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 Keohokālole Highway, Building A
Kailua-Kona, Hawai‘i

June 16, 2015
9:00 a.m.

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

INVOCATION
Pastor Jason Meechan of Thy Word Ministries

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE
PETITIONS, MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS (9:00 A.M.)

(NOTE: COUNCIL MAY TAKE A LUNCH BREAK CLOSE TO THE NOON HOUR.)

APPROVAL OF MINUTES

COMMUNICATIONS

Comm. 332: NOMINATION OF KARI KIMURA TO THE KONA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

; and

NOMINATION OF CHARLES YOUNG TO THE KONA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

; and

NOMINATION OF SHANE PALACAT-NELSON TO THE KONA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE
From Mayor William P. Kenoi, dated May 22, 2015, submitting for the Council’s review and confirmation the above nominations.

; and

Comm. 332.1: From Planning Committee Chairperson Greggor Ilagan, dated June 4, 2015, requesting that this matter be waived to the full Council for immediate action.

Comm. 333: NOMINATION OF JONATHAN P. BARTSCH TO THE GAME MANAGEMENT ADVISORY COMMISSION
From Mayor William P. Kenoi, dated May 26, 2015, submitting for the Council’s review and confirmation the above nomination.

; and

Comm. 333.1: From Agriculture, Water and Energy Sustainability Committee Chairperson Margaret Wille, dated June 4, 2015, requesting that this matter be waived to the full Council for immediate action.
Comm. 335: REQUESTS THE ACCEPTANCE OF A DONATION OF VARIOUS SPORTS EQUIPMENT AND SUPPLIES, WITH A VALUE OF $100
From Finance Director Deanna S. Sako, dated May 27, 2015. Donated by Skyline EcoAdventures, to be used at the Honomu Gym to assist with recreation activities.
Waived: FC

Comm. 336: REQUEST BY COUNCIL MEMBER DANIEL K. PALEKA, JR., TO PROVIDE A REPORT OF HIS ATTENDANCE AT THE 2015 WESTERN INTERSTATE REGION CONFERENCE, PURSUANT TO HAWAIʻI REVISED STATUTES SECTION 92-2.5(e)
From Council Member Daniel K. Paleka, Jr., dated May 27, 2015.

; and

Comm. 336.1: From Governmental Relations and Economic Development Committee Chairperson Dennis “Fresh” Onishi, dated June 4, 2015, requesting that this matter be waived to the full Council for immediate action.

ORDER OF RESOLUTIONS

Res. 185-15: REQUESTS THE HAWAIʻI STATE LEGISLATURE TO DESIGNATE JULY 31 AS “LĀ HOʻIHOʻI EA,” WHICH TRANSLATES TO RESTORATION DAY
Designates July 31 of each year to be known as “Lā Hoʻihoʻi Ea,” in recognition of the day independence was restored to the Kingdom of Hawaiʻi on July 31, 1843. This day shall not be construed to be a state holiday.
Reference: Comm. 292
Intr. by: Mr. Paleka
Approve: GREDC-1

Res. 202-15: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF HAWAIʻI, HAWAIʻI COMMUNITY COLLEGE (HCC)
Agreement with the Hawaiʻi Fire Department would facilitate the process of awarding college credit towards HCC’s Fire Science Program.
Reference: Comm. 334
Intr. by: Ms. Eoff
Waived: FC

; and

(Comm. 334.1 continues on the next page.)
Comm. 334.1: From Finance Committee Chairperson Karen Eoff, dated June 4, 2015, requesting that this matter be waived to the full Council for immediate action.

Res. 203-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO THE HILO-HĀMĀKUA COMMUNITY DEVELOPMENT CORPORATION FOR THE 2015 LAUPĀHOEOHE HEALTH AND SAFETY FAIR
Transfers/appropriates $3,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits the same to the Department of Parks and Recreation, Parks and Recreation Administration Other Current Expenses, Miscellaneous Contract Services account (Hilo-Hāmākua Community Development Corporation).

Reference: Comm. 337
Intr. by: Ms. Poindexter

Res. 204-15: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAIʻI EMPLOYEES’ RETIREMENT SYSTEM (ERS)
Agreement would allow the County to obtain information provided by the ERS actuary needed for the County’s 2015 financial statement.

Reference: Comm. 338
Intr. by: Ms. Eoff
Waived: FC

Res. 205-15: APPROVES THE HAWAIʻI STATE ASSOCIATION OF COUNTIES SLATE OF OFFICERS FOR THE NATIONAL ASSOCIATION OF COUNTIES (NACo) AND WESTERN INTERSTATE REGION (WIR) BOARD OF DIRECTORS FOR FISCAL YEAR 2015-2016
Requests the Council’s approval of the following slate of officers for the NACo and WIR Board of Directors: KipuKai Kualiʻi, Kauaʻi County Council (NACo); J. Ikaika Anderson, Honolulu City Council (NACo); Mike White, Maui County Council (WIR); and Danny Paleka, Hawaiʻi County Council (WIR).

Reference: Comm. 341
Intr. by: Mr. Onishi
Waived: GREDC
BILL FOR ORDINANCES (FIRST READING)

Bill 47
(Draft 2):
AMENDS CHAPTER 14, ARTICLE 11, OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO NEIGHBORHOOD WATCH SIGNS
Revises the process to request, purchase, construct, and install neighborhood watch signs at approved locations.

Reference: Comm. 283.4
Intr. by: Mr. Ilagan
Approve: PSMTC-4

Bill 52:
AMENDS THE STATE LAND USE BOUNDARIES MAPS FOR THE COUNTY OF HAWAI'I BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL DISTRICT TO THE RURAL DISTRICT AT WAIMEA LANDMARK ESTATES UNIT 1, OULI, WAIMEA, SOUTH KOHALA, HAWAI'I, COVERED BY TAX MAP KEY: 6-2-005:008 (Applicant: Waiemi LLC) (Area: Approx. 3 acres)

Reference: Comm. 308
Intr. by: Mr. Ilagan (B/R)
Approve: PC-21

; and

Bill 53:
AMENDS SECTION 25-8-7 (NORTH AND SOUTH KOHALA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – THREE ACRES (A-3a) TO RESIDENTIAL AND AGRICULTURAL – ONE AND ONE-HALF ACRE (RA-1.5a) AT WAIMEA LANDMARK ESTATES UNIT 1, OULI, WAIMEA, SOUTH KOHALA, HAWAI'I, COVERED BY TAX MAP KEY: 6-2-005:008 (Applicant: Waiemi LLC) (Area: Approx. 3 acres)
The Leeward Planning Commission forwards its favorable recommendation for the amendments to the State Land Use Boundaries Maps and change of zone, which would allow the applicant to construct a single-family dwelling on the newly created lot to be used as a rental by the applicant’s family or non-family tenants.

Reference: Comm. 308
Intr. by: Mr. Ilagan (B/R)
Approve: PC-22
ORDER OF THE DAY (SECOND OR FINAL READING)


Increases revenues in the Federal Grants – Housing Choice Voucher Program account ($500,000); and appropriates the same to the Voucher Rental Subsidies account. Funds would be used towards rental assistance for eligible program participants.

Reference: Comm. 317
Intr. by: Ms. Eoff
First Reading: June 3, 2015


Appropriates revenues in the Private – Miscellaneous Private Contributions account ($17,586.55); and appropriates the same to the Miscellaneous Private Contributions account. Funds donated by Sister City Yurihama Prefecture (Japan) would be used for the benefit of the residents of Lower Puna who were affected by the June 27th lava flow.

Reference: Comm. 318
Intr. by: Ms. Eoff
First Reading: June 3, 2015


Increases revenues in the Federal Grants – Workforce Innovation and Opportunity Act (WIOA) account ($1,521,232); and appropriates the same to the following accounts: WIOA – Administration Planning 2015-16 ($152,121); WIOA – Adult Program 2015-16 ($495,316); WIOA – Dislocated Worker Program 2015-16 ($405,276); and WIOA – Youth Program 2015-16 ($468,519). Funds would be used to assist adults, dislocated workers, and youth to increase their employment retention, earnings, skills, and literacy.

Reference: Comm. 319
Intr. by: Ms. Eoff
First Reading: June 3, 2015
Bill 57:
AMENDS CHAPTER 2, ARTICLE 39, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO THE FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) PROGRAM
Amends the Hawai‘i County Code to reflect the provisions of the WIOA, which supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973, to take effect on July 1, 2015.
Reference: Comm. 325
Intr. by: Ms. Eoff
First Reading: June 3, 2015

Bill 58:
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 up to $99,750,000 in general obligation bonds, which includes $750,000 for the cost of issuance, for those public improvement projects authorized under Ordinance No. 14-82 (Capital Budget for Fiscal Year 2014-2015).
Reference: Comm. 328
Intr. by: Ms. Eoff
First Reading: June 3, 2015

Bill 59:
Appropriates revenues in the State Grant – Coffee Berry Borer Pesticide Subsidy Program account ($450,000); and appropriates the same to the Coffee Berry Borer Pesticide Subsidy Program account. Funds would be used to offer subsidies to farmers who purchase pesticides to combat the coffee berry borer.
Reference: Comm. 329
Intr. by: Ms. Eoff
First Reading: June 3, 2015

Increases revenues in the Transfer from General Fund account ($5,000); and appropriates the same to The Food Basket Inc., Miscellaneous Contract Services account (grant to The Food Basket, Inc. – District 8). Funds would be used towards warehouse improvements and equipment at Na Kahuā Hale O Uluwini.

Reference: Comm. 331
Intr. by: Ms. Eoff
First Reading: June 3, 2015

REPORTS

FC-27 (Comm. 309): NOMINATION OF SUSAN E. FISCHER TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION COMMISSION
From Mayor William P. Kenoi, dated May 7, 2015, submitting for the Council’s review and confirmation the above nomination.

FC-28 (Comm. 311): NOMINATION OF NYALA L. NEILL TO THE PENSION BOARD
From Mayor William P. Kenoi, dated May 7, 2015, submitting for the Council’s review and confirmation the above nomination.

PC-20 (Comm. 310): NOMINATION OF KENDALL J. WILLS TO THE NORTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE
From Mayor William P. Kenoi, dated May 7, 2015, submitting for the Council’s review and confirmation the above nomination.


REFERRALS FOR EXECUTIVE SESSION

Comm. 340: REQUEST TO AUTHORIZE THE USE OF SPECIAL COUNSEL TO ADVISE THE HAWAI‘I COUNTY BOARD OF ETHICS IN MATTER RELATING TO PETITION 2015-08
From Corporation Counsel Molly A. Stebbins, dated June 2, 2015, requesting an attorney-client confidential discussion to consult with the Council regarding the use of one or more attorneys from Maui’s Department of the Corporation Counsel to advise the Board of Ethics on the aforementioned petition, due to a potential conflict of interest within the County’s Office of the Corporation Counsel.

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.

The meeting places are accessible for persons with disabilities. Persons who need special accommodations for this meeting should call 961-8255 by June 12, 2015. 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 Member Dennis “Fresh” Onishi will be participating from the Hilo Council Chambers.)

Public attendance via videoconference will be available at the Hilo location.

Public attendance via videoconference is also available at the following location until 4:30 p.m. or later in the event public testimony has not been completed:

- Waimea Council Office, Holomua Center, 64-1067 Māmalahoa Highway, Suite 5.

Public attendance via videoconference is also available at the following locations until public testimony has been completed:

- County Facility (former Bank of Hawai‘i Building), 54-3888 Akoni Pule Highway, Kohala;
- Nā‘ālehu State Office Building, 95-5669 Māmalahoa Highway, Nā‘ālehu; and
- Pāhoa Neighborhood Facility, 15-2710 Kauhale Street.

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 Council-Clerk 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 e-mail to counciltestimony@hawaiicounty.gov. Please submit separate testimony for each item.

Submitting Video Testimony: Those submitting video testimony may e-mail a complete web address (url) to videotestimony@hawaiicounty.gov before 12:00 noon on the business day prior to the meeting. The e-mail 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).

UPCOMING MEETINGS

TUESDAY, JUNE 30, 2015

COMMITTEES TBA COUNCIL ROOM - HILO
25 Aupuni Street

WEDNESDAY, JULY 1, 2015

COUNCIL 9:00 A.M. COUNCIL ROOM - HILO
25 Aupuni Street

THURSDAY, JULY 23, 2015

COMMITTEES TBA WEST HAWAI‘I CIVIC CENTER
74-5044 Ane Keohokālole Highway
Building A

FRIDAY, JULY 24, 2015

COUNCIL 9:00 A.M. WEST HAWAI‘I CIVIC CENTER
74-5044 Ane Keohokālole Highway
Building A