COUNTY COUNCIL

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

33rd Session

ORDER OF BUSINESS

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

March 11, 2020

9:00 a.m.

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

INVOCATION

Pastor Eric Anderson of Church of the Holy Cross

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

Hawai‘i County is an Equal Opportunity Provider and Employer
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
February 5, 2020
February 19, 2020

COMMUNICATIONS

Comm. 312.8: REPORT OF ATTENDANCE OF COUNCIL MEMBERS KANEALIʻI-KLEINFELDER, RICHARDS, AND VILLEGAS AT THE MAHIʻAI A OLA – FARM TO TABLE CELEBRATION AND AWARD CEREMONY FOR THE “MAHIʻAI MATCHUP” HELD ON FEBRUARY 7, 2020, PURSUANT TO HAWAIʻI REVISED STATUTES SECTION 92-2.5(e) From Council Member Tim Richards, dated February 13, 2020.

Comm. 776: NOMINATION OF DANIEL THOMAS TO THE BOARD OF APPEALS From Mayor Harry Kim, dated February 11, 2020, submitting for the Council’s review and confirmation the above nomination.

Waived: PC
Requires Council Confirmation by: March 26, 2020 (Section 13-4(I), Hawaiʻi County Charter)

ORDER OF RESOLUTIONS

Res. 489-20: GRANTS A VARIANCE FROM CHAPTER 3, SECTION 3-6(b)(3) AND 3-11(a)(2)(A)(ii) HAWAIʻI COUNTY CODE 1983 (2016 EDITION, AS AMENDED), TO ALLOW AN ADDITIONAL GROUND SIGN, MOUNTED IN EXCESS OF MAXIMUM ABOVE GROUND LIMITATIONS ON 74-5035 QUEEN KAʻAHUMANU HIGHWAY, TAX MAP KEY: 7-4-008:055 (ZONED ML-3a) Mid Pacific Petroleum requests a sign variance for construction of a second ground sign at the subject parcel to advertise fuel prices.

Reference: Comm. 742
Intr. by: Ms. Lee Loy (B/R)
Approve: PWMTC-22
Res. 501-20: Authorizes the Mayor to enter into a three-year lease agreement with an approximate monthly cost of $360.

Reference: Comm. 756
Intr. by: Ms. David (B/R)
Approve: FC-106

Res. 502-20: Relates to the formation of an improvement district for the construction of public sewer improvements located at Kaloko and Kohanaiki, district of North Kona, Island and County of Hawai‘i, State of Hawai‘i.

Accepts and grants the petition seeking formation of an improvement district as initiated by the owner of the assessable area and directs the Director of the Department of Environmental Management to prepare and submit a report to the County Council to include applicable surveys, plans, maps, and required data.

Reference: Comm. 757
Intr. by: Ms. David (B/R)
Approve: FC-107

Res. 503-20: Authorizes the Office of the Mayor to enter into an agreement with Arizona State University and authorizes the payment of funds of a later fiscal year and of more than one fiscal year.

Authorizes Arizona State University to assist Hawai‘i County in its intervention of Public Utilities Commission dockets, including Integrated Grid Planning, Electrification of Transportation, Performance-Based Regulation, and rate case.

Reference: Comm. 761
Intr. by: Ms. David (B/R)
Waived: FC
Postponed: February 19, 2020

(Note: There is a motion by Mr. Kaneali‘i-Kleinfelder, seconded by Mr. Richards, to approve Res. 503-20.)
Res. 507-20: 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 EXPLORATION FOUNDATION TO SUPPORT THE WEST HAWAIʻI EXPLORATIONS ACADEMY’S ROBOTICS TEAM

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. 770
Intr. by: Ms. Villegas

Res. 510-20: ACCEPTS A DONATION TO THE DEPARTMENT OF PARKS AND RECREATION FROM BEYOND PESTICIDES FOR SOIL ANALYSIS AND REVIEW OF TURF MAINTENANCE PRACTICES

Services valued at approximately $7,500 would be provided at Kuawa Park and Pāhoa District Park.

Reference: Comm. 777
Intr. by: Ms. Villegas
Waived: PRC

Res. 511-20: 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 $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 778
Intr. by: Ms. Kierkiewicz
Res. 512-20: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HUI ALOHA ‘O PUNA MAKAI TO SUPPORT ITS SUMMER WORKSHOP AND YOUTH ACTIVITY SERIES
Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 779
Intr. by: Ms. Kierkiewicz

Res. 513-20: 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 “BOUNCING BACK!” PROGRAM
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 780
Intr. by: Mr. Kanealiʻi-Kleinfelder

Res. 514-20: REAPPOINTS BONNIE S. NIMS AS THE LEGISLATIVE AUDITOR OF THE COUNTY OF HAWAIʻI TO SERVE A SIX-YEAR TERM BEGINNING MAY 1, 2020

Reference: Comm. 782
Intr. by: Mr. Richards

Res. 515-20: 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 NORTH KOHALA COMMUNITY RESOURCE CENTER FOR THE 2020 KOHALA HIGH SCHOOL PROJECT GRAD NIGHT
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. 783
Intr. by: Mr. Richards
Res. 516-20: 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 $4,000 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. 784
Intr. by: Mr. Richards

Res. 517-20: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO KAHUA PA‘A MUA, INC., FOR EXPENSES RELATING TO PROJECT REACH OUT, A SUICIDE PREVENTION INITIATIVE
Transfers $5,000 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. 785
Intr. by: Mr. Richards

Res. 518-20: 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 EAST HAWAI‘I CULTURAL COUNCIL FOR REIMBURSEMENT OF EXPENSES ASSOCIATED WITH THE 2020 LIVE ALOHA FESTIVAL
Transfers $500 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 786
Intr. by: Mr. Chung
Res. 519-20: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO ‘O KA‘Ū KĀKOU FOR ITS 6TH ANNUAL PRINCE KŪHIʻO DAY HOʻOLAULEʻA
Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 787
Intr. by: Ms. David

Res. 520-20: 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 HAWAIʻI ISLAND PORTUGUESE CHAMBER OF COMMERCE CULTURAL AND EDUCATIONAL CENTER FOR ITS MALASADA SHUFFLE 5K AND FAMILY FUN FESTA RADIOTHON
Transfers $3,000 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. 788
Intr. by: Ms. David

Res. 522-20: AUTHORIZES THE ACCEPTANCE OF A DONATION OF FUNDS TO BE USED BY THE DEPARTMENT OF RESEARCH AND DEVELOPMENT TOWARDS TRAVEL AND OTHER EXPENSES TO ATTEND THE 2020 RURAL CHILD HUNGER SUMMIT
Accepts a monetary donation of approximately $1,800 from Share Our Strength.

Reference: Comm. 793
Intr. by: Ms. David (B/R)
Waived: FC
Res. 523-20: AUTHORIZES THE SUBMITTAL OF A SECOND FINANCIAL ASSISTANCE APPLICATION TO THE BUREAU OF RECLAMATION FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF THE EXPANSION OF THE KEALAKEHE RECYCLED WATER TREATMENT AND DISTRIBUTION SYSTEM, AND AUTHORIZES THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BUREAU OF RECLAMATION TO ACCEPT FUNDS FOR THE EXPANSION

Authorizes the Department of Environmental Management to apply for federal funds for the expansion of the Kealakehe Wastewater Treatment Plant R-1 Upgrade project.

Reference: Comm. 794
Intr. by: Ms. David (B/R)
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)


The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to develop a 1,920-square foot retail building with 26 parking stalls, construct three cottages on the north west corner of the property, and make related improvements on the subject parcel. The property is located along Old Volcano Road between Haunani Road and Wright Road.

Reference: Comm. 728
Intr. by: Ms. Kierkiewicz (B/R)
Approve: PC-46
Bill 138: 

AMENDS ORDINANCE NO. 19-73, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAʻI FOR THE FISCAL YEAR ENDING JUNE 30, 2020

Increases revenues in the Federal Grants – Violence Against Women account ($27,431); and appropriates the same to the Violence Against Women account, for a total appropriation of $86,431. Funds provided by the State of Hawaiʻi Department of Attorney General would be used to cover the cost of additional salaries, equipment, and travel for training for the Office of the Prosecuting Attorney.

Reference: Comm. 758
Intr. by: Ms. David (B/R)
Approve: FC-108

Bill 139: 

AMENDS ORDINANCE NO. 19-73, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAʻI FOR THE FISCAL YEAR ENDING JUNE 30, 2020

Appropriates revenues in the Operating Reserves account ($10,000); and appropriates the same to the Workers Compensation account. Funds would be used for the Office of Housing and Community Development’s Workers Compensation, Regular Salary and Wages account to pay out unbudgeted Worker’s Compensation expenditures.

Reference: Comm. 759
Intr. by: Ms. David (B/R)
Approve: FC-109

Bill 149: 

AMENDS ORDINANCE NO. 19-73, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAʻI FOR THE FISCAL YEAR ENDING JUNE 30, 2020

Increases revenues in the Federal Grants – Block Grants account ($146,713); and appropriates the same to the Hale Maluhia Shelter, Accessibility Improvements account, for a total appropriation of $2,646,713. Funds provided by the Department of Housing and Urban Development would be used for renovation and construction costs.

Reference: Comm. 795
Intr. by: Ms. David (B/R)
Waived: FC
ORDER OF THE DAY (SECOND OR FINAL READING)


Increases revenues in the Federal Grants – Housing Choice Voucher Program account ($48,101); and appropriates the same to the Voucher Rental Subsidies account, for a total appropriation of $18,577,430. Funds provided by the Department of Housing and Urban Development and Department of Veteran’s Affairs would be used for rental assistance for eligible participants.

Reference: Comm. 713
Intr. by: Ms. David (B/R)
First Reading: February 19, 2020


Moves the authority to grant variances from the Sign Code from the County Council to the Director of the Department of Public Works.

Reference: Comm. 714.2
Intr. by: Ms. Lee Loy
First Reading: February 19, 2020


Increases revenues in the Federal Grants – Hawai‘i County Police Department Roadblock Program account ($82,585); and appropriates the same to the Hawai‘i County Police Department Roadblock Program account, for a total appropriation of $282,585. Funds will be used towards driving under the influence roadblock operations.

Reference: Comm. 763
Intr. by: Ms. David (B/R)
First Reading: February 19, 2020
REPORTS

PC-45 (Comm. 755):
NOMINATION OF JUSTIN LEE TO THE BOARD OF APPEALS

Requires Council Confirmation by: March 14, 2020 (Section 13-4(l), Hawaiʻi County Charter)

REFERRALS FOR EXECUTIVE SESSION

Res. 509-20:
AUTHORIZES THE EMPLOYMENT OF SPECIAL COUNSEL TO REPRESENT THE COUNTY OF HAWAIʻI, BOARD OF ETHICS IN PETITION NO. 2020-01

Finds that a conflict of interest would exist for the Corporation Counsel to advise the Board of Ethics and provides for the retention of legal services by the County of Maui Office of the Corporation Counsel, with total costs not to exceed $1,000.

Reference: Comm. 773
Intr. by: Ms. David (B/R)
Waived: FC
Note: Requires 2/3 vote of the entire membership, pursuant to Section 6-5.5, Hawaiʻi County Charter

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 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 reconsideration 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 March 9, 2020. If a response is received after March 9, 2020, 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.

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 Hilo and Kona is lost for more than a short period of time, the meeting will be terminated. Council Members will be present at the following location:

- **Kona Council Office, West Hawai‘i Civic Center, 74-5044 Ane Keohokalole Highway, Building A.**
  (Pursuant to HRS §92-7 and Council Rule No. 2, Council Members Karen Eoff and Rebecca Villegas will be participating from the Kona Council Office.)

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

Public attendance via courtesy site 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, 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;
- 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](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).