ORDER OF BUSINESS

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

April 10, 2019

9:00 a.m.

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

INVOCATION
Kahu Brian Welsh of Halei‘u 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

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 20-19: AUTHORIZES THE EMPLOYMENT OF A PRIVATE ATTORNEY TO REPRESENT THE COUNTY OF HAWAI‘I IN LITIGATION AGAINST OPIOID MANUFACTURERS WHO MAY BE LIABLE TO THE COUNTY OF HAWAI‘I FOR THE OPIOID EPIDEMIC

The Office of the Corporation Counsel requests the Council’s approval to hire Napoli Shkolnik PLLC and its local counsel, the HI Accident Law Center, with any and all compensation to be provided from potential settlement or award amounts.

Reference: Comm. 12
Intr. by: Ms. David (B/R)
Approve: FC-15
Postponed: March 13 and 28, 2019
Note: Requires 2/3 vote of the entire membership, pursuant to Section 6-5.5, Hawai‘i County Charter

(Note: There is a motion by Ms. David, seconded by Ms. Kierkiewicz, to approve Res. 20-19.)
Res. 93-19: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I, BY ITS DIRECTOR OF TRANSPORTATION, FOR THE COOPERATION AND PROVISION OF ASSISTANCE FOR VARIOUS ROAD AND/OR ROAD RELATED PROJECTS ON OR FOR STATE OR COUNTY HIGHWAYS, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7

The agreement would provide for sharing of services, equipment, and materials, and the potential for the sharing of certain costs, reimbursements, and other forms of remuneration, subject to a limitation of $2 million in total value of assistance provided by either party for a particular project.

Reference: Comm. 160
Intr. by: Ms. Lee Loy
Approve: PWMTC-5

Res. 100-19: 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 MASS TRANSIT

Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $200.

Reference: Comm. 167
Intr. by: Ms. David (B/R)
Approve: FC-22

Res. 104-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE HŌLUALOA FOUNDATION FOR ARTS AND CULTURE TO SUPPORT ITS EXHIBITION PROGRAM

Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Department of Research and Development, Hawai‘i County Resource Center account.

Reference: Comm. 182
Intr. by: Ms. Villegas
Res. 105-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO KEALAKEHE HIGH SCHOOL GRAD FOR EXPENSES RELATING TO ITS 2019 KEALAKEHE PROJECT GRAD EVENT
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 183
Intr. by: Ms. Villegas

Res. 106-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE AMERICAN NATIONAL RED CROSS FOR ITS HOME FIRE CAMPAIGN
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Hawai‘i Fire Department, Fire Prevention Other Current Expenses account.

Reference: Comm. 184
Intr. by: Mr. Kanealiʻi-Kleinfelder

Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 185
Intr. by: Ms. Villegas
Res. 108-19:
TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE HILO-HĀMĀKUA COMMUNITY DEVELOPMENT CORPORATION FOR THE 2019 HONOKA‘A WESTERN WEEK FESTIVAL
Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 186
Intr. by: Ms. Poindexter

Res. 109-19:
TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE HĀMĀKUA YOUTH FOUNDATION, INC., FOR THE HONOKA‘A HIGH SCHOOL 130 YEARS CELEBRATION
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 187
Intr. by: Ms. Poindexter

Res. 110-19:
TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE PĀHOA SCHOOLS SUPPORT FOUNDATION FOR REIMBURSEMENT OF EXPENSES INCURRED AT ITS SECOND ANNUAL PĀHOA COMPLEX SCHOOLS HEALTH AND WELLNESS FAIR
Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 188
Intr. by: Ms. Kierkiewicz
Res. 111-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO BASIC IMAGE, INC., FOR REIMBURSEMENT OF EXPENSES ASSOCIATED WITH THE “UNKO BOOGIE’S” POHO‘IKI BAY SURFING CLASSIC
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 189
Intr. by: Ms. Kierkiewicz

Res. 112-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE PĀHOA SCHOOLS SUPPORT FOUNDATION TO ASSIST WITH PĀHOA ELEMENTARY SCHOOL’S FIELD TRIPS
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. 190
Intr. by: Ms. Kierkiewicz

Res. 113-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO SELF DISCOVERY THROUGH ART FOR ITS “RECOVERY, RESILIENCE, RECREATION MODEL OF WELLNESS” PROGRAM
Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 191
Intr. by: Ms. Kierkiewicz
Res. 114-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE AMERICAN NATIONAL RED CROSS TO ASSIST WITH EXPENSES RELATED TO THE HOME FIRE CAMPAIGN
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Hawai‘i Fire Department, Fire Prevention Other Current Expenses account.

Reference: Comm. 192
Intr. by: Ms. Lee Loy

Res. 116-19: AUTHORIZES THE ACCEPTANCE OF A DONATION OF A YAMAHA GOLF CART TO THE DEPARTMENT OF PARKS AND RECREATION
Donated by Marylou Greisser with a value of $3,000, for use at Kamehameha Park.

Reference: Comm. 202
Intr. by: Ms. David (B/R)
Waived: FC

Federally-derived funds in the amount of $175,000 would be used to purchase upgraded drug analysis instruments with accessories and training.

Reference: Comm. 206
Intr. by: Ms. David (B/R)
Waived: FC
Res. 118-19: Authorizes the Office of the Mayor to enter into an agreement with the State of Hawai‘i Department of Agriculture, pursuant to Hawai‘i Revised Statutes section 46-7, for a grant to the Hawai‘i County Research and Development Department. Funds in the amount of $60,000 would be used to subsidize the cost of pesticides used to combat the coffee berry borer.

Reference: Comm. 207
Intr. by: Ms. David (B/R)
Waived: FC

Res. 119-19: Authorizes the Office of the Mayor to enter into a multi-year agreement with the United States Department of Transportation. The two-year agreement would allow for continued Essential Air Service at the Waimea-Kohala Airport.

Reference: Comm. 208
Intr. by: Ms. David (B/R)
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)

Bill 32: Amends section 25-8-3 (North Kona Zone Map) Article 8, Chapter 25 (Zoning) of the Hawai‘i County Code 1983 (2016 Edition, as amended), by changing the district classification from Agricultural - Five Acres (A-5a) to Family Agricultural - One Acre (FA-1a) at ʻOʻoma, 1st, North Kona, Hawai‘i, covered by Tax Map Key: 7-3-005:112 (Applicant: Martin M. Ohan Trust) (Area: 5.966 acres)

The Leeward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to apply to subdivide the property into five parcels. The applicant intends to extend Lalei Place through the subject property and connect to Hane Street, and also intends to keep one or two lots for family purposes and sell the remaining lots.

Reference: Comm. 120
Intr. by: Ms. Kierkiewicz (B/R)
Approve: PC-16
Bill 52:

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 Kealakehe Scrap Metal Yard Remediation – State Revolving Fund project for $4 million to the Capital Budget. Funds for this project shall be provided from State Revolving Funds (SRF). Funds would be used to complete removal of debris to meet Department of Health requirements.

Reference: Comm. 203
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 53:

AMENDS ORDINANCE NO. 16-29, WHICH AUTHORIZED THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR SOLID WASTE PUBLIC IMPROVEMENT PROJECTS; AND AUTHORIZES THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF HAWAI‘I FOR THE PURPOSE OF FINANCING QUALIFIED SOLID WASTE PUBLIC IMPROVEMENTS OF THE COUNTY OF HAWAI‘I

Increases the original bond issuance from $6 million to $10 million for the Kealakehe Scrap Metal Yard Remediation project.

Reference: Comm. 204
Intr. by: Ms. David (B/R)
Waived: FC
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 47-5, Hawai‘i Revised Statutes
Bill 54:  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 Public Works Piʻihonua Levee project to the Capital Budget: United States Department of Agriculture Natural Resources Conservation Service – Federal ($3,075,000) and County ($1,025,000), for a total appropriation of $4.1 million. Funds for this project shall be provided from Federal Grants Receivable ($3,075,000) and General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources ($1,025,000). Funds would be used to repair damages to the Piʻihonua Levee caused by Hurricane Lane.

Reference:  Comm. 205
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), Hawaiʻi County Charter


Appropriates revenues in the Federal Grants – Priority Drug Analyses Productivity Project account ($175,000); and appropriates the same to the Priority Drug Analyses Productivity Project account. Funds would be used to purchase upgraded drug analysis instruments with accessories and training.

Reference:  Comm. 206
Intr. by:  Ms. David (B/R)
Waived:  FC


Appropriates revenues in the State Grants – Coffee Berry Borer Pesticide Subsidy Program account ($60,000); and appropriates the same to the Coffee Berry Borer Pesticide Subsidy Program account. Funds would be used to subsidize the cost of pesticides used to combat the coffee berry borer.

Reference:  Comm. 207
Intr. by:  Ms. David (B/R)
Waived:  FC
ORDER OF THE DAY (SECOND OR FINAL READING)

**Bill 23: (Draft 2)**

AMENDS: (1) ORDINANCE NO. 09-049, WHICH AMENDED ORDINANCE NO. 95-118, WHICH AMENDED ORDINANCE NO. 92-036, WHICH RECLASSIFIED LANDS FROM UNPLANNED (U) AND DOUBLE-FAMILY RESIDENTIAL – 3,750 SQUARE FEET (RD-3.75) TO MULTIPLE FAMILY RESIDENTIAL – 2,500 SQUARE FEET (RM-2.5) AND VILLAGE COMMERCIAL 7,500 SQUARE FEET (CV-7.5), RESPECTIVELY, AT HIEANALOLI 4TH AND 5TH, NORTH KONA, HAWAI'I, TAX MAP KEY: 7-5-010: PORTION OF 013 (FORMERLY 7-5-023:063); AND (2) ORDINANCE NO. 09-050, WHICH AMENDED ORDINANCE NO. 06-138, WHICH AMENDED ORDINANCE NO. 90-010, WHICH AMENDED ORDINANCE NO. 86-049, WHICH RECLASSIFIED LANDS FROM MULTIPLE FAMILY RESIDENTIAL – 2,000 SQUARE FEET (RM-2) TO VILLAGE COMMERCIAL – 7,500 SQUARE FEET (CV-7.5) AT HIEANALOLI 5TH AND 6TH, NORTH KONA, HAWAI'I, TAX MAP KEY: 7-5-010: PORTION OF 013 (FORMERLY 7-5-023:064 AND 067)

(Applicant: T & M Properties, LLC (formerly Samson, LLC) (Area: approx. 6,467 Acres)

The Leeward Planning Commission forwards its favorable recommendation to this amendment to change of zone Ordinances 09-49 and 09-50, to consolidate these ordinances with one ordinance with a single set of conditions of approval. The applicant is requesting a five-year time extension to Condition C (Complete Construction), and to amend Conditions D (Dedicate Road Widening Strip), and N (Fair Share Contribution). This amendment would allow the applicant to develop a 104-unit senior independent living community. The property is located along the north and east side of Hualālai Road, northwest of the Aloha Kona Subdivision.

Reference: Comm. 92.3
Intr. by: Ms. Kierkiewicz (B/R)
Postponed: March 13, 2019
First Reading: March 28, 2019
Bill 33: AMENDS ORDINANCE NO. 06-107, WHICH RECLASSIFIED LANDS FROM SINGLE FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO NEIGHBORHOOD COMMERCIAL – 20,000 SQUARE FEET (CN-20) AT WAIĀKEA, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY: 2-2-034:012
(Applicant: Makalika 521, LLC) (Area: 20,000 Square Feet)
The Windward Planning Commission forwards its favorable recommendation for this amendment, which would allow five-year time extensions to Condition B (Time to Complete Conversion), Condition D (Future Road Widening), and Condition E (Off-site Infrastructure Improvements). The extension would allow the applicant to construct a new commercial structure intended for office and small retail types of uses. The property is located at 680 Manono Street, along the west side of Manono Street, midway between Kekūanaō‘a Street and Hualani Street.

Reference: Comm. 134
Intr. by: Ms. Kierkiewicz (B/R)
First Reading: March 28, 2019

Appropriates revenues in the State Grants – Lava Disaster Assistance – State account ($20,000,000); and appropriates the same to the Lava Disaster Assistance – State account. Funds would be used to provide relief, recovery, mitigation, and remediation assistance for damage, losses, and suffering caused by the 2018 Kīlauea eruption.

Reference: Comm. 153
Intr. by: Ms. Kierkiewicz
First Reading: March 13, 2019
Postponed: March 28, 2019

(Note: There is a motion by Ms. Kierkiewicz, seconded by Mr. Richards, to approve Bill 36.)
Bill 37: 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 General Government, Island-wide 2018 Lava Flow Project Assistance – State Loan project for $40 million to the Capital Budget. Funds for this project shall be provided from State Loan Receivable. Funds would be used to provide relief, recovery, mitigation, and remediation assistance for damage, losses, and suffering caused by the 2018 Kīlauea eruption.

Reference: Comm. 154
Intr. by: Ms. Kierkiewicz
First Reading: March 13, 2019
Postponed: March 28, 2019
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

(Note: There is a motion by Ms. Kierkiewicz, seconded by Mr. Richards, to approve Bill 37.)

Bill 38: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SPEED LIMITS

(Draft 2)

Amends Section 24-257, Schedule 5 (35 mile per hour limit), Subsection (c), South Hilo, by revising an existing listing for a portion of Kūkūau Street.

Reference: Comm. 156.2
Intr. by: Ms. Lee Loy (B/R)
First Reading: March 28, 2019

Bill 39: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO SPEED LIMITS

Amends Section 24-256, Schedule 4 (30 mile per hour limit), Subsection (c), South Hilo, by adding a new listing for a portion of Kūkūau Street.

Reference: Comm. 157
Intr. by: Ms. Lee Loy (B/R)
First Reading: March 28, 2019
Bill 40: DESIGNATES TAX MAP KEY: 6-8-041:008 AS THE “KAMAKOA NUI 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 THE “KAMAKOA NUI PARK” TO THE PARKS AND RECREATIONAL FACILITY SCHEDULE; AND AMENDS CHAPTER 14, ARTICLE 1, SECTION 14-1, RELATING TO PROHIBITING THE POSSESSION OR CONSUMPTION OF INTOXICATING LIQUORS AT ALL TIMES

Reference: Comm. 158
Intr. by: Mr. Richards
First Reading: March 28, 2019


Appropriates revenues in the Short Term Vacation Rental Registration Fees account ($800,000); and appropriates the same to the Short Term Vacation Rental Enforcement account. Funds would be used to hire temporary workers and purchase software to implement the provisions of Ordinance 18-114.

Reference: Comm. 168
Intr. by: Ms. David (B/R)
First Reading: March 28, 2019

Bill 42: 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 Office of Management Village 9 Homeless and Affordable Rental Project by $20,000, for a total appropriation of $204,000. Funds shall be provided from State Grants Receivable and would be used to develop master plans for a Homeless Facility and an Affordable Rental Project.

Reference: Comm. 169
Intr. by: Ms. David (B/R)
First Reading: March 28, 2019
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
Bill 43:
AMENDS ORDINANCE NO. 17-48, WHICH AUTHORIZED THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR SOLID WASTE IMPROVEMENT PROJECTS AND AUTHORIZED THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF FINANCING THE SOUTH HILO SANITARY LANDFILL FINAL CLOSURE PROJECT
Increases the original bond issuance from $20 million to $24 million.

Reference: Comm. 170
Intr. by: Ms. David (B/R)
First Reading: March 28, 2019
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 47-5, Hawai‘i Revised Statutes

Bill 44:
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 South Hilo Sanitary Landfill Closure – State Revolving Fund project by $3 million, for a total appropriation of $23 million. Funds for this project shall be provided from State Revolving Funds and would be used for construction management and contingencies.

Reference: Comm. 171
Intr. by: Ms. David (B/R)
First Reading: March 28, 2019
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

Bill 45:
 Appropriates revenues in the Hawai‘i Island Bikeshare System - Federal account ($120,000); and appropriates the same to the Hawai‘i Island Bikeshare System – Federal account. Funds would be used to purchase bikeshare stations and bicycles for the Hawai‘i Island Bikeshare System in Kailua-Kona.

Reference: Comm. 172
Intr. by: Ms. David (B/R)
First Reading: March 28, 2019
Bill 46: 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 Public Works Highway 132 Road Restoration project to the Capital Budget: Federal Highway Administration ($40 million) and County ($10 million), for a total appropriation of $50 million. Funds for this project shall be provided from Federal Grants Receivable ($40 million) and General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources ($10 million). Funds would be used to restore 3.2 miles of road which is inundated by lava, in order to provide property owner access and connectivity to Highway 137.

Reference: Comm. 180
Intr. by: Ms. Kierkiewicz
First Reading: March 28, 2019
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

REPORTS

PC-14 (Comm. 174): NOMINATION OF DEAN AU TO THE WINDWARD PLANNING COMMISSION

Requires Council Confirmation by: April 21, 2019 (Section 13-4(l), Hawai‘i County Charter)

PC-15 (Comm. 175): NOMINATION OF JULIE HUGO TO THE WATER BOARD

Requires Council Confirmation by: April 21, 2019 (Section 13-4(l), Hawai‘i County Charter)

PSC-8 (Comm. 176): NOMINATION OF JOHN BERTSCH TO THE POLICE COMMISSION

Requires Council Confirmation by: April 21, 2019 (Section 13-4(l), Hawai‘i County Charter)
REFERRALS FOR EXECUTIVE SESSION

Comm. 159: CLAIM AGAINST THE COUNTY OF HAWAI‘I/LEILEHUA OSORIO
From Deputy Corporation Counsel D. Kaena Horowitz, dated March 7, 2019, requesting an attorney-client confidential discussion to consult with the Council on a claim submitted by The Law Offices of Brian De Lima, on behalf of its client, Leilehua Osorio.

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 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 April 8, 2019. If a response is received after April 8, 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.

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 Keohokålole Highway, Building A; and

Public attendance via courtesy site is also available at the following locations until public testimony has been completed:
• Nā‘älehu State Office Building, 95-5669 Mämalahoa 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).