COUNTY COUNCIL
County of Hawai‘i
Hawai‘i County Building
25 Aupuni Street
Hilo, Hawai‘i 96720

15th Session

ORDER OF BUSINESS

Hawai‘i County Building
25 Aupuni Street
Hilo, Hawai‘i

June 7, 2017
9:00 a.m.

(Note: Please turn all communication devices to silent mode.)

INVOCATION
Reverend Bryan Siebuhr of Honpa Hongwanji Hilo Betsuin

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE
PETITIONS, MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

(NOTE: COUNCIL MAY TAKE A LUNCH BREAK CLOSE TO THE NOON HOUR.)

APPROVAL OF MINUTES

February 8, 2017
February 22, 2017

COMMUNICATIONS

Comm. 73.4: REPORTS THE ATTENDANCE OF COUNCIL MEMBER O’HARA, COUNCIL MEMBER RICHARDS, AND COUNCIL MEMBER POINDEXTER AT THE ‘Ō‘ŌKALA COMMUNITY MEETING HELD ON MAY 9, 2017, REGARDING THE ‘Ō‘ŌKALA DAIRY

From Council Chairwoman Valerie T. Poindexter, dated May 12, 2017.

ORDER OF RESOLUTIONS

Res. 192-17: AWARDS A PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION MAINTENANCE STEWARDSHIP GRANT TO HAWAI‘I WILDLIFE FUND

Approves a grant of $13,200 to Hawai‘i Wildlife Fund, a 501(c)(3) nonprofit organization, for the purpose of protecting, preserving, and restoring the Kāwā properties (Tax Map Keys: 9-5-016:006 & 025; and 9-5-017:005 & 007), pursuant to Section 10-16(a) of the Hawai‘i County Charter.

Reference: Comm. 261
Intr. by: Ms. David
Approve: FC-18
Res. 205-17: ACKNOWLEDGES THAT HAWAIʻI COUNTY AND THE HAWAIʻI DEPARTMENT OF TRANSPORTATION HAVE HISTORICALLY DISCRIMINATED AGAINST LOW INCOME AND NATIVE HAWAIIAN COMMUNITIES OF THE PUNA AND KAʻŪ DISTRICTS, AS ESTABLISHED BY THE OFFICE OF CIVIL RIGHTS’ SEPTEMBER 28, 2000, RULING, AND PLEDGES THE COUNCIL’S COMMITMENT TO ADDRESSING DISPARITY AND PREVENTING DISCRIMINATION AGAINST DISADVANTAGED POPULATIONS States that limited police services, substandard roads, and a lack of medical facilities, water, and sanitation in the Puna and Kaʻū districts have been recognized by the Federal government, and commits the Council to addressing this disparity.

Reference: Comm. 281
Intr. by: Ms. Ruggles
Negative: GREDC-4 (Due to a vote of 1-aye, 8-noes)

Res. 211-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO ORCHIDLAND NEIGHBORS IN SUPPORT OF A COMMUNITY CENTER IN ORCHIDLAND

Transfers $3,500 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Office of Housing and Community Development, Transfer to Housing Fund account.

Reference: Comm. 292
Intr. by: Ms. Ruggles

Res. 212-17: AUTHORIZES AN INCREASE OF THE COUNTY OF HAWAIʻI FUEL TAX

Increases the fuel tax, currently at 8.8 cents per gallon, incrementally starting from July 1, 2017, as follows: a) Fiscal Year 2017-2018, 10.2 cents per gallon, bringing it to 19 cents per gallon; b) Fiscal Year 2018-2019, 2 cents per gallon, bringing it to 21 cents per gallon; and c) Fiscal Year 2019-2020, 2 cents per gallon, bringing it to 23 cents per gallon.

Reference: Comm. 290
Intr. by: Ms. David (B/R)
Waived: FC
Public Hearing: May 31, 2017
Res. 215-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO ASSIST WITH ROADWAY DRAINAGE IMPROVEMENTS IN COUNCIL DISTRICT 2

Transfers $9,000 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Department of Public Works, Transfer to Capital Project Fund - General account (Lei Lehua Street Drainage Improvements).

Reference: Comm. 296
Intr. by: Mr. Chung

Res. 216-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO MALAMA O PUNA TO ASSIST WITH EXPENSES RELATED TO THE CONSTRUCTION OF UP TO THREE BUS STOP SHELTERS IN FERN ACRES

Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Office of Housing and Community Development, Transfer to Housing Fund account.

Reference: Comm. 297
Intr. by: Ms. Ruggles

Res. 217-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR PARK IMPROVEMENTS AT EXISTING PARKS AND THE DEVELOPMENT OF NEW PARK FACILITIES IN COUNCIL DISTRICT 9

Transfers $12,000 from the Clerk-Council Services – Contingency Reliefs account (Council District 9); and credits to the Parks and Recreation, Transfer to Capital Project Fund - General account.

Reference: Comm. 298
Intr. by: Mr. Richards
**Res. 220-17:** AMENDS RESOLUTION 189-17 AUTHORIZING THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR FOR A MULTI-YEAR AGREEMENT WITH THE STATE OF HAWAI‘I EMPLOYEES’ RETIREMENT SYSTEM (ERS)
Amends Resolution 189-17 to correctly reflect a four-year agreement. Resolution 189-17 was adopted by the Council on May 3, 2017, to authorize the Mayor to enter into a three-year lease agreement with ERS to obtain information provided by the ERS actuary needed for the County’s financial statements.

Reference: Comm. 302  
Intr. by: Ms. David (B/R)  
Waived: FC

**Res. 221-17:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT(S) AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT(S)
Transfers $6,500 from the Parks Maintenance Other Current Expenses account; and credits to the Transfer to Capital Projects Fund account. Funds would be used for materials and supplies to build an enclosed dog park at Kamakoa Nui Park in Waikoloa Village.

Reference: Comm. 303  
Intr. by: Ms. David (B/R)  
Waived: FC

**Res. 222-17:** AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, WITH THE UNIVERSITY OF HAWAI‘I ECONOMIC RESEARCH ORGANIZATION (UHERO)
Authorizes the Mayor to enter into an agreement with UHERO at a cost not to exceed $50,000 to develop the County’s Data Book as an online Open Data Portal.

Reference: Comm. 304  
Intr. by: Ms. David (B/R)  
Waived: FC
Res. 223-17: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF REAL PROPERTY FOR A HAWAI’I COUNTY POLICE DEPARTMENT WAREHOUSE

Authorizes the Mayor to enter into a multi-year lease extension with Geo Investment Company, Inc., for four additional years for property located at Tax Map Key: 1-6-146:032 in Kea’au, at a monthly lease of $7,200.

Reference: Comm. 305
Intr. by: Ms. David (B/R)
Waived: FC

Res. 224-17: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) WITH THE STATE OF HAWAI’I DEPARTMENT OF HEALTH, PURSUANT TO HAWAI’I REVISED STATUTES SECTION 46-7, FOR FUNDS TO PROVIDE COMPLETE STREETS TRAINING AND CAPACITY BUILDING FOR HAWAI’I COUNTY STAFF

Authorizes the Mayor to enter into an MOA with the State’s Department of Health to accept $24,500 to provide training and capacity building for County staff.

Reference: Comm. 306
Intr. by: Ms. David (B/R)
Waived: FC

Res. 225-17: APPROVES THE HAWAI’I STATE ASSOCIATION OF COUNTIES (HSAC) NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES (NACo) BOARD OF DIRECTORS AND THE WESTERN INTERSTATE REGION (WIR) BOARD OF DIRECTORS FOR FISCAL YEAR 2017-2018

Requests the Council’s approval of the following HSAC nominations: 1) NACo Board of Directors: Arryl Kaneshiro, Kaua’i County Council; and Ikaika Anderson, Honolulu City Council; and 2) WIR Board of Directors: Mike White, Maui County Council; and Dru Kanuha, Hawai’i County Council.

Reference: Comm. 310
Intr. by: Mr. Kanuha
Waived: GREDC
**Res. 226-17:** AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF REAL PROPERTY FOR THE OFFICE OF THE COUNTY CLERK, WAIMEA COUNCIL DISTRICT OFFICE

Authorizes the Mayor to enter into a five-year lease agreement with Niu Pia Land Company, Ltd., with the option of a five-year extension for 577.3 square feet of office space in Parker Square at 65-1279 Kawaihae Road, at an estimated monthly lease of $1,607.

Reference: Comm. 312
Intr. by: Ms. Poindexter
Waived: FC

**BILLS FOR ORDINANCES (FIRST READING)**

**Bill 32:** AUTHORIZES THE MAYOR OF THE COUNTY OF HAWAI‘I TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR SOLID WASTE IMPROVEMENT PROJECTS; AND AUTHORIZES THE ISSUANCE OF $20,000,000 OF GENERAL OBLIGATION BONDS OF THE COUNTY OF HAWAI‘I FOR THE PURPOSE OF FINANCING THE SOUTH HILO SANITARY LANDFILL FINAL CLOSURE PROJECT

Funds would be used to satisfy closure requirements of the south Hilo Sanitary Landfill, to be repaid by the County over a 20-year term through the issuance of General Obligation Bonds. Final design for the closure is anticipated to be complete by the end of 2017.

Reference: Comm. 274
Intr. by: Ms. David (B/R)
Approve: FC-19

**Bill 39:** AMENDS ORDINANCE NO. 16-72, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2017

Appropriates revenues in the Federal Grants – Department of Public Works (DPW)-Department of Health (DOH) Complete Streets account ($24,500); and appropriates the same to the DPW-DOH Complete Streets - Federal account. Funds would be used to provide Complete Streets training and capacity building for County staff.

Reference: Comm. 306
Intr. by: Ms. David (B/R)
Waived: FC

Increases revenues in the State Grants – State Emergency Medical Services (EMS) account ($1,309,036); and appropriates the same to the Fire EMS-Salaries and Wages account. These additional funds are due to collective bargaining increases for Fiscal Year 2016-17.

Reference: Comm. 307
Intr. by: Ms. David (B/R)
Waived: FC


Increases revenues in the Federal Grants – High Intensity (HI) Impact Grant account ($49,418); and appropriates the same to the HI Impact Grant account for a total appropriation of $234,843. Funds would be used to combat the methamphetamine drug problem by conducting sting operations and training officers in the enforcement of these drug related cases.

Reference: Comm. 308
Intr. by: Ms. David (B/R)
Waived: FC


Increases revenues in the Transfer from General Fund account ($3,000); and appropriates the same to the Malama O Puna (Bus stops – District 5) account. Funds would be used to build bus stops for the Fern Acres Subdivision.

Reference: Comm. 309
Intr. by: Ms. David (B/R)
Waived: FC
ORDER OF THE DAY (SECOND OR FINAL READING)

**Res. 200-17:** AUTHORIZES THE ACQUISITION OF AN EASEMENT ON AND OVER PRIVATE PROPERTY BY EMINENT DOMAIN OF A PORTION OF TAX MAP KEY: 9-3-001:006, SITUATED AT PĀKINI IKI, DISTRICT OF KAʻŪ, COUNTY AND STATE OF HAWAIʻI, FOR AN EXPANDED MICROWAVE RADIO TOWER SITE.

The County needs to replace its microwave radio tower due to corrosion. This acquisition would allow the County to maintain current operations until the new tower is completed.

Reference: Comm. 269
Intr. by: Ms. David (B/R)
First Reading: May 17, 2017
Note: Second of two required readings, Section 101-13, Hawaiʻi Revised Statutes

**Bill 29 (Draft 2):** AMENDS CHAPTER 2, ARTICLE 4, OF THE HAWAIʻI COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY ADDING A NEW SECTION RELATING TO TEMPORARY POSITIONS.

Requires the Human Resources Director to provide quarterly reports notifying the Council of any person employed under a contract for less than 90 days if the salary is $2,500 or more per month, and the temporary position is unrelated to a state of emergency declaration.

Reference: Comm. 238.2
Intr. by: Ms. Lee Loy
First Reading: May 17, 2017

**Bill 33:** AMENDS ORDINANCE NO. 16-72, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAIʻI FOR THE FISCAL YEAR ENDING JUNE 30, 2017.

Appropriates revenues in the State Grants – Safe Routes to School (SRTS) Program Grant account ($86,468.50); and appropriates the same to the Safe Routes to School Program Grant account. Funds would be used towards the County’s SRTS program.

Reference: Comm. 282
Intr. by: Ms. David (B/R)
First Reading: May 17, 2017
Bill 34: AMENDS ORDINANCE NO. 16-73, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2016, TO JUNE 30, 2017
Adds the Parks and Recreation Kuawa Street New Sports Fields Development – Fair Share Project for $400,000 to the Capital Budget. Funds for this project shall be provided from Fair Share Contributions ($400,000). Funds would be used to develop new fields to accommodate rugby, soccer, and football and a new youth baseball/softball field.

Reference: Comm. 285
Intr. by: Ms. David (B/R)
First Reading: May 17, 2017
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

REPORTS

FC-17 (Comm. 280): NOMINATION OF DR. SHARON BINTLIFF TO THE BOARD OF ETHICS
Requires Council Confirmation by: June 13, 2017 (Section 13-4(l), Hawai‘i County Charter)

PC-14 (Comm. 275): NOMINATION OF ARNOLD RABIN TO THE KONA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE
Requires Council Confirmation by: June 13, 2017 (Section 13-4(l), Hawai‘i County Charter)

PC-15 (Comm. 276): NOMINATION OF JANICE PALMA-GLENNIE TO THE KONA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE
Requires Council Confirmation by: June 13, 2017 (Section 13-4(l), Hawai‘i County Charter)
PC-16 (Comm. 277): NOMINATION OF SHIRLEY DAVID TO THE KONA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

Requires Council Confirmation by: June 13, 2017 (Section 13-4(l), Hawai‘i County Charter)

PSMTC-1 (Comm. 278): NOMINATION OF COLLEEN J. PASCO TO THE POLICE COMMISSION

Requires Council Confirmation by: June 13, 2017 (Section 13-4(l), Hawai‘i County Charter)

PSMTC-2 (Comm. 279): NOMINATION OF ANDI PAWASARAT-LOSALIO TO THE LIQUOR CONTROL ADJUDICATION BOARD

Requires Council Confirmation by: June 13, 2017 (Section 13-4(l), Hawai‘i County Charter)

REFERRALS FOR EXECUTIVE SESSION

A 2/3 vote pursuant to Hawai‘i Revised Statutes, Section 92-4, and Rule Nos. 2 and 10 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

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 places are accessible for persons with disabilities. Persons who need special accommodations for this meeting should call 961-8255 by June 5, 2017. Relay users please call 711(961-8255) to contact our office.

Public attendance via courtesy site is available at the following locations until 4:30 p.m. or later in the event public testimony has not been completed:

- Kona Council Office, West Hawai‘i Civic Center, 74-5044 Ane Keohokālole Highway, Building A; and
- Pāhoa Council Office, 15-2879 Pāhoa Village Road.
Public attendance via courtesy site is also available at the following locations until public testimony has been completed:

- Nāʻālehu State Office Building, 95-5669 Māmalahoa Highway, Nāʻālehu; and
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapaʻau.

If, due to unanticipated circumstances, the courtesy site is unavailable and/or participation is disrupted, the scheduled meeting will continue.

Live stream of County Council Meetings: Council meetings are available for live viewing. Click on Council Meetings on the County’s homepage at http://www.hawaiicounty.gov.

Copies of this agenda and items listed on the agenda are available on the County Council-Clerk web page at http://www.hawaii county.gov/lb-council-meeting. For further information, please call 961-8255.

Submitting Written Testimony: Those submitting written testimony at the meeting should bring **fourteen (14)** copies for distribution. Public testimony may also be submitted **before 12:00 noon on the business day prior to the meeting**: (1) by mail to the County Clerk’s Office in Hilo at 25 Aupuni Street, Hilo, Hawaiʻi, 96720; (2) by facsimile to (808) 961-8912; or (3) by e-mail to counciltestimony@hawaiicounty.gov. **Please submit separate testimony for each item.**

Submitting Video Testimony: Those submitting video testimony may e-mail a complete web address (url) to videotestimony@hawaiicounty.gov **before 12:00 noon on the business day prior to the meeting**. The e-mail shall indicate the appropriate Committee or Council meeting, the meeting date, agenda item (communication, bill, resolution, or report number), and number of testifiers on the video submittal. **Each video submittal shall be limited to a single agenda item.** Video submittals may contain up to three individual testifiers and shall each be up to three minutes in length. Video testimony will not be played during the meeting; however, it will be distributed to Council Members prior to the meeting. The Office of the County Clerk reserves the right to refuse testimony containing inappropriate content or that is not in compliance with Council Rule 13 (Public Statements and Testimony).

Viewing of Meetings on Government Access Television - Channel 55:

**Wednesdays, June 14 and 21, 2017** (to follow the viewing of the June 5, 2017, meeting scheduled to start at 6 p.m.); **Fridays, June 16 and 23, 2017** (to follow the viewing of the June 5, 2017, meeting scheduled to start at 12 p.m.); and **Sundays, June 18 and 25, 2017** (to follow the viewing of the June 5, 2017, meeting scheduled to start at 9 a.m.). (These airtimes are subject to preemption by broadcasts from the State Legislature, and are subject to change by Na Leo ʻO Hawaiʻi. Please check the current legislative broadcast schedule on the Na Leo ʻO Hawaiʻi website at http://www.naleo.tv/tv-schedules/channel-55/.)