COUNTY COUNCIL

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

49th Session

ORDER OF BUSINESS

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

September 19, 2018

9:00 a.m.

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

INVOCATION Pastor Barney Munnalall of Lifewater 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

September 7, 2016
August 22, 2018

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 665-18: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, FOR A GRANT TO THE HAWAI‘I COUNTY POLICE DEPARTMENT

Funds in the amount of $113,387 would be used to purchase a driving simulator for the Police Department’s Emergency Vehicle Operator Course as well as remedial training of employees involved in traffic collisions.

Reference: Comm. 1038
Intr. by: Ms. David (B/R)
Approve: FC-136

Res. 667-18: 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 FRIENDS OF HOKULE‘A AND HAWAI‘ILOA FOR HŌKULE‘A’S RETURN OF NĀ PŌHAKU TO PU‘UKOHOLĀ HEIAU AT KAWAIHAE

Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 1043
Intr. by: Mr. Richards
Res. 668-18:  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 FRIENDS OF HOKULE‘A AND HAWAI‘ILOA FOR THE HŌKULE‘A’S CEREMONIAL RETURN OF NĀ PŌHAKU TO PU‘UKOHOLĀ HEIAU IN WEST HAWAI‘I
Transfers $1,000 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. 1044
Intr. by:  Ms. Eoff

Res. 669-18:  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 WEST HAWAI‘I VETERANS CEMETERY DEVELOPMENT AND EXPANSION ASSOCIATION, INC., TO PURCHASE A MEMORIAL STONE FOR THE SCATTERING GARDEN AT THE WEST HAWAI‘I VETERANS CEMETERY-PU‘U HO‘OMAHA O NA PO‘E KOA O HAWAI‘I KOMOHANA
Transfers $3,000 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. 1045
Intr. by:  Ms. Eoff

Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference:  Comm. 1046
Intr. by:  Mr. Kanuha
Res. 671-18: 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 WEST HAWAI'I VETERANS CEMETERY DEVELOPMENT AND EXPANSION ASSOCIATION, INC., TO PURCHASE A MEMORIAL STONE FOR THE SCATTERING GARDEN AT THE WEST HAWAI'I VETERANS CEMETERY-PU‘U HO‘OMAHA O NA PO‘E KOA O HAWAI‘I KOMOHANA
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 1047
Intr. by: Ms. David

Res. 672-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO KA‘Ū RURAL HEALTH COMMUNITY ASSOCIATION, INC., FOR THE 8TH ANNUAL FLOATING LANTERN CELEBRATION
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 1048
Intr. by: Ms. David

Res. 673-18: 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 WITH EXPENSES RELATED TO THE 2018 HAWAI‘I ISLAND VETERANS DAY PARADE
Transfers $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. 1049
Intr. by: Ms. David
Res. 674-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO FRIENDS OF THE FUTURE FOR THE 2018 HAWAI‘I ISLAND WOMEN’S LEADERSHIP SUMMIT

Transfers $1,000 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. 1050
Intr. by: Ms. David

Res. 675-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO FRIENDS OF THE FUTURE TO ASSIST WITH EXPENSES RELATED TO THE 2018 HAWAI‘I ISLAND WOMEN’S LEADERSHIP SUMMIT

Transfers $500 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 1051
Intr. by: Ms. Lee Loy

Res. 676-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO FRIENDS OF THE FUTURE FOR THE 2018 HAWAI‘I ISLAND WOMEN’S LEADERSHIP SUMMIT

Transfers $300 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 1052
Intr. by: Mr. Chung
Res. 677-18: 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 WITH EXPENSES RELATED TO THE 2018 HAWAI‘I ISLAND VETERANS DAY PARADE
Transfers $500 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 1053
Intr. by: Mr. Chung

Res. 678-18: 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, RECREATION DIVISION, FOR RECREATIONAL ACTIVITIES, SPECIAL EVENTS, AND MISCELLANEOUS SUPPLIES AND EXPENSES IN DISTRICT 1
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Department of Parks and Recreation, Recreation Division Other Current Expenses account.

Reference: Comm. 1054
Intr. by: Ms. Poindexter

Res. 681-18: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY (USGS)
Provides $45,472 from the Department of Public Works to the USGS to continue the cooperative flood-monitoring program on Hawai‘i Island.

Reference: Comm. 1062
Intr. by: Ms. David (B/R)
Waived: FC
**Res. 682-18:** AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAIʻI DEPARTMENT OF AGRICULTURE

Funds in the amount of $10,000 would be used by the Department of Research and Development to support a needs-assessment of the Waimea agricultural sector to be used in the development of a master plan of the Kamuela Vacuum Cooperative.

Reference: Comm. 1063
Intr. by: Ms. David (B/R)
Waived: FC

**BILLS FOR ORDINANCES (FIRST READING)**

**Bill 182:** AMENDS CHAPTER 36, ARTICLE 1, ARTICLE 4, AND ARTICLE 5, OF THE HAWAIʻI COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO MAXIMUM COUNCIL DISTRICT DEVIATION IN ANY REDISTRICTING PLAN

Amends Section 36-6 and Section 36-8 by increasing the maximum council district deviation from 4.99 percent to 5.99 percent for any proposed Council District, and repeals Section 36-9, Alternate Plan Requirements.

Reference: Comm. 1034
Intr. by: Ms. O’Hara
Approve: GREDC-9

**Bill 184:** AMENDS ORDINANCE NO. 18-68, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAIʻI FOR THE FISCAL YEAR ENDING JUNE 30, 2019

Appropriates revenues in the Federal Grants – Local Justice Assistance Grant (JAG) Program account ($113,387); and appropriates the same to the Local JAG Program account. Funds would be used by the Hawaiʻi County Police Department to purchase a driving simulator for its Emergency Vehicle Operator Course as well as remedial training of employees involved in traffic collisions.

Reference: Comm. 1038
Intr. by: Ms. David (B/R)
Approve: FC-137

Increases revenues in the State Grants – Glass Recycling Program account ($5,854); and appropriates the same to the Glass Recycling Program – State account, for a total appropriation of $117,730. Funds would be used by the Department of Environmental Management to offset a portion of the cost of glass collection and reuse.

Reference: Comm. 1040
Intr. by: Ms. David (B/R)
Approve: FC-138

Bill 187: PROVIDES FOR THE COST OF PUBLIC SEWER SYSTEM IMPROVEMENTS IN “IMPROVEMENT DISTRICT NO. 20 – LONO KONA SUBDIVISION,” DISTRICT OF NORTH KONA, COUNTY OF HAWAI‘I, FIXES THE PORTION OF THE COST TO BE ASSESSED AGAINST BENEFITED ASSESSMENT UNITS, ADOPTS FINAL ASSESSMENT ROLL, IMPOSES ASSESSMENT LIEN AGAINST EACH ASSESSMENT UNIT ASSESSED ACCORDING TO THE ASSESSMENT, PROVIDES FOR PAYMENT OF ASSESSMENTS IN INSTALLMENTS, AND AUTHORIZES FURTHER ACTIONS BY THE DIRECTOR OF FINANCE

Creates a special fund to be known as “Improvement District No. 20 – Lono Kona Subdivision,” into which the funds for the costs of the improvements and all money collected by the Director of Finance for assessments levied by this ordinance shall be placed (the total estimated cost of the authorized improvements in the Improvement District is $2,437,000).

Reference: Comm. 1061
Intr. by: Ms. David (B/R)
Waived: FC

Appropriates revenues in the State Grants – Waimea Needs Assessment account ($10,000); and appropriates the same to the Waimea Needs Assessment account. Funds would be used by the Department of Research and Development to support a needs-assessment of the Waimea agricultural sector to be used in the development of a master plan of the Kamuela Vacuum Cooperative.

Reference: Comm. 1063
Intr. by: Ms. David (B/R)
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)


Amends Section 2-83, Fair Treatment, by adding a requirement that officers and employees of the County provide accurate and factual information to the public to the best of each officer’s or employee’s abilities and knowledge.

Reference: Comm. 959.3
Intr. by: Ms. O’Hara
First Reading: September 5, 2018
Bill 169:


Establishes a General Excise Tax Surcharge revenue account and appropriates $10 million into this account as anticipated revenue, and establishes and applies these funds to two new General Excise Tax Surcharge Mass Transit expenditure accounts, as follows: Other Current Expenses ($4,412,145) and Equipment ($3,587,855). The remaining $2 million would be appropriated to the Transfer to Capital Projects Fund expenditure account to be used for bus shelters and road improvement projects, including Oneo Lane and the Ane Keohokālole extension.

Reference: Comm. 997
Intr. by: Ms. David (B/R)
First Reading: August 22, 2018
Postponed: September 5, 2018

(Note: There is a motion by Ms. David, seconded by Mr. Kanuha, to approve Bill 169.)

Bill 177:


The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicant to apply for subdivision of the property into two lots. The applicants currently reside in a home on one lot and plan to convey the other lot to their children. The property is located on Kihalani Homestead Road.

Reference: Comm. 1024
Intr. by: Ms. Eoff (B/R)
First Reading: September 5, 2018
Bill 178:

AMENDS ORDINANCE NO. 07-166, WHICH RECLASSIFIED LANDS FROM AGRICULTURAL – ONE ACRE (A-1a) TO MULTIPLE FAMILY RESIDENTIAL – 5,500 SQUARE FEET (RM-5.5) AT WAIĀKEA, SOUTH HILO, HAWAIʻI, COVERED BY TAX MAP KEY: 2-3-037:015
(Applicant: Michelle A. Mitchell (formerly Malulani, Inc.)
(Area: approximately 1.278 Acres)
The Windward Planning Commission forwards its favorable recommendation for this amendment to request an additional five-year time extension to complete construction of a medical clinic on the property. The property is located on Ponahawai Street, approximately 650 feet east of its intersection with Komohana Street.

Reference: Comm. 1025
Intr. by: Ms. Eoff (B/R)
First Reading: September 5, 2018

Bill 179:

AMENDS ORDINANCE NO. 08-20, WHICH RECLASSIFIED LANDS FROM SINGLE FAMILY RESIDENTIAL - 10,000 SQUARE FEET (RS-10) TO NEIGHBORHOOD COMMERCIAL - 10,000 SQUARE FEET (CN-10) AT WAIĀKEA, SOUTH HILO, HAWAIʻI, COVERED BY TAX MAP KEYS: 2-2-036:025 AND 026
(Applicant: Dien-Jung Lin (formerly Dien-Jung Nekoba) (Area: 39,771 square feet)
The Windward Planning Commission forwards its favorable recommendation for this amendment to request a time extension for completion of construction and payment of the water commitment fee. The properties are located on Kekūanaōʻa Street and Hīnano Street.

Reference: Comm. 1026
Intr. by: Ms. Eoff (B/R)
First Reading: September 5, 2018

REPORTS
REFERRALS FOR EXECUTIVE SESSION

Comm. 1060: CLAIM AGAINST THE COUNTY OF HAWAI‘I/MONA COSTA
From Deputy Corporation Counsel Section Chief Laureen L. Martin, dated August 21, 2018, requesting an attorney-client confidential discussion to consult with the Council on a claim submitted by Attorney Rechelle Barbour for Mona Costa.

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 September 17, 2018. 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 Members Susan L. K. Lee Loy and Eileen O’Hara 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

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

- Nāʻālehu State Office Building, 95-5669 Māmalahoa Highway; and
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapaʻau.

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, Hawaiʻi, 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).