Public Works and Intergovernmental Relations, Finance and Planning which was held after the last scheduled committee meeting, and which recommended passage of Bill 251 on first reading:

Ayes: Committee Members Higa, Hoffmann, Ikeda, Jacobson, Naeole, Pilago, Yoshimoto, Yagong and Chair Ford.

Noes: None.

Absent: None.

[Comm. 1021.4:](#) From Assistant Corporation Counsel Gerald Takase, dated February 28, 2008, transmitting proposed amendments to Bill 251, which corrects grammatical errors and conforms to Hawaiian diacritical marks.

## **ADJOURNMENT**

The meeting place is accessible for persons with disabilities. Persons who need special accommodations for this meeting should call 961-8245 by **March 6, 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](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 961-8245.

Videoconferencing is available at the following locations:

- Hilo Council Room at the Ben Franklin Building, Second Floor; and
- Waimea Council Office at the Holomua Center.

Videoconferencing from the Pāhoa Neighborhood Facility will not be available. If for technical or other unanticipated circumstances the video connection cannot be made and/or is disrupted, the scheduled meeting will continue.

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 Councilmembers 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 **fifteen (15)** 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](mailto: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: All Committee meetings - Tuesdays, March 18 & 25, 2008 at 6:30 p.m. and Saturday, March 22, 2008 at 10:30 a.m.