COUNTY COUNCIL

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

52nd Session

ORDER OF BUSINESS

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

November 2, 2018

9:00 a.m.

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

INVOCATION
Pastor Eric Anderson of the Church of the Holy Cross

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

Serving the Interests of the People of Our Island
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

October 18, 2016
October 3, 2018

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 726-18: AWARDS A PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION MAINTENANCE STEWARDSHIP GRANT TO NA MAMO O KĀWĀ

Approves a grant of $62,658 to Na Mamo O Kāwā, a 501(c)(3) nonprofit organization, to protect, preserve, and restore the Kāwā properties (Tax Map Key: 9-5-016:006 & 025; and 9-5-017:005 & 007), pursuant to Section 10-16 of the Hawai‘i County Charter.

Reference: Comm. 1123
Intr. by: Ms. David
Approve: FC-149

Res. 733-18: APPROVES LEGISLATIVE PROPOSALS FOR INCLUSION IN THE 2019 HAWAI‘I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

Includes two proposals submitted by the City and County of Honolulu, five by the County of Kaua‘i, and one submitted by the Hawai‘i State Association of Counties on behalf of Hawai‘i County.

Reference: Comm. 1140
Intr. by: Mr. Kanuha
Waived: GREDC
Res. 734-18: 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 SUPPORT THE 2018 SURFERS HEALING CAMP AT RICHARDSON OCEAN PARK AND/OR OTHER BEACH PARKS IN COUNCIL DISTRICT 3
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Department of Parks and Recreation, Recreation Division Other Current Expenses account.
Reference: Comm. 1141
Intr. by: Ms. Lee Loy

Res. 735-18: 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 SUPPORT ITS RECREATIONAL PROGRAMS AND ACTIVITIES AT RICHARDSON OCEAN PARK AND/OR OTHER BEACH PARKS IN COUNCIL DISTRICT 3
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Department of Parks and Recreation, Recreation Division Other Current Expenses account.
Reference: Comm. 1142
Intr. by: Ms. Lee Loy

Res. 736-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO YWCA OF HAWAI‘I ISLAND TO REPAIR ITS FORENSIC CAMERA USED FOR ITS SEXUAL ASSAULT SUPPORT SERVICES PROGRAM
Transfers $1,334 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.
Reference: Comm. 1143
Intr. by: Mr. Kanuha
Res. 737-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO YWCA OF HAWA‘I ISLAND TO REPAIR ITS FORENSIC CAMERA USED FOR ITS SEXUAL ASSAULT SUPPORT SERVICES PROGRAM

Transfers $1,334 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. 1144
Intr. by: Ms. David

Res. 738-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO REIMBURSE THE DEPARTMENT OF PARKS AND RECREATION FOR EXPENSES RELATING TO THE HALLOWEEN FAMILY FUN NIGHT IN NORTH KOHALA

Transfers $500 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Parks and Recreation, Recreation Division Other Current Expenses account.

Reference: Comm. 1145
Intr. by: Mr. Richards

Res. 741-18: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF HAWA‘I, HAWA‘I COMMUNITY COLLEGE, PURSUANT TO HAWA‘I REVISED STATUTES SECTION 46-7, FOR A WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) GRANT

Authorizes the Mayor to enter into an agreement with the university to support the Adult and Dislocated Workers Program by providing training to increase employment, retention, earnings, skills, and literacy.

Reference: Comm. 1148
Intr. by: Ms. David (B/R)
Waived: FC
**Res. 742-18:** AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I DEPARTMENT OF THE ATTORNEY GENERAL, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, FOR A GRANT TO THE OFFICE OF THE PROSECUTING ATTORNEY

Federally-derived funds in the amount of $280,498 would be used by the Office of the Prosecuting Attorney for its Sex Assault Kit Initiative Reviews of Cold Case and Domestic Violence Incidents Project.

Reference: Comm. 1149  
Intr. by: Ms. David (B/R)  
Waived: FC

**Res. 743-18:** AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I DEPARTMENT OF DEFENSE, HAWAI‘I EMERGENCY MANAGEMENT AGENCY, AND THE COUNTY OF HAWAI‘I CIVIL DEFENSE AGENCY

Federally-derived funds in the amount of $114,750 would be used by the Civil Defense Agency to support the County’s Multi-Hazard Mitigation Plan Update.

Reference: Comm. 1150  
Intr. by: Ms. David (B/R)  
Waived: FC

**Res. 744-18:** 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 BIG ISLAND RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL TO ASSIST THE KONA SOIL AND WATER CONSERVATION DISTRICT WITH EXPENSES FOR EDUCATIONAL MATERIALS

Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Department of Research and Development, Agriculture Other Current Expenses account.

Reference: Comm. 1151  
Intr. by: Mr. Kanuha
Res. 745-18:
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 AAUW KONA EDUCATIONAL FUND TO ASSIST WITH THE 2018 GIRLS EXPLORING MATH AND SCIENCE EVENT IN WEST HAWAI‘I
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 1152
Intr. by: Mr. Kanuha

BILLS FOR ORDINANCES (FIRST READING)

Defines where short-term vacation rentals would be allowed, establishes regulations for their use, and provides a way for an owner or operator to obtain a nonconforming use certificate that would allow them to operate in a non-permitted district.

Reference: Comm. 739.349
Intr. by: Ms. Eoff and Mr. Kanuha
Approve: PC-74

Bill 200: AMENDS ORDINANCE NO. 04-110 WHICH RECLASSIFIED LANDS FROM OPEN (O) TO INDUSTRIAL-COMMERCIAL MIXED (MCX-20) AND GENERAL INDUSTRIAL (MG-1a) AT HONOKŌHUA 1ST AND 2ND, NORTH KONA, HAWAI‘I, COVERED BY TAX MAP KEY: 7-4-008:013 AND 030 (Applicant: West Hawai‘i Business Park, LLC) (Area: 196.63 acres)
The Leeward Planning Commission forwards its favorable recommendation for this amendment to Condition K (Roadway Improvements). The amendment would increase the acreage of land that may be developed, from 10 acres to 48.4 acres, before the construction of Kamanu Street is required.

Reference: Comm. 1098
Intr. by: Ms. Eoff (B/R)
Approve: PC-75
Bill 201:

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 Parks and Recreation Island Wide Tennis Facilities Installation and Improvements – Private project for $100,000 to the Capital Budget. Funds for this project shall be provided from Private Contributions, from the United States Tennis Association.

Reference: Comm. 1125
Intr. by: Ms. David (B/R)
Approve: FC-150
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

Bill 202:

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 Parks and Recreation Kealakehe Regional Park Master Plan – Fair Share project for $162,000 to the Capital Budget. Funds for this project shall be provided from Fair Share Contributions.

Reference: Comm. 1126
Intr. by: Ms. David (B/R)
Approve: FC-151
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

Bill 206:


Appropriates revenues in the Federal Grants – Sex Assault Kit Initiative (SAKI) Reviews of Cold Case and Domestic Violence Incidents Project account ($280,498); and appropriates the same to the SAKI Reviews of Cold Case and Domestic Violence Incidents Project account. Funds would be used by the Office of the Prosecuting Attorney.

Reference: Comm. 1149
Intr. by: Ms. David (B/R)
Waived: FC

Appropriates revenues in the Federal Grants – Multi-Hazard Mitigation Plan Upgrade – Federal account ($114,750); and appropriates the same to the Multi-Hazard Mitigation Plan Upgrade – Federal account. Funds would be used by the Civil Defense Agency to support the County’s Multi-Hazard Mitigation Plan Update.

Reference: Comm. 1150
Intr. by: Ms. David (B/R)
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 189: 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 TAX MAP KEYS: 2-4-001:177, 185, AND 186 (Applicant: Hawai‘i Island Community Development Corporation) (Area: approximately 9.379 acres)

The Windward Planning Commission forwards its favorable recommendation for this amendment for the Mohouli Heights Senior Neighborhood Project, which seeks to provide affordable housing and other related senior services in South Hilo. The properties are located 608 feet west of the intersection of Mohouli Street and Komohana Street.

Reference: Comm. 1064
Intr. by: Ms. Eoff (B/R)
First Reading: October 17, 2018


Increases revenues in the Federal Grants – Housing Choice Voucher Program account ($53,293); and appropriates the same to the Voucher Rental Subsidies account for a total appropriation of $18,948,293. Funds would be used for Housing Assistance Payment subsidies.

Reference: Comm. 1075
Intr. by: Ms. David (B/R)
First Reading: October 17, 2018

Increases revenues in the Federal Grants – State Homeland Security Program Fiscal Year 2018 account ($120,000); and appropriates the same to the State Homeland Security Program Fiscal Year 2018 account, for a total appropriation of $720,000. Funds would be used for retrofitting hurricane shelters and key County facilities, providing upgrades to the emergency operations center, to continue coordination and collaboration with the island’s community, and to provide Community Emergency Response Team training.

Reference: Comm. 1076
Intr. by: Ms. David (B/R)
First Reading: October 17, 2018


Increases revenues in the Federal Grants – Sexual Assault Nurse Coordinator account ($623); and appropriates the same to the Sexual Assault Nurse Coordinator account. Funds would be used to improve the County’s response and victim services involving crimes against women.

Reference: Comm. 1128
Intr. by: Ms. David (B/R)
First Reading: October 17, 2018

REPORTS

PSMTC-13 (Comm. 1129): NOMINATION OF JOAN OBRA TO THE POLICE COMMISSION

Requires Council Confirmation by: November 11, 2018 (Section 13-4(l), Hawai‘i County Charter)

REFERRALS FOR EXECUTIVE SESSION

Comm. 1134: CLAIM AGAINST THE COUNTY OF HAWAI‘I/DEBBIE N. JITCHAKU
From Deputy Corporation Counsel D. Kaena Horowitz, dated October 2, 2018, requesting an attorney-client confidential discussion to consult with the Council on a claim and complaint submitted by Attorney Robert Marx for Debbie N. Jitchaku.
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 October 31, 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 Keohokalole 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.

**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).