COUNTY COUNCIL

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

16th Session

ORDER OF BUSINESS

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

June 19, 2019

9:00 a.m.

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

INVOCATION

President Greg Hendrickson of Church of Jesus Christ Latter-Day Saints

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 May 21, 2019

COMMUNICATIONS

Comm. 312: REPORT OF ATTENDANCE OF COUNCIL MEMBERS KANEALIʻI-KLEINFELDER, KIERKIEWICZ, LEE LOY, AND RICHARDS AT THE HOʻOLAKO PUNA COOLER DONATION EVENT, PURSUANT TO HAWAIʻI REVISED STATUTES SECTION 92-2.5(e) From Council Member Tim Richards, dated May 21, 2019.


ORDER OF RESOLUTIONS

Res. 191-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HAWAIʻI ENVIRONMENTAL RESTORATION FOR ITS KEAUʻOHANA FOREST RESERVE RESTORATION PROJECT Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 317
Intr. by: Ms. Kierkiewicz
Res. 192-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PURCHASE A TRAFFIC DATA COLLECTOR WITH SOLAR CAPABILITIES FOR THE HAWAI‘I POLICE DEPARTMENT, NORTH AND SOUTH KOHALA STATIONS

Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Hawai‘i Police Department, Police Administration Division-Equipment account.

Reference: Comm. 318
Intr. by: Mr. Richards

Res. 193-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR REIMBURSEMENT FOR EXPENSES INCURRED AT THE 2019 YOUTH FOOTBALL CLINIC AT THE OLD AIRPORT FIELD IN WEST HAWAI‘I

Transfers $1,466 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 319
Intr. by: Ms. David

Res. 196-19: AUTHORIZES THE ACCEPTANCE OF A DONATION OF A CADAVER/TRACKING K9 TO THE COUNTY OF HAWAI‘I POLICE DEPARTMENT

Donated by Friends of the Missing Child Center-Hawai‘i with a value of $10,000, for use by the department’s Juvenile Aid Section in the recovery of missing children.

Reference: Comm. 324
Intr. by: Ms. David (B/R)
Waived: FC
Res. 197-19: AUTHORIZES THE ACCEPTANCE OF A DONATION OF A CARDSCAN SYSTEM TO THE COUNTY OF HAWAI‘I POLICE DEPARTMENT

Donated by the State Department of the Attorney General, Hawai‘i Criminal Justice Data Center, with an approximate value of $7,837, would be used to scan manually rolled fingerprint cards into electronic format for processing and searching.

Reference: Comm. 325
Intr. by: Ms. David (B/R)
Waived: FC

Res. 198-19: AUTHORIZES THE DEPARTMENT OF PUBLIC WORKS TO AWARD FUNDS TO PEOPLES ADVOCACY FOR TRAILS HAWAI‘I

Awards a $120,000 grant to expand the bike-share program in Kona from three stations and 32 bikes to six stations and 59 bikes.

Reference: Comm. 326
Intr. by: Ms. David (B/R)
Waived: FC

Res. 199-19: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR AGREEMENT FOR NUTANIX HARDWARE AND SOFTWARE FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY

Authorizes the Mayor to enter into a five-year lease agreement, at an approximate cost of $1,500 per month. The County will own the equipment at the end of the lease.

Reference: Comm. 327
Intr. by: Ms. David (B/R)
Waived: FC
**Res. 200-19:** AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $600 TO THE HAWAI‘I FIRE DEPARTMENT

Donated by Hawai‘i Emergency Physicians Associated, Inc., to support Emergency Medical Services Week and the department’s Emergency Medical Services Team.

Reference: Comm. 328  
Intr. by: Ms. David (B/R)  
Waived: FC

**Res. 201-19:** AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF OFFICE SPACE FOR THE OFFICE OF THE PROSECUTING ATTORNEY IN WAIMEA

Authorizes the Mayor to enter into a five-year lease agreement, with the option of two three-year extensions, to allow for the continued use of the property located at 64-1067 Māmalahoa Highway.

Reference: Comm. 329  
Intr. by: Ms. David (B/R)  
Waived: FC

**Res. 202-19:** AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE HAWAI‘I TOURISM AUTHORITY, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, FOR A GRANT TO THE HAWAI‘I FIRE DEPARTMENT

Funds in the amount of $125,000 would be used for equipment, vehicles, and training for the department’s Rescue Watercraft program.

Reference: Comm. 332  
Intr. by: Ms. David (B/R)  
Waived: FC
BILLS FOR ORDINANCES (FIRST READING)

Bill 74:  
(Draft 2)  
AMENDS CHAPTER 20, ARTICLE 6, OF THE HAWAIʻI COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO POLYSTYRENE FOAM FOOD CONTAINER AND FOOD SERVICE WARE REDUCTION  
Proposes amendments to five definitions and the exemptions provisions to address what types of containers and packaging will be prohibited as of July 1, 2019.  
Reference: Comm. 301.4  
Intr. by: Mr. Richards  
Approve: AWEEMC-6

Bill 75:  
AUTHORIZES THE MAYOR OF THE COUNTY OF HAWAIʻI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR WASTEWATER PUBLIC IMPROVEMENT PROJECTS; AND AUTHORIZES THE ISSUANCE OF $10,000,000 OF GENERAL OBLIGATION BONDS OF THE COUNTY OF HAWAIʻI FOR THE PURPOSE OF FINANCING QUALIFIED WASTEWATER PUBLIC IMPROVEMENTS OF THE COUNTY OF HAWAIʻI  
Funds would be used for the following projects: Nāʻalehu Wastewater Treatment and Disposal System and Drainage Modifications ($7 million), Nāʻalehu Wastewater Collection System ($2 million), and Nāʻalehu Sewage Pump Station and Force Main ($1 million).  
Reference: Comm. 302  
Intr. by: Ms. David (B/R)  
Approve: FC-40

Bill 76:  
AUTHORIZES THE MAYOR OF THE COUNTY OF HAWAIʻI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR WASTEWATER PUBLIC IMPROVEMENT PROJECTS; AND AUTHORIZES THE ISSUANCE OF $37,000,000 OF GENERAL OBLIGATION BONDS OF THE COUNTY OF HAWAIʻI FOR THE PURPOSE OF FINANCING QUALIFIED WASTEWATER PUBLIC IMPROVEMENTS OF THE COUNTY OF HAWAIʻI  
Funds would be used for the following projects: Pāhala Wastewater Collection System ($15 million) and Pāhala Large Capacity Cesspool Conversion ($22 million).  
Reference: Comm. 303  
Intr. by: Ms. David (B/R)  
Approve: FC-41
ORDER OF THE DAY (SECOND OR FINAL READING)

**Bill 64:** AMENDS CHAPTER 24, ARTICLE 2, SECTION 24-12 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO VEHICLES AND TRAFFIC

Amends “Aliyah’s Law” by adding that vehicles with window glazing that is not in compliance with State law and that are parked or operating on public highways may be cited and removed at the registered owner’s expense.

Reference: Comm. 247
Intr. by: Ms. Lee Loy
First Reading: May 21, 2019
Postponed: June 4, 2019

(Note: There is a motion by Ms. Lee Loy, seconded by Mr. Richards, to approve Bill 64.)

**Bill 70:** AMENDS ORDINANCE NO. 17-19, WHICH AMENDED ORDINANCE NO. 12-129, WHICH AMENDED ORDINANCE NO. 11-81, WHICH AUTHORIZED THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR WASTEWATER PUBLIC IMPROVEMENT PROJECTS AND AUTHORIZED THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF FINANCING QUALIFIED WASTEWATER PUBLIC IMPROVEMENTS OF THE COUNTY OF HAWAI‘I

Increases the original amount authorized from $2.7 to 7.5 million, and amends Exhibit A to add Hilo to the second project title, to read, “Kulaʻimano, Pāpaʻikou & Hilo Dewatering & Barminutor Replacement.” The increase is due to updated cost estimates and anticipated contingencies. Hilo is added to reflect that certain equipment will be designated to the Hilo Wastewater Treatment Plant if necessary.

Reference: Comm. 287
Intr. by: Ms. David (B/R)
First Reading: June 4, 2019
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 47-5, Hawai‘i Revised Statutes

Increases revenues in the State Grants – Coffee Berry Borer Pest Subsidy Program account ($200,000); and appropriates the same to the Coffee Berry Borer Pest Subsidy Program account, bringing the total appropriation to $260,000. Funds would be used to assist coffee farmers by off-setting the cost of pesticides used to control the Coffee Berry Borer.

Reference: Comm. 305
Intr. by: Ms. David (B/R)
First Reading: June 4, 2019


Appropriates revenues in the Federal Grants – Workforce Innovation and Opportunity Act account ($1,053,000); and appropriates the same to the following 2019-2020 Workforce Innovation and Opportunity Act accounts: Administration Planning ($100,000), Adult Program ($350,000), Dislocated Worker Program ($250,000), Youth Program ($350,000); and the Federal Insurance Contributions Act Employer Share account ($3,000). Funds would be used to assist adults, dislocated workers, and youth by providing services that will train individuals to increase employment, retention, earnings, skills, and literacy.

Reference: Comm. 306
Intr. by: Ms. David (B/R)
First Reading: June 4, 2019


Increases revenues in the Contribution from Private Source account ($9,245.22); and appropriates the same to the 2018 Lava Disaster Relief – Private account. These donated funds would be used to offset costs incurred during the 2018 Lava Disaster in the lower Puna region.

Reference: Comm. 307
Intr. by: Ms. David (B/R)
First Reading: June 4, 2019

Increases revenues in the State Emergency Medical Services (EMS) account ($2,678,908); and appropriates the same to the following Fire EMS accounts: Salaries and Wages ($2,071,724), Other Current Expenses ($36,028), Equipment ($250,000); and the Retirement Benefits account ($321,156). Funds would be used towards collective bargaining increases and new medic unit startup in fiscal year 2018-2019.

Reference: Comm. 310
Intr. by: Ms. David (B/R)
First Reading: June 4, 2019


Transfers revenues in the Miscellaneous Insurance Claims and Judgment account ($1 million); and appropriates the same to the Transfer to Self Insurance Fund account.

Reference: Comm. 314
Intr. by: Ms. David (B/R)
First Reading: June 4, 2019

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.
If you need an auxiliary aid/service or other accommodation due to a disability, call 961-8255 as soon as possible, preferably by June 17, 2019. If a response is received after June 17, 2019, 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.

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 Members Aaron S. Y. Chung and Ashley L. Kierkiewicz 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 location until 4:30 p.m. or later in the event public testimony has not been completed:


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;
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapa‘au; and
- Pāhoa Council Office, 15-2879 Pāhoa Village Road.

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).