COUNTY COUNCIL

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

42nd Session

ORDER OF BUSINESS

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

June 3, 2020
9:00 a.m.

Public Testimony: Public Testimony will be taken during the meeting via videoconference from the conference room across from the Hilo Council Chambers at 25 Aupuni St. (Hawai‘i County Building), and at the Kona Council Office Conference Room at West Hawai‘i Civic Center, 74-5044 Ane-Keohokalole Highway, Building A. Testifiers will be required to wear a protective mask that covers their mouth and nose, physically distance themselves from others, and sanitize their hands prior to entering the testimony site.

INVOCATION Pastor John Endriss at Engage Church Hilo

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)

COMMUNICATIONS

ORDER OF RESOLUTIONS

**Res. 631-20:** AUTHORIZES THE DIRECTOR OF PUBLIC WORKS TO ISSUE LICENSES AND PERMITS FOR CONSTRUCTION OR MODIFICATION OF SMALL WIRELESS FACILITIES IN COUNTY OF HAWAI‘I OWNED RIGHT-OF-WAYS AND COLLOCATION OF SMALL WIRELESS FACILITIES ON COUNTY OF HAWAI‘I OWNED UTILITY POLES, PURSUANT TO CHAPTER 206N, HAWAI‘I REVISED STATUTES, RELATING TO WIRELESS BROADBAND AND COMMUNICATIONS NETWORKS

Communication service providers would be able to obtain licenses and permits to access public right-of-ways and use public utility poles for their wireless services.

Reference: Comm. 932
Intr. by: Ms. Lee Loy (B/R)
Waived: PWMTC

**Res. 648-20:** AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF HAWAI‘I AT HILO

The County would provide up to $50,000 for a feasibility study relating to updating the island-wide public access Geographical Information System geodatabase.

Reference: Comm. 949
Intr. by: Ms. David (B/R)
Waived: FC
Res. 649-20: 

AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Allows for the receipt of $430,640 of Federally-derived funds to be used by the Office of Housing and Community Development for eligible activities within the Section 8 Housing Choice Voucher Program in response to the COVID-19 pandemic.

Reference: Comm. 952
Intr. by: Ms. David (B/R)
Waived: FC

Res. 650-20: 

AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Allows for the receipt of $266 of Federally-derived funds to be used by the Office of Housing and Community Development for eligible activities within the Mainstream Voucher Program in response to the COVID-19 pandemic.

Reference: Comm. 953
Intr. by: Ms. David (B/R)
Waived: FC

Res. 651-20: 

AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR ONE MULTI-FUNCTION COPY MACHINE FOR THE DEPARTMENT OF FINANCE

Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $300.

Reference: Comm. 954
Intr. by: Ms. David (B/R)
Waived: FC
Res. 652-20: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I DEPARTMENT OF TRANSPORTATION
Allows for the receipt of $5.1 million of Federally-derived funds for the purchase of ten 40 to 45-foot buses to replace Mass Transit’s aging fleet.

Reference: Comm. 955
Intr. by: Ms. David (B/R)
Waived: FC

Res. 653-20: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I DEPARTMENT OF TRANSPORTATION
Allows for the receipt of $4,453,300 of Federally-derived funds to assist the Mass Transit Agency with covering expenses and lost revenue due to the COVID-19 pandemic.

Reference: Comm. 956
Intr. by: Ms. David (B/R)
Waived: FC

Res. 654-20: 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 WAIMEA PRESERVATION ASSOCIATION FOR ITS EMERGENCY “GRAB AND GO” COMMUNITY FEEDING PROGRAM
Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Research and Development, Business Development account.

Reference: Comm. 958
Intr. by: Mr. Richards
Res. 655-20: 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 FOOD BASKET, INC., FOR EXPENSES RELATED TO COVID-19 EMERGENCY FOOD DISTRIBUTION
Transfers $12,500 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Research and Development, Business Development account.

Reference: Comm. 960
Intr. by: Mr. Richards

The landholder seeks to dedicate the roadway and improvements for public roadway purposes relating to the Puna Kai Shopping Center.

Reference: Comm. 961
Intr. by: Ms. Lee Loy (B/R)
Waived: PWMTC

The landholder agrees to grant Easements 9-1B for road and utility purposes and 9-1H for bus stop and shelter purposes relating to the Puna Kai Shopping Center.

Reference: Comm. 961
Intr. by: Ms. Lee Loy (B/R)
Waived: PWMTC
BILLS FOR ORDINANCES (FIRST READING)


Appropriates revenues in the Fund Balance from Prior Year-Designated account ($50,679.72); and appropriates the same to the Kona Operating Partnership Housing account. Funds would be accepted by the County to satisfy payment of in-lieu fees and accrued interest pursuant to an affordable housing agreement.

Reference: Comm. 950
Intr. by: Ms. David (B/R)
Waived: FC


Appropriates revenues in the Fund Balance from Prior Year-Designated account ($24,252.53); and appropriates the same to the Wainani Estate Subdivision Phase 1 account. Funds would be accepted by the County to satisfy payment of in-lieu fees and accrued interest pursuant to an affordable housing agreement.

Reference: Comm. 951
Intr. by: Ms. David (B/R)
Waived: FC


Appropriates revenues in the Federal – Housing Assistance Payments (HAP) Admin-COVID-19 account ($430,640); and appropriates the same to the Office of Housing OCE account to be used towards eligible activities within the Section 8 Housing Choice Voucher Program in response to the COVID-19 pandemic.

Reference: Comm. 952
Intr. by: Ms. David (B/R)
Waived: FC
**Bill 173:** AMENDS ORDINANCE NO. 19-73, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2020

Appropriates revenues in the Federal – Mainstream Voucher Admin-COVID-19 account ($266); and appropriates the same to the Office of Housing OCE account to be used towards eligible activities within the Mainstream Voucher Program in response to the COVID-19 pandemic.

Reference: Comm. 953
Intr. by: Ms. David (B/R)
Waived: FC

**Bill 174:** AMENDS ORDINANCE NO. 19-73, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2020

Appropriates revenues in the Federal Grants – Section 5339 Discretionary Grant account ($5,100,000); and appropriates the same to the Section 5339 Discretionary Grant account for the purchase of ten 40 to 45-foot buses to replace Mass Transit’s aging fleet.

Reference: Comm. 955
Intr. by: Ms. David (B/R)
Waived: FC

**Bill 175:** AMENDS ORDINANCE NO. 19-73, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2020

Appropriates revenues in the Federal Grants – Section 5311 Grant – CARES Act account ($4,453,300); and appropriates the same to the Section 5311 Grant – CARES Act account to assist the Mass Transit Agency in covering expenses and lost revenue due to the COVID-19 pandemic.

Reference: Comm. 956
Intr. by: Ms. David (B/R)
Waived: FC
ORDER OF THE DAY (SECOND OR FINAL READING)

Amends Section 24-281, Schedule 29 (parking prohibited during certain hours on certain streets; tow-away zone), Subsection (c), South Hilo, by adding a new listing for a portion of Lanihuli Street.

Reference: Comm. 908
Intr. by: Ms. Lee Loy (B/R)
First Reading: May 20, 2020

Amends Section 24-264, Schedule 12 (Stop intersections), Subsection (d), Ka‘ū, by adding a new listing to accommodate a four-way stop at the Kamani and Pīkake Street intersection.

Reference: Comm. 909
Intr. by: Ms. Lee Loy (B/R)
First Reading: May 20, 2020

Increases revenues in the Federal Grants – Section 5339 Grant for Bus & Bus Facilities Fiscal Years 2017-2020 account ($4,180,000); and appropriates the same to the following Section 5339 Grant for Bus & Bus Facilities accounts: Fiscal Year 2016-2017 ($1,000,000); Fiscal Year 2017-2018 ($380,000); Fiscal Year 2018-2019 ($1,400,000); and Fiscal Year 2019-2020 (1,400,000). Funds in the amount of $520,000 would be used by the Mass Transit Agency to purchase two 35-foot buses, and the remainder reflects a change to the account titles for housekeeping purposes.

Reference: Comm. 915
Intr. by: Ms. David (B/R)
First Reading: May 20, 2020
Bill 164: 
AMENDS ORDINANCE NO. 19-73, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAIʻI FOR THE FISCAL YEAR ENDING JUNE 30, 2020

Increases revenues in the State Emergency Management System (EMS) account ($3,970,683); and appropriates the same to the following accounts: Fire EMS – Salary and Wages ($2,943,581); Fire EMS – Equipment ($7,500); and Retirement Benefits ($1,019,602). Funds would be used for collective bargaining and other operating expenditure increases in fiscal year 2019-2020.

Reference: Comm. 921
Intr. by: Ms. David (B/R)
First Reading: May 20, 2020

Bill 166: 
AMENDS ORDINANCE NO. 19-73, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAIʻI FOR THE FISCAL YEAR ENDING JUNE 30, 2020

Appropriates revenues in the Federal Grants – Hawaiʻi Fire Department (HFD) Cordless Extrication Kit grant account ($37,553.62); and appropriates the same to the Hawaiʻi Fire Department Cordless Extrication Kit grant account to purchase the equipment for rescue operations.

Reference: Comm. 923
Intr. by: Ms. David (B/R)
First Reading: May 20, 2020

Bill 167: 
AMENDS ORDINANCE NO. 19-73, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAIʻI FOR THE FISCAL YEAR ENDING JUNE 30, 2020

Appropriates revenues in the Federal Grants – Child Passenger Safety Program account ($16,586.82); and appropriates the same to the Child Passenger Safety Program account for educational outreach on the use of child safety seats.

Reference: Comm. 924
Intr. by: Ms. David (B/R)
First Reading: May 20, 2020

REPORTS
REFERRALS FOR EXECUTIVE SESSION

Comm. 957: IAN SEELEY V. COUNTY OF HAWAI‘I POLICE DEPARTMENT, CIVIL NO. 17-1-414

From Deputy Corporation Counsel D. Kaena Horowitz, dated May 13, 2020, requesting an attorney-client confidential discussion to consult with the Council regarding the above-entitled matter, including a discussion regarding a claim submitted by Joseph Rosenbaum and Richard Holcomb, on behalf of their client, Ian Seeley.

The Council anticipates convening an executive meeting regarding the above matter, pursuant to Section 92-5(a)(4), for the purpose of consulting with Council’s attorney on questions and issues pertaining to the Council’s powers, duties, privileges, immunities, and liabilities. 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 reconsideration 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.

If you need an auxiliary aid/service or other accommodation due to a disability, call 961-8255 as soon as possible, preferably by June 1, 2020. If a response is received after June 1, 2020, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Council Members will also be present at the Kona Council Chambers, West Hawai‘i Civic Center, Building A.

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 webpage at http://www.hawaiicounty.gov/lb-council-meeting. For further information, please call 961-8255.
Submitting Written Testimony: The Council encourages the public to submit thoughts, comments, and input via written testimony. To ensure timely delivery to Council Members prior to the meeting, written testimony must be submitted before 12:00 noon on the business day prior to the meeting by: (1) email to counciltestimony@hawaiicounty.gov, (2) facsimile to (808) 961-8912; or (3) mail to the County Clerk’s Office in Hilo at 25 Aupuni Street, Hilo, Hawai‘i, 96720. All written testimony, regardless of time of receipt, will be made a part of the permanent record. 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).