COUNTY COUNCIL

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

34th Session

ORDER OF BUSINESS

West Hawai‘i Civic Center
74-5044 Ane Keohokālole Highway, Building A
Kailua-Kona, Hawai‘i

March 28, 2018
9:00 a.m.

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

INVOCATION
Reverend Ramesh Martin Devadoss of St. Michael’s Catholic Church

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

Serving the Interests of the People of Our Island
Hawai‘i County is an Equal Opportunity Provider and Employer.
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
July 7, 2016
February 7, 2018

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 503-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO DARE HAWAI‘I FOR THE 2018 DARE DAY CELEBRATION EVENT IN EAST HAWAI‘I
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 762
Intr. by: Mr. Chung
Postponed: March 14, 2018

Res. 519-18: ACCEPTS PAYMENT OF IN-LIEU FEE IN THE AMOUNT OF $23,600 BY WAINANI 42 LLC TO PARTIALLY SATISFY CONDITION “L” OF ORDINANCE NO. 98-66
Partially satisfies the affordable housing requirement for the development of 50 units for Phase II of this development project, located at Puapua’a 1st and 2nd, North Kona, covered by Tax Map Key: 7-3-010:027.

Reference: Comm. 782
Intr. by: Ms. David (B/R)
Approve: FC-86

Authorizes the Mayor to enter into a five-year lease agreement with New Kaiko‘o Building, Inc., beginning May 1, 2018, with an option for a five-year extension, for space in the Bank of Hawai‘i Building located at 120 Pauahi Street, Hilo. The expected cost of this lease is $1,838.20 per month.

Reference: Comm. 785
Intr. by: Ms. David (B/R)
Approve: FC-87

Res. 521-18: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR FIVE DIGITAL MULTI-FUNCTION COPY MACHINES FOR THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Authorizes the Mayor to enter into a five-year lease agreement for five copiers at an approximate monthly cost of $300 each. Four copiers would replace units at various Solid Waste scalehouses and baseyards and one copier would be used at the Pu‘uanahulu scalehouse.

Reference: Comm. 784
Intr. by: Ms. David (B/R)
Approve: FC-88

Res. 522-18: ACCEPTS FINAL PAYMENT OF IN-LIEU FEES IN THE AMOUNT OF $50,000 BY KW KONA INVESTORS, LLC, TO SATISFY CONDITION “B” OF ORDINANCE NO. 87-113

Completes payment on a $100,000 in-lieu fee affordable housing requirement to allow for the development of 50 hotel units at Kaʻūpulehu, North Kona, covered by Tax Map Key: 7-2-010:010.

Reference: Comm. 783
Intr. by: Ms. David (B/R)
Approve: FC-89
Res. 529-18: APPROVES NOMINEE MASON K. CHOCK TO THE WESTERN INTERSTATE REGION (WIR) BOARD OF DIRECTORS FOR THE REMAINDER OF FISCAL YEAR 2017-2018

Kauaʻi County Council Member Mason K. Chock would succeed Council Member Dru Kanuha, who resigned from this position on February 26, 2018.

Reference: Comm. 800
Intr. by: Mr. Kanuha
Waived: GREDC

Res. 530-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE KEA’AU COUGARS ATHLETIC BOOSTERS TO ASSIST WITH EXPENSES RELATED TO KEA’AU HIGH SCHOOL’S GRAD NIGHT 2018

Transfers $600 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 801
Intr. by: Ms. O’Hara

Res. 531-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR EXPENSES RELATED TO THE CIVIL DEFENSE AGENCY’S PROJECT 360

Transfers $800 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Civil Defense Agency, Other Current Expenses account.

Reference: Comm. 802
Intr. by: Ms. O’Hara

Res. 532-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO ASSIST THE CIVIL DEFENSE AGENCY WITH EXPENSES RELATING TO PROJECT 360

Transfers $898 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Civil Defense Agency, Other Current Expenses account.

Reference: Comm. 803
Intr. by: Ms. David
Res. 533-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR EXPENSES RELATED TO THE CIVIL DEFENSE AGENCY’S PROJECT 360

Transfers $800 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Civil Defense Agency, Other Current Expenses account.

Reference: Comm. 804
Intr. by: Mr. Chung

Res. 534-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE ISLAND OF HAWAI‘I YMCA FOR THE WEST HAWAI‘I FAMILY VISITATION CENTER PROGRAM

Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 805
Intr. by: Ms. Eoff

Res. 535-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE ISLAND OF HAWAI‘I YMCA FOR ITS FAMILY VISITATION CENTER PROGRAM

Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 806
Intr. by: Mr. Kanuha
**Res. 536-18:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE ISLAND OF HAWAI‘I YMCA FOR ITS FAMILY VISITATION CENTER PROGRAM
Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 807
Intr. by: Mr. Chung

**Res. 537-18:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO LĀLĀKEA FOUNDATION FOR THE 2018 KA ‘AHA HULA ‘O HĀLAUAOLĀ CONFERENCE
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 808
Intr. by: Mr. Chung

**Res. 538-18:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO LĀLĀKEA FOUNDATION TO ASSIST WITH ITS KA ‘AHA HULA ‘O HĀLAUAOLĀ 2018 CONFERENCE
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Department of Research and Development, Tourism Promotion.

Reference: Comm. 809
Intr. by: Ms. Ruggles
Res. 539-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE FRIENDS OF HOKULE‘A AND HAWAI‘ILOA FOR THE 2018 “MAHALO, HAWAI‘I SAIL” EDUCATIONAL OUTREACH
Transfers $500 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 810
Intr. by: Ms. Ruggles

Res. 540-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE HILO HĀMĀKUA COMMUNITY DEVELOPMENT CORPORATION FOR THE KAIWIKI COMMUNITY HEALTH AND WELLNESS EVENT
Transfers $4,400 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 811
Intr. by: Ms. Poindexter

Res. 541-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO BOY SCOUTS OF AMERICA FOR A SCOUT CAMP AT PU‘U WA‘AWA‘A PRESERVE
Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 812
Intr. by: Ms. Poindexter
Res. 542-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO COMMUNITY FIRST INC. FOR TRANSPORTATION EXPENSES RELATING TO TROPIC CARE 2018
Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Department of Research and Development, Business Development account.

Reference: Comm. 813
Intr. by: Ms. Poindexter

Res. 543-18: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE FEDERAL BUREAU OF INVESTIGATION, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, FOR A GRANT TO THE OFFICE OF THE PROSECUTING ATTORNEY
Funds in the amount of $24,000 would be used to reimburse the department for software licenses, hard disk drives, thumb drives, and overtime costs incurred by staff performing investigative work in support of the FBI Child Exploitation Task Force project.

Reference: Comm. 815
Intr. by: Ms. David (B/R)
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)

Bill 109: AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), 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 WAIĀKEA HOMESTEADS, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY: 2-4-010:028
(Applicant: OYS Properties, LLC) (Area: approx. 21,815 square feet)
The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to subdivide the property into two lots. The applicant intends to build a new dwelling on the newly created lot and retain the existing dwelling on the other lot.

Reference: Comm. 753
Intr. by: Ms. Eoff (B/R)
Approve: PC-52
Bill 113: AMENDS CHAPTER 2 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY ADDING A NEW ARTICLE RELATING TO COMMERCIAL SPONSORSHIP OF COUNTY ASSETS
Establishes a process for individuals, corporations, and other organizations to obtain sponsorships for County facilities, parks, programs, equipment, and tangible property in exchange for financial considerations to increase County revenue from sources other than real property tax.

Reference: Comm. 780
Intr. by: Ms. Lee Loy
Approve: FC-90

Increases revenues in the Federal Grants – Housing Choice Voucher Program account ($2.5 million); and appropriates the same to the Voucher Rental Subsidies account, for a total appropriation of $17.5 million. Funds would be used for payment of rental assistance for eligible participants.

Reference: Comm. 781
Intr. by: Ms. David (B/R)
Approve: FC-91

Decreases the appropriation in the Geothermal Other Current Expenses account ($30,000); and appropriates the same to the Geothermal Parks and Recreation account. Funds would be used by the Department of Parks and Recreation to provide access to computers and wireless internet connection (Wi-Fi) at the Pāhoa Community Center.

Reference: Comm. 786
Intr. by: Ms. David (B/R)
Approve: FC-92

Allows the County to accept State funds for the WIOA program.

Reference: Comm. 814
Intr. by: Ms. David (B/R)
Waived: FC


Appropriates revenues in the Federal Grants – Child Exploitation Task Force account ($24,000); and appropriates the same to the Child Exploitation Task Force account. Funds would be used to reimburse the Office of the Prosecuting Attorney for software licenses, hard disk drives, thumb drives, and overtime costs incurred by staff performing investigative work in support of the FBI Child Exploitation Task Force project.

Reference: Comm. 815
Intr. by: Ms. David (B/R)
Waived: FC

Bill 124: AMENDS ORDINANCE NO. 17-40, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2017, TO JUNE 30, 2018

Increases the Environmental Management Lono Kona Improvement District – County project by $4 million, bringing the total amount to $5,698,000. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources. These additional funds for the acquisition of easements, design, and construction of this public sewer system improvement project are needed due to higher than anticipated initial bid responses.

Reference: Comm. 816
Intr. by: Ms. David (B/R)
Waived: FC
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 98 (Draft 2): INITIATES AN AMENDMENT TO ARTICLE XIII, SECTION 13-28 OF THE HAWAI‘I COUNTY CHARTER (2016 EDITION), RELATING TO THE SALARY COMMISSION

Requires that at least 30 days prior to the approval of any salary adjustment, the salary commission submit copies of a detailed report of its findings and conclusions to the Office of the County Clerk and Office of the Mayor, publish a notice that said report is available for public inspection and include in the notice a detailed account of proposed salary increases or decreases, and hold at least one public hearing in either East or West Hawai‘i using video conference technology to allow for participation from both East and West Hawai‘i. Also requires that any increase or decrease of more than 10 percent be approved by a two-thirds vote of the entire membership of the commission.

Reference: Comm. 712.2
Intr. by: Ms. Lee Loy
First Reading: March 14, 2018
2/3 Vote: Second of three required readings, Section 15-1(a), Hawai‘i County Charter


Updates the County Code by adding floodplain management to the duties and functions of the Public Works Department and requires that the Council be notified no later than 60 days after the initiation of actions that may lead to the alteration of the boundaries of flood hazard areas on Federal Emergency Management Agency Flood Insurance Rate Maps, which notice shall include the identification of the stream or general area being studied or revised and the name of the entity undertaking the flood mapping study, restudy, or revision process.

Reference: Comm. 731.3
Intr. by: Ms. David
First Reading: March 14, 2018
**Bill 105:** AMENDS ORDINANCE NO. 17-39, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2018

Appropriates revenues in the Federal Grants – Department of Health (DOH) Complete Streets account ($9,700); and appropriates the same to the DOH Complete Streets – Federal account. Funds would be used by the Planning Department to allow key staff to attend Complete Streets trainings to plan for, design, and operate streets with safe access for all users.

Reference: Comm. 736
Intr. by: Ms. David (B/R)
First Reading: March 14, 2018

**Bill 106:** AMENDS ORDINANCE NO. 17-39, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2018

Increases revenues in the Fuel Tax account ($4 million) due to the increased Fuel Tax rate in the current fiscal year; and appropriates the same to the following accounts: Highways Maintenance Service – Roadside Maintenance Service ($1.4 million), Highway Mass Transit – Other Current Expenses ($1 million), Highway Maintenance Administration – Other Current Expenses ($490,000), Traffic Division – Traffic Safety ($260,000), Traffic Division – Signals & Street Lights ($550,000), and Public Safety Disaster/Emergency – Highway Fund ($300,000).

Reference: Comm. 737
Intr. by: Ms. David (B/R)
First Reading: March 14, 2018

**Bill 116:** AMENDS ORDINANCE NO. 17-40, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2017, TO JUNE 30, 2018

Adds the Office of Management Village 9 Homeless and Affordable Rental project for $184,000 to the Capital Budget. Funds for this project shall be provided from State Grants Receivable and would be used to reimburse the County for planning expenses to develop a master plan and environmental assessment for a homeless facility and affordable rental project.

Reference: Comm. 787
Intr. by: Ms. David (B/R)
First Reading: March 14, 2018

Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter.
Bill 117:

AMENDS ORDINANCE NO. 17-39, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2018

Appropriates revenues in the State Grants – Electronic Waste Recycling account ($45,000); and appropriates the same to the Electronic Waste Recycling account. Funds would be used towards the Department of Environmental Management’s Solid Waste Division’s Electronic Waste Recycling program.

Reference: Comm. 788
Intr. by: Ms. David (B/R)
First Reading: March 14, 2018

REPORTS

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 March 23, 2018. Relay users please call 711(961-8255) to contact our office.

Notice is hereby given that pursuant to Hawai‘i Revised Statutes (hereinafter “HRS”) §92-3.5, the Hawai‘i County Council will be conducting this meeting via videoconference. If audio stream between Kona and Hilo is lost for more than a short period of time, the meeting will be terminated.

Council Members will be present at the following location:
• Hilo Council Chambers, Hawai‘i County Building, 25 Aupuni Street, First Floor, Room 1401.
  (Pursuant to HRS §92-7 and Council Rule No. 2, Council Member Aaron S. Y. Chung will be participating from the Hilo Council Chambers.)

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

- Pāhoa Council Office, 15-2879 Pāhoa Village Road; and

Public attendance via courtesy site is also available at the following locations until public testimony has been completed:

- Nā‘ālehu State Office Building, 95-5669 Māmalahoa Highway; and
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapa‘au.

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 Clerk-Council web page at http://www.hawaiicounty.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, Hawai‘i, 96720; (2) by facsimile to (808) 961-8912; or (3) by email to counciltestimony@hawaiicounty.gov. Please submit separate testimony for each item.

Submitting Video Testimony: Those submitting video testimony may email a complete web address (url) to videotestimony@hawaiicounty.gov before 12:00 noon on the business day prior to the meeting. The email 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).