COUNTY COUNCIL

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

32nd Session

ORDER OF BUSINESS

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

February 21, 2018
9:00 a.m.

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

INVOCATION
Pastor Makana Delovio of New Hope Legacy

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
January 4, 2018
January 24, 2018

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 488-18: SUPPORTS SENATE BILL NO. 3088 EXTENDING THE PERIOD WITHIN WHICH A COUNTY MAY ADOPT A SURCHARGE ON STATE TAX UNDER CERTAIN CONDITIONS, FROM MARCH 31, 2018, TO SEPTEMBER 30, 2018
The proposed extension would provide counties who have not already established a surcharge on state tax additional time to receive public input, conduct the required public hearing, and determine whether or not to establish such a surcharge set forth in Act 001.

Reference: Comm. 728
Intr. by: Ms. David
Negative: FC-77 (Due to a vote of 4-ayes, 5-noes)

Res. 491-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO KOHANAIKI ‘OHANA FOR THE CULTURAL EDUCATION CENTER AT KOHANAIKI BEACH PARK
Transfers $4,645 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 732
Intr. by: Ms. Eoff
Res. 492-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE DEPARTMENT OF PARKS AND RECREATION TO PURCHASE A 15” LAPTOP AND PRINTER FOR YANO HALL

Transfers $1,536 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Department of Parks and Recreation, Recreation Division Equipment account.

Reference: Comm. 733
Intr. by: Ms. David

Res. 493-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE DEPARTMENT OF PARKS AND RECREATION TO PURCHASE A 15” LAPTOP AND PRINTER FOR ROBERT N. HERKES GYMNASIUM

Transfers $1,536 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Department of Parks and Recreation, Recreation Division Equipment account.

Reference: Comm. 734
Intr. by: Ms. David

Res. 494-18: 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 $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 735
Intr. by: Mr. Richards
Res. 496-18: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $250 TO THE DEPARTMENT OF PARKS AND RECREATION
Donated by W. H. Shipman LTD, this donation would be used for the department’s Vulcan Baseball Clinic.

Reference: Comm. 740
Intr. by: Ms. David (B/R)
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)

Bill 96: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 5 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO PARKING ON PAVEMENT PROHIBITED AT ALL TIMES
Amends Section 24-279, Schedule 27 (Parking on pavement prohibited at all times), Subsection (c), South Hilo, by adding a portion of the North Hāmākua side and all of the South Hilo side of Government Road (Onomea).

Reference: Comm. 703
Intr. by: Ms. Ruggles (B/R)
Approve: PWPRC-35

Names the building located adjacent to the Aunty Sally Kaleohano’s Lū‘au Hale at the Ho‘olulu Complex the “Aunty Dottie Thompson Hale” in honor of the late Dorothy Thompson.

Reference: Comm. 704
Intr. by: Ms. Lee Loy
Approve: PWPRC-36

Reference: Comm. 718
Intr. by: Ms. Poindexter
Approve: PWPRC-37

Bill 100: DESIGNATES TAX MAP KEY: 1-5-002:020 AS “PĀHOA DISTRICT PARK” PURSUANT TO CHAPTER 15, ARTICLE 8, SECTION 15-67 OF THE HAWAI’I COUNTY CODE 1983 (2016 EDITION, AS AMENDED); AMENDS SECTION 15-68.1 TO ADD IT TO THE PARKS AND RECREATIONAL FACILITY SCHEDULE; AND AMENDS ARTICLE 9, SECTION 15-72 TO ADD IT TO THE FARMERS MARKET FACILITY SCHEDULE

Officially designates the Pāhoa District Park and adds it to the Farmers Market Facility Schedule to enhance sustainable agriculture objectives, encourage farm-to-table opportunities, and provide greater use of County parks and facilities by the public.

Reference: Comm. 719
Intr. by: Ms. Ruggles
Approve: PWPRC-38

Bill 101: 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 West Hawai‘i Office of the Prosecuting Attorney project for $8.5 million to the Capital Budget. Funds for this project shall be provided from the General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources.

Reference: Comm. 721
Intr. by: Ms. David (B/R)
Approve: FC-78
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
Bill 102
(Draft 2):
AMENDS CHAPTER 2 OF THE HAWAI‘I COUNTY CODE 1983
(2016 EDITION, AS AMENDED) BY ADDING A NEW ARTICLE RELATING TO TRANSPORTATION SURCHARGE
Establishes a one-half percent general excise and use tax surcharge to fund operating or capital costs of public transportation systems within Hawai‘i County, to be levied beginning January 1, 2019.

Reference: Comm. 722.5
Intr. by: Ms. David (B/R)
Negative: FC-79 (Due to a vote of 3-ayes, 6-noes)

Bill 107:
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 – Hawai‘i Criminal Justice Data Center – Case Management System account ($34,000); and appropriates the same to the Hawai‘i Criminal Justice Data Center – Case Management System account. Funds would be used to reimburse the Office of the Prosecuting Attorney for funds paid to a vendor to create an interface between the department’s new case management system and the court system.

Reference: Comm. 738
Intr. by: Ms. David (B/R)
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 91
(Draft 2):
AMENDS CHAPTER 26, OF THE HAWAI‘I COUNTY CODE 1983
(2016 EDITION, AS AMENDED), RELATING TO THE FIRE BOARD OF APPEALS
Reestablishes the Fire Board of Appeals pursuant to Hawai‘i Revised Statutes, Subsection 132-6(f), by adding a new Article 3, Fire Board of Appeals.

Reference: Comm. 684.2
Intr. by: Ms. Poindexter (B/R)
First Reading: February 7, 2018
Bill 92:  
AMENDS THE STATE LAND USE BOUNDARIES MAPS FOR THE COUNTY OF HAWAI‘I BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AT WAIĀKEA, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY: 2-4-001:184  
(Applicant: Hawai‘i Island Community Development Corporation)  
(Area: 6,569 acres)  
The Windward Planning Commission forwards its favorable recommendation for this amendment to the State Land Use Boundaries Maps, which would allow the applicant to develop 92 units of affordable senior housing.  
Reference:  Comm. 689  
Intr. by:  Ms. Eoff (B/R)  
First Reading:  February 7, 2018

Bill 93:  
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 Real Property Tax Sale Cost & Expenditure account ($525,000); and appropriates the same to the Real Property Tax Sale Cost & Expenditure account for a total appropriation of $1,070,000. Fund appropriation accommodates an increased amount of parcels anticipated for Real Property Tax Foreclosure Tax Sale in Fiscal Year 2017-2018.  
Reference:  Comm. 696  
Intr. by:  Ms. David (B/R)  
First Reading:  February 7, 2018

Bill 103:  
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 – Hawai‘i Criminal Justice Center-Overdue Dispositions account ($3,000); and appropriates the same to the Hawai‘i Criminal Justice Center-Overdue Dispositions account. Funds would be used by the Office of the Prosecuting Attorney to compensate for overtime incurred by staff to research charges identified by the Hawai‘i Criminal Justice Data Center with overdue dispositions.  
Reference:  Comm. 727  
Intr. by:  Ms. David (B/R)  
First Reading:  February 7, 2018
REPORTS

**PC-49** (Comm. 723): NOMINATION OF GILBERT JUAN AGUINALDO TO THE WINDWARD PLANNING COMMISSION

Requires Council Confirmation by: March 4, 2018 (Section 13-4(l), Hawaiʻi County Charter)

**PSMTC-4** (Comm. 724): NOMINATION OF DAWN KIYOKO KAINOA RAYMOND TO THE LIQUOR COMMISSION

Requires Council Confirmation by: March 4, 2018 (Section 13-4(l), Hawaiʻi County Charter)

REFERRALS FOR EXECUTIVE SESSION

A 2/3 vote pursuant to Hawaiʻi 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 **February 16, 2018**. Relay users please call 711(961-8255) to contact our office.

Notice is hereby given that pursuant to Hawaiʻi Revised Statutes (hereinafter “HRS”) §92-3.5, the Hawaiʻi 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**
- **Waimea Council Office, Parker Square, 65-1279 Kawaihae Road, Suite 109.**

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](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](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).