COUNTY COUNCIL

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

38th Session

ORDER OF BUSINESS

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

May 21, 2018
2:00 p.m.

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

INVOCATION

Kahu Brian Welsh of Haili Congregational Church

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 April 11, 2018

COMMUNICATIONS

ORDER OF RESOLUTIONS


Reference: Comm. 881
Intr. by: Ms. Ruggles (B/R)
Approve: PWPRC-46


The agreement would coordinate and clarify the jurisdictional, regulatory and management actions, and fiduciary responsibilities between the Federal, State, and County governments in relation to the management of this trail.

Reference: Comm. 893
Intr. by: Mr. Kanuha
Approve: PC-61
Res. 601-18 (Draft 2):


The agreement would allow the State to enter onto County property to assume maintenance of the statue, which is currently provided through community efforts.

Reference: Comm. 908.2
Intr. by: Ms. David (B/R)
Approve: FC-116

Res. 602-18:

AUTHORIZES THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF HAWAI‘I

Extends an agreement that will expire on June 30, 2018, for an additional year to continue the effort to develop an undergraduate educational program in energy science at UH-Hilo.

Reference: Comm. 909
Intr. by: Ms. David (B/R)
Approve: FC-117

Res. 603-18:

AUTHORIZES THE MAYOR TO ENTER INTO AN AGREEMENT WITH PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS

Extends an agreement that will expire on June 30, 2018, for an additional year to allow for the completion of the MoonRIDERS Lunar Surface Flight Experiment Project.

Reference: Comm. 910
Intr. by: Ms. David (B/R)
Approve: FC-118
Res. 605-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO ASSIST WITH EXPENSES RELATED TO REPAIR OF FLOORS AT THE NĀʻĂLEHU COMMUNITY CENTER
Transfers $1,400 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Department of Parks and Recreation, Parks Maintenance Other Current Expenses account.

Reference: Comm. 918
Intr. by: Ms. David

Res. 606-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE CIVIL DEFENSE AGENCY TO EXPAND EMERGENCY COMMUNICATIONS IN COUNCIL DISTRICT 9
Transfers $10,000 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Civil Defense Agency, Other Current Expenses account.

Reference: Comm. 923
Intr. by: Mr. Richards

Res. 607-18: 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 HĀMĀKUA HEALTH CENTER, INC., FOR ITS HEALTH WELLNESS AND EDUCATION COMMUNITY OUTREACH IN KOHALA
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 924
Intr. by: Mr. Richards
Res. 608-18: 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 $4,227 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Parks and Recreation, Transfer to Capital Project Fund-General account.

Reference:  Comm. 925
Intr. by:  Mr. Richards

Res. 609-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR TRANSPORTATION EXPENSES FOR THE NORTH KOHALA SENIOR CITIZEN PROGRAM
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Parks and Recreation, Elderly Activities Division Recreation Other Current Expenses account.

Reference:  Comm. 926
Intr. by:  Mr. Richards

Res. 610-18: 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 HAWAI‘I JAPANESE CENTER FOR EXPENSES RELATING TO THE 150TH ANNIVERSARY OF THE ARRIVAL OF THE FIRST JAPANESE IMMIGRANTS TO HAWAI‘I
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference:  Comm. 927
Intr. by:  Mr. Richards
Res. 612-18: AUTHORIZES THE ACCEPTANCE OF FURNITURE FOR THE OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT
Donated by Hāpuna Prince Hotel, with a total estimated value of $6,180, this donation would be used for the transitional units and community center at the Na Kahua Hale O Ulu Wini.

Reference: Comm. 934
Intr. by: Ms. David (B/R)
Waived: FC

Res. 613-18: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $7,600 TO THE DEPARTMENT OF PARKS AND RECREATION
Donated by Lili‘uokalani Trust, this donation would be used for the Ike Kai summer and after school programs.

Reference: Comm. 935
Intr. by: Ms. David (B/R)
Waived: FC

Res. 614-18: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $9,392 TO THE DEPARTMENT OF PARKS AND RECREATION
Donated by Lili‘uokalani Trust, this donation would be used for the Intergenerational projects and Kohala and Puna facilities to provide kupuna and youth with Hawaiian cultural activities.

Reference: Comm. 936
Intr. by: Ms. David (B/R)
Waived: FC
BILLS FOR ORDINANCES (FIRST READING)

Bill 138: DESIGNATES TAX MAP KEY 2-1-013:005 AND 2-1-013:006 AS “LEHIA BEACH PARK” PURSUANT TO CHAPTER 15, ARTICLE 8, SECTION 15-67 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED); AMENDING SECTION 15-68.1 TO ADD IT TO THE PARKS AND RECREATIONAL FACILITY SCHEDULE; AND AMENDING CHAPTER 14, ARTICLE 1, SECTION 14-1 RELATING TO PROHIBITING THE POSSESSION OR CONSUMPTION OF INTOXICATING LIQUORS AT ALL TIMES

Officially names Lehia Beach Park and adds it to the Parks and Recreational Facility Schedule, and to the list of public places where intoxicating liquors are prohibited at all times.

Reference: Comm. 894
Intr. by: Ms. Lee Loy
Approve: PWPRC-47


Increases revenues in the Commercial Driver’s License Program Income account ($3,000); and appropriates the same to the Commercial Driver’s License Program Other Current Expenses account, for a total appropriation of $84,905. The funds would be used by the Finance Department’s Vehicle Registration and Licensing Division for travel costs to send a County Commercial Driver License instructor to Honolulu to conduct skills training.

Reference: Comm. 911
Intr. by: Ms. David (B/R)
Approve: FC-119


Increases revenues in the State Grants – Wireless E911 Fees account ($60,000); and appropriates the same to the Wireless E911 account, for a total appropriation of approximately $3,972,461. Funds would be used to cover expenses for the current fiscal year.

Reference: Comm. 932
Intr. by: Ms. David (B/R)
Waived: FC
Bill 149:

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 Public Works Kalaniana‘ole Avenue project for $2.5 million to the Capital Budget. Funds for this project shall be provided from the State Capital Improvement Project fund and would be used to provide infrastructure improvements on both the County- and State-owned portions of Kalaniana‘ole Avenue, from Railroad Avenue to Kauhane Street.

Reference: Comm. 933
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

Bill 150:

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 Recreation Miscellaneous Contributions account ($7,600); and appropriates the same to the Youth Development – Queen Lili‘uokalani Trust Contributions account. Funds would be used for the Ike Kai summer and after school programs.

Reference: Comm. 935
Intr. by: Ms. David (B/R)
Waived: FC

Bill 151:

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 Elderly Activities Division Miscellaneous Contributions account ($9,392); and appropriates the same to the Youth Development – Queen Lili‘uokalani Trust Contributions account. Funds would be used for the Intergenerational projects and Kohala and Puna facilities to provide kupuna and youth with Hawaiian cultural activities.

Reference: Comm. 936
Intr. by: Ms. David (B/R)
Waived: FC
Bill 152: 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 Parks and Recreation Hilo Bayfront Trails – Federal project appropriation of $220,000 to the Capital Budget. Funds for this project shall be provided from Federal Grants Receivable and would be used to construct Phase 2 of the paved multi-purpose pathway along Hilo Bayfront.

Reference: Comm. 937
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 127 (Draft 3):

ADOPTS A PAY PLAN FOR PERSONS EMPLOYED BY THE COUNTY OTHER THAN THOSE WHOSE PAY IS OTHERWISE PROVIDED FOR, DESIGNATES PAYROLL PERIODS, PAY DAYS, PRESCRIBES REQUIREMENTS WITH RESPECT TO OFFICIAL FIDELITY BONDS, AND REPEALS ORDINANCE NO. 17-36 AND ALL AMENDMENTS THERETO, SAID ORDINANCE TO BE KNOWN AS THE SALARY ORDINANCE OF 2018

Establishes rates of compensation for appointed employees in the Legislative Branch and the Office of Housing and Community Development, the County Physician, and Student Helpers and Senior Community Services Aids for various County agencies.

Reference: Comm. 840.4
Intr. by: Ms. David (B/R)
First Reading: May 9, 2018

Increases revenues in the Transfer from General Fund account ($4,800); and appropriates the same to the Highway Maintenance Administration-Other Current Expenses account. Funds would be used by the Department of Public Works for the annual rental of a portable toilet to be located at Banyan Beach in Kona.

Reference: Comm. 887
Intr. by: Ms. David (B/R)
First Reading: May 9, 2018


Increases revenues in the Coordinated Services account ($25,000); and appropriates the same to the Coordinated Services-Other Current Expenses account, for a total appropriation of $160,000. Funds would be used by the Department of Parks and Recreation to provide additional service to participants.

Reference: Comm. 889
Intr. by: Ms. David (B/R)
First Reading: May 9, 2018

Bill 139: AMENDS CHAPTER 15, ARTICLE 9, SECTION 15-72 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY ADDING MO‘OHEAU PARK TO THE FARMERS MARKET FACILITY SCHEDULE

Allows the Department of Parks and Recreation to work with qualified vendors to establish and operate a farmers market at Mo‘oheau Park.

Reference: Comm. 903
Intr. by: Mr. Chung
First Reading: May 9, 2018
**Bill 141:**


Appropriates revenues in the Real Property Tax Interest account ($22,500); and appropriates the same to the following accounts: Transfer to Public Access/Open Space Preservation Fund ($20,000) and Transfer to Public Access/Open Space Preservation Maintenance Fund ($2,500). Real property tax interest revenues are expected to exceed the amount budgeted for Fiscal Year 2017-18, requiring additional revenues to be transferred into these funds in order to maintain compliance with County Charter mandated minimal appropriations to each fund.

Reference:  Comm. 912
Intr. by:  Ms. David (B/R)
First Reading:  May 9, 2018

**Bill 142:**

AUTHORIZES THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF HAWAI‘I FOR THE PURPOSE OF FUNDING ALL OR A PORTION OF THE COSTS OF VARIOUS IMPROVEMENT PROJECTS; FIXES THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDES FOR THEIR SALE TO THE PUBLIC; AND AUTHORIZES THE TAKING OF OTHER ACTIONS RELATING TO THE ISSUANCE AND SALE OF THE BONDS

Authorizes the issuance of up to $10.2 million in general obligation bonds, which would be used for the Lono Kona Improvement District sewer project that will connect approximately 107 parcels to the County’s sewer system.

Reference:  Comm. 913
Intr. by:  Ms. David (B/R)
First Reading:  May 9, 2018
Bill 143: 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 $6.2 million, for a total appropriation of $11,898,000. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources. Funds would be used for construction.

Reference: Comm. 914
Intr. by: Ms. David (B/R)
First Reading: May 9, 2018
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter


Appropriates revenues in the State Grants – Juvenile Intake & Assessment Center account ($210,000); and appropriates the same to the Juvenile Intake & Assessment Center – State account. Funds would be used to reimburse the Office of the Prosecuting Attorney for expenses incurred by the West Hawai‘i Juvenile Intake and Assessment Center project.

Reference: Comm. 915
Intr. by: Ms. David (B/R)
First Reading: May 9, 2018


Appropriates revenues in the State Grants – Workforce Innovation Opportunity Act account ($15,000); 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. 916
Intr. by: Ms. David (B/R)
First Reading: May 9, 2018

Authorizes the issuance of up to $30.5 million in general obligation bonds, which would be used for Department of Parks and Recreation Americans with Disabilities Act and other projects.

Reference: Comm. 917
Intr. by: Ms. David (B/R)
First Reading: May 9, 2018

REPORTS

FC-115 (Comm. 905): NOMINATION OF DAVID WISEMAN TO THE BOARD OF ETHICS

Requires Council Confirmation by: June 2, 2018 (Section 13-4(l), Hawai‘i County Charter)

PC-60 (Comm. 907): NOMINATION OF FRANCES BREWER TO THE PUNA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

Requires Council Confirmation by: June 3, 2018 (Section 13-4(l), Hawai‘i County Charter)

PSMTC-11 (Comm. 904): NOMINATION OF JAMES WILLIAM WEATHERFORD TO THE TRANSPORTATION COMMISSION

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.)

**Comm. 895.1:** RESOLUTION NO. 593-18 – REQUEST FOR RECONSIDERATION
From Council Member Susan L. K. Lee Loy, dated May 10, 2018, requesting that Resolution No. 593-18 be reconsidered pursuant to Council Rule No. 15.

; and

**Res. 593-18:** 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 WAIĀKEA HIGH SCHOOL FOUNDATION TO ASSIST WITH EXPENSES RELATING TO WAIĀKEA HIGH SCHOOL’S ATHLETIC PROGRAMS
Transfers $2,400 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 895
Intr. by: Ms. Lee Loy
Adopted: May 9, 2018

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 May 17, 2018. 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;
- 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.

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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](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).

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