COUNTY COUNCIL

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

47th Session

ORDER OF BUSINESS

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

August 22, 2018
9:00 a.m.

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

INVOCATION Pastor Jason Meechan of Kona Faith Center

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

August 3, 2016
July 25, 2018

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 640-18 (Draft 2): URGES THE STATE BOARD ON GEOGRAPHIC NAMES TO CONSULT WITH COMMUNITY MEMBERS WHO HAVE DIRECT TRADITIONAL, CULTURAL, AND FAMILIAL TIES TO THE AREAS OF PUNA AND KA‘Ū THAT HAVE BEEN IMPACTED BY THE RECENT VOLCANIC ACTIVITY, IN ORDER TO ESTABLISH APPROPRIATE NAMES FOR THE FISSURE 8 VENT OR ANY OTHER FEATURES OF THE 2018 ERUPTION OF KĪLAUEA VOLCANO

The naming of this fissure and other new volcanic features associated with this eruption in the Hawaiian language may be based on its physical characteristics, historical events associated with its formation, ecological surroundings, geographical location, or related oral histories.

Reference: Comm. 985.8
Intr. by: Ms. Lee Loy
Approve: GREDC-8

This parcel, which consists of approximately 2,013 acres of land makai of Nā‘ālehu and includes the historic fishing village of Waikapuna, is listed as the highest priority for purchase in the 2017 Annual Report of the Public Access, Open Space, and Natural Resources Preservation Commission.

Reference: Comm. 1008
Intr. by: Ms. David
Approve: FC-127

Res. 657-18: 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 BIG ISLAND RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL TO SUPPORT THE 6TH ANNUAL HAWAI‘I ISLAND ALL NATIONS POWWOW

Transfers $1,700 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Department of Research and Development, Tourism Promotion account.

Reference: Comm. 1021
Intr. by: Ms. Poindexter

Res. 658-18: 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 BIG ISLAND RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL FOR THE 6TH ANNUAL HAWAI‘I ISLAND ALL NATIONS POWWOW

Transfers $1,700 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Department of Research and Development, Tourism Promotion account.

Reference: Comm. 1022
Intr. by: Ms. David
Res. 659-18: AWARDS A PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION MAINTENANCE STEWARDSHIP GRANT TO MALAMA KOHALA KAHAKAI FOR PAO’O

Approves a grant of $22,219 to Malama Kohala Kahakai, a 501(c)(3) nonprofit organization, to protect, preserve, and restore Pao’o, North Kohala (Tax Map Key: 5-7-001:005), pursuant to Section 10-16 of the Hawai‘i County Charter.

Reference: Comm. 1029
Intr. by: Mr. Richards
Waived: FC

Res. 660-18: AWARDS A PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION MAINTENANCE STEWARDSHIP GRANT TO MALAMA KOHALA KAHAKAI FOR KAIHOLENA

Approves a grant of $44,045 to Malama Kohala Kahakai, a 501(c)(3) nonprofit organization, to protect, preserve, and restore Kaiholena, North Kohala (Tax Map Keys: 5-8-001:011, 019, 020, and 024), pursuant to Section 10-16 of the Hawai‘i County Charter.

Reference: Comm. 1030
Intr. by: Mr. Richards
Waived: FC

Res. 661-18: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I DEPARTMENT OF DEFENSE

Federally-derived funds in the amount of $225,000 would be used by the Department of Research and Development to update the volcanic risk and vulnerability assessment of the Hawai‘i County Multi-Hazard Mitigation Plan. The County would provide $75,000 as a cost-share for this project.

Reference: Comm. 1032
Intr. by: Ms. David (B/R)
Waived: FC
BILLS FOR ORDINANCES (FIRST READING)


Appropriates revenues in the Research and Development Miscellaneous Private Contributions account ($1,200); and appropriates the same to the Essential Air Service Waimea-Kohala Airport - Private account. Funds would be used as a joint effort between government agencies and the local community to ensure the continuity of air service at the Waimea-Kohala airport.

Reference: Comm. 995
Intr. by: Ms. David (B/R)
Approve: FC-128


Increases revenues in the Federal Grants - Agricultural Crimes Project account ($106,789); and appropriates the same to the Agricultural Crimes Project account, for a total appropriation of $198,789. Funds would be used by the Office of the Prosecuting Attorney.

Reference: Comm. 996
Intr. by: Ms. David (B/R)
Approve: FC-129

Decreases revenues in the Real Property Taxes account by $3.9 million to address the anticipated reduction in Real Property Tax revenues resulting from devaluation of properties that were either destroyed or rendered inaccessible by the 2018 Kilauea lava flow. The following General Fund accounts are reduced accordingly: Information Technology Other Current Expenses (-$10,105), Planning Other Current Expenses (-$30,000), Business Development-Research and Development (-$10,000), Mass Transit Other Current Expenses (-$2,712,145), Mass Transit Equipment (-$1,050,000), Transfer to Public Access Open Space Preservation Fund (-$78,000), and Transfer to Public Access Open Space Preservation Maintenance Fund (-$9,750).

Approve: FC-130


Establishes a General Excise Tax Surcharge revenue account and appropriates $10 million into this account as anticipated revenue, and establishes and applies these funds to two new General Excise Tax Surcharge Mass Transit expenditure accounts, as follows: Other Current Expenses ($4,412,145) and Equipment ($3,587,855). The remaining $2 million would be appropriated to the Transfer to Capital Projects Fund expenditure account to be used for bus shelters and road improvement projects, including Oneo Lane and the Ane Keohokālole extension.

Reference: Comm_997
Intr. by: Ms. David (B/R)
Approve: FC-131


Amends Section 24-264, Schedule 12 (Stop intersections), paragraph (a), Hāmākua, by adding “Hauola Road, Pohakea Road intersection, all approaches.” The proposed all-way stop will allow for cars to still park along Hauola Road and minimize the line of sight requirements at the intersection.

Reference: Comm_998
Intr. by: Ms. Ruggles (B/R)
Approve: PWPRC-49
Bill 180:
Appropriates revenues in the State Grants – Workforce Innovation Opportunity Act account ($4,063); and appropriates the same to the Workforce Innovation Opportunity Act – Sector Partnership Engagements account. Funds would be used by the Hawai‘i Island Economic Development Board to engage with the private sector to identify employment and training needs.
Reference: Comm. 1031
Intr. by: Ms. David (B/R)
Waived: FC

Bill 181:
Appropriates revenues in the Federal Grants – Risk and Vulnerability Assessment – Volcanic Hazard account ($225,000); and appropriates the same to the Risk and Vulnerability Assessment – Volcanic Hazard account. Funds would be used by the Department of Research and Development to update the volcanic risk and vulnerability assessment of the Hawai‘i County Multi-Hazard Mitigation Plan.
Reference: Comm. 1032
Intr. by: Ms. David (B/R)
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)
Bill 154
(Draft 2):
Extends the authority of the Department of Environmental Management to take into custody and dispose of abandoned or derelict vehicles from certain private roadways in the interest of public health and safety, in accordance with Chapter 290, Hawai‘i Revised Statutes, and requires that the department’s director develop and implement an educational outreach program on the disposition and reporting of abandoned or derelict vehicles.
Reference: Comm. 941.6
Intr. by: Ms. O’Hara
First Reading: August 8, 2018
Bill 162:
DESIGNATES TAX MAP KEY: 2-1-003:013 AS “HAPPINESS GARDENS” AND AMENDS CHAPTER 15, ARTICLE 8, SECTION 15-68.1 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO THE PARKS AND RECREATIONAL FACILITY SCHEDULE
Officially names Happiness Gardens and adds it to the Parks and Recreational Facility Schedule. This park located at the mouth of the Wailoa River where it empties into Hilo Bay was conceived and constructed by Mr. Kazuo Nakamura through donations by the local community, and dedicated on May 11, 1979.

Reference: Comm. 979
Intr. by: Ms. Lee Loy
First Reading: August 8, 2018

Bill 163:
Appropriates revenues in the State Grants – Hawai‘i Tourism Authority account ($145,000); and appropriates the same to the Hawai‘i Tourism Authority account. Funds would be used by the Department of Research and Development to develop and implement its Ho‘okaulike Signage project.

Reference: Comm. 983
Intr. by: Ms. David (B/R)
First Reading: August 8, 2018

Bill 165 (Draft 2):
AMENDS CHAPTER 19, ARTICLE 10, OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO REAL PROPERTY TAX EXEMPTIONS FOR DISABLED OR UNEMPLOYABLE VETERANS
Effective July 1, 2019, removes the phrase “totally disabled” from Section 19-73, and replaces with “100 percent disabled or 100 percent unemployable, or both.” Further amends Section 19-73 to exempt disabled or unemployable veterans from all real property tax, where “totally disabled” veterans are currently subject to the minimum tax provided for in Section 19-90(e).

Reference: Comm. 989.5
Intr. by: Mr. Kanuha
First Reading: August 8, 2018
Bill 171:


Appropriates revenues in the State Grants – Electronic Waste Recycling account ($160,000); and appropriates the same to the Electronic Waste Recycling account. Funds would be used towards the Department of Environmental Management, Solid Waste Division’s Electronic Waste Recycling program.

Reference: Comm. 1007
Intr. by: Ms. David (B/R)
First Reading: August 8, 2018

Bill 172:


Appropriates revenues in the State Grants – 2018 Lava Disaster Relief – State account ($12 million); and appropriates the same to the 2018 Lava Disaster Relief – State account. Funds would be used to provide immediate relief necessary to protect the health, safety, and welfare of residents in the Lower Puna area.

Reference: Comm. 1013
Intr. by: Ms. David (B/R)
First Reading: August 8, 2018

Bill 173:

AUTHORIZES THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF HAWAI‘I IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $3,699,000 FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF CONSTRUCTING A PUBLIC SEWER SYSTEM SERVING THE LONO KONA SUBDIVISION; FIXES THE FORM, DENOMINATION, AND CERTAIN DETAILS OF SUCH BONDS; PROVIDES FOR THE ISSUANCE AND SALE OF SUCH BONDS; AND PROVIDES FOR OTHER MATTERS OR ACTIONS PERTAINING TO THE ISSUANCE AND SALE OF THE BONDS

The sale of $3,699,000 of general obligation bonds to the United States Department of Agriculture (USDA) would allow the County to secure payment of a loan in the same amount from the USDA. Funds are needed due to higher than anticipated project costs.

Reference: Comm. 1015
Intr. by: Ms. David (B/R)
First Reading: August 8, 2018
Bill 174:  
AMENDS ORDINANCE NO. 18-69, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2018, TO JUNE 30, 2019  
Increases the Environmental Management Lono Kona Improvement District – County project by $3,699,000, for a total appropriation of $4,839,000. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources. The increase reflects an anticipated USDA loan to cover portions of the cost of constructing a public sewer system serving the Lono Kona Subdivision. Funds are needed due to higher than anticipated costs.

Reference: Comm. 1016  
Intr. by: Ms. David (B/R)  
First Reading: August 8, 2018  
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

Bill 175:  
AMENDS ORDINANCE NO. 18-69, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2018, TO JUNE 30, 2019  
Adds the Environmental Management Lono Kona Improvement District – Federal project for $1,071,000 to the Capital Budget. Funds for this project shall be provided from Federal Grants Receivable. These funds reflect an anticipated USDA grant to cover higher than anticipated costs of constructing a public sewer system for the Lono Kona Subdivision.

Reference: Comm. 1016  
Intr. by: Ms. David (B/R)  
First Reading: August 8, 2018  
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

REPORTS

PC-67 (Comm. 1000): NOMINATION OF SPRINGER KAYE TO THE BOARD OF APPEALS  
Requires Council Confirmation by: September 2, 2018 (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 August 20, 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 Members Susan L. K. Lee Loy and Eileen O’Hara 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, Hawaiʻi, 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).