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

40th Session

ORDER OF BUSINESS

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

May 17, 2016
9:00 a.m.

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

INVOCATION
Pastor Bob Tominaga of Thy Word Ministries

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
July 18, 2014
May 19, 2015

COMMUNICATIONS

Comm. 883: NOMINATION OF MARY BEGIER, SIGMUND ZANE, ELMER GOROSPE, BARRY TANIGUCHI, AND BRIAN DELIMA TO THE BANYAN DRIVE HAWAI‘I REDEVELOPMENT AGENCY
From Mayor William P. Kenoi, dated May 4, 2016, submitting for the Council’s review and confirmation the above nominations pursuant to Resolution No. 481-16.

Waived: PC

ORDER OF RESOLUTIONS

Urges the Administration to collaborate with certain State and Federal agencies and Native Hawaiian cultural practitioners to advise, inform, and educate the public about Rapid ‘Ōhi’a Death.

Reference: Comm. 850.2
Intr. by: Mr. Ilagan
Approve: AWESC-3
Res. 526-16
The parcel consists of approximately 6.365 acres.

Reference: Comm. 867.2
Intr. by: Ms. Poindexter
Approve: PWPRC-42

Res. 527-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO BIG BROTHERS BIG SISTERS HAWAI‘I FOR EXPENSES RELATING TO A MURAL AT KEA‘AU HIGH SCHOOL
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 877
Intr. by: Mr. Ilagan

Res. 528-16: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR TWO MULTIFUNCTION, LARGE CAPACITY COPIERS FOR THE OFFICE OF THE PROSECUTING ATTORNEY
Authorizes the Mayor to enter into a five-year lease agreement for two copiers for the Hilo Prosecutor’s Office.

Reference: Comm. 880
Intr. by: Ms. Eoff
Waived: FC
BILLS FOR ORDINANCES (FIRST READING)

Bill 101
(Draft 2):
INITIATES AN AMENDMENT TO ARTICLE XIV, SECTION 14-5 OF THE HAWAI‘I COUNTY CHARTER (2014), RELATING TO THE BOARD OF ETHICS

The amendments would: 1) increase membership from five to nine members; 2) decrease member’s term from five to four years; 3) add council district residency requirements; and 4) allow each council member to nominate two persons from his or her council district to serve on the board, from which one would be appointed by the mayor, subject to confirmation by the Council.

Reference: Comm. 494.9
Intr. by: Ms. Wille
Negative: FC-42 (Due to a vote of 2-ayes, 6-noes, 1-absent)
Postponed: December 14, 2015; January 22 and April 6, 2016
2/3 Vote: First of three required readings, Section 15-1(a), Hawai‘i County Charter

(Note: There is a motion by Ms. Wille, seconded by Mr. Paleka, to approve Bill 101, Draft 2.)

; and

Comm. 494.16:
From Council Member Margaret Wille, dated April 28, 2016, requesting Bill 101, Draft 2, be placed on the May 17, 2016, agenda.

; and

Comm. 494.17:
From Council Member Margaret Wille, dated April 28, 2016, transmitting proposed amendments to Bill 101, Draft 2.

Bill 200:
AMENDS CHAPTER 24, ARTICLE 10, DIVISION 6, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO LOADING ZONES

Removes portion of Keawe Street from Schedule 36 (Freight loading zones), Subsection (c), South Hilo.

Reference: Comm. 865
Intr. by: Ms. Poindexter
Approve: PWPRC-43
Bill 201: AMENDS CHAPTER 14, ARTICLE 1, SECTION 14-2 AND SECTION 14-2.1 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO CONSUMPTION OF INTOXICATING LIQUORS AT PARKS

Adds Hawaiian Ocean View Park to Section 14-2 (areas requiring permits for intoxicating liquors between the hours of 10:00 a.m. and 10:00 p.m.) and removes Hawaiian Ocean View Park from Section 14-2.1 (intoxicating liquors allowed between the hours of 6:00 p.m. and 10:00 p.m.).

Reference: Comm. 866
Intr. by: Ms. David
Approve: PWPRC-44

Bill 207: AMENDS ORDINANCE NO. 15-58, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2015, TO JUNE 30, 2016

Adds the Parks and Recreation Waiākea Uka Community Center – State project for $600,000 to the Capital Budget. Funds for this project shall be provided from State Grants Receivable ($600,000). Funds would be used for land acquisition and design for a community center in Waiākea Uka.

Reference: Comm. 879
Intr. by: Ms. Eoff
Waived: FC
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 154 (Draft 3): INITIATES AN AMENDMENT TO ARTICLE III, SECTION 3-2 OF THE HAWAI‘I COUNTY CHARTER (2014), RELATING TO COUNTY COUNCIL TERMS

Amends the term limit for Council Members from four consecutive two-year terms to five consecutive two-year terms. Would take effect on December 5, 2016, and apply to all Council Members elected in the 2016 elections, regardless of how many terms an incumbent Council Member has served.

Reference: Comm. 705.15
Intr. by: Ms. Wille
First Reading: May 4, 2016
2/3 Vote: Second of three required readings, Section 15-1(a), Hawai‘i County Charter
Bill 179
(Draft 3):

AMENDS ARTICLE III, SECTION 3-15 OF THE HAWAI‘I COUNTY CHARTER (2014), RELATING TO THE GENERAL PLAN

Adds and amends language in Section 3-15.

Reference: Comm. 794.7
Intr. by: Ms. Wille
First Reading: April 20, 2016
Second Reading: May 4, 2016
2/3 Vote: Third of three required readings, Section 15-1(a), Hawai‘i County Charter

Bill 185:

AMENDS CHAPTER 24, ARTICLE 11, DIVISION 1, SECTION 24-298 AND SECTION 24-300 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SPEED LIMITS ON PRIVATE STREETS

Adds unpaved and portions of unpaved roads to Schedule 2 (15 mile per hour limit), and paved and portions of paved roads to Section 4 (25 mile per hour limit), in the Fern Forest Subdivision, Subsection (g), Puna.

Reference: Comm. 807
Intr. by: Mr. Paleka
First Reading: May 4, 2016

Bill 186:

AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, SECTION 24-255 AND SECTION 24-257 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SPEED LIMITS

Revises Schedule 3 (25 mile per hour limit) and Schedule 5 (35 mile per hour limit) Subsection (g), Puna, to increase the speed limit from 25 to 35 miles per hour for a portion of Ainaloa Boulevard.

Reference: Comm. 809
Intr. by: Mr. Paleka
First Reading: May 4, 2016
Bill 187: ADOPTS A PAY PLAN FOR PERSONS EMPLOYED BY THE COUNTY OTHER THAN THOSE WHOSE PAY IS OTHERWISE PROVIDED FOR, DESIGNATING PAYROLL PERIODS, PAY DAYS, PRESCRIBING REQUIREMENTS WITH RESPECT TO OFFICIAL FIDELITY BONDS, AND REPEALING ORDINANCE NO. 15-59 AND ALL AMENDMENTS THERETO, SAID ORDINANCE TO BE KNOWN AS THE SALARY ORDINANCE OF 2016

Reference: Comm. 810
Intr. by: Ms. Eoff
First Reading: May 4, 2016


Authorizes the issuance of general obligation bonds, not to exceed $10.6 million, for public improvement projects authorized under Ordinance No. 15-58, the capital budget ordinance for the fiscal year ending June 30, 2016.

Reference: Comm. 855
Intr. by: Ms. Eoff
First Reading: May 4, 2016

Bill 197: AMENDS ORDINANCE NO. 15-58, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2015, TO JUNE 30, 2016

Adds the Environmental Management Organics Processing Facilities project for $10.5 million to the Capital Budget. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources ($10.5 million). Funds would be used to construct a full-scale composting facility at the South Hilo Sanitary Landfill and a receiving and processing facility at the West Hawai‘i Sanitary Landfill.

Reference: Comm. 856
Intr. by: Ms. Eoff
First Reading: May 4, 2016
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

Increases revenues in the Transfer from General Fund account ($5,000); and appropriates the same to the Signals and Street Lights account. Funds would be used to install two street lights on Puakalo Street in Honoka‘a.

Reference: Comm. 857
Intr. by: Ms. Eoff
First Reading: May 4, 2016


Appropriates revenues in the State Grants – Little Fire Ant (LFA) Pesticide Treatment Voucher Program account ($96,589); and appropriates the same to the LFA Pesticide Treatment Voucher Program account. Funds would be used to reduce, control, and eradicate little fire ants.

Reference: Comm. 858
Intr. by: Ms. Eoff
First Reading: May 4, 2016

Bill 202: AUTHORIZES THE MAYOR OF THE COUNTY OF HAWAI‘I TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR WASTEWATER PUBLIC IMPROVEMENT PROJECTS; AND AUTHORIZES THE ISSUANCE OF $68,000,000 GENERAL OBLIGATION BONDS OF THE COUNTY OF HAWAI‘I FOR THE PURPOSE OF FINANCING QUALIFIED WASTEWATER PUBLIC IMPROVEMENTS OF THE COUNTY OF HAWAI‘I

Funds would be used for the Kealakehe Wastewater Treatment Plant R-1 Upgrade project ($54 million) to provide recycled water for irrigation and other non-potable uses, and the Pua Force Main Installation and Rehabilitation project ($14 million) to install a new sewage force main and to rehabilitate the existing sewer force main.

Reference: Comm. 872
Intr. by: Ms. Eoff
First Reading: May 4, 2016
Appropriates revenues in the State Grants – Aloha United Way account ($150,000); and appropriates the same to the Coordinated Statewide Homeless Initiative account. Funds would be used to assist homeless and at-risk families pay for security deposits, first and last month’s rent and/or utilities.

Reference: Comm. 873
Intr. by: Ms. Eoff
First Reading: May 4, 2016

REPORTS

FC-64 (Comm. 868):
NOMINATION OF GRACE REINHARD TO THE TAX BOARD OF REVIEW

PC-58 (Comm. 869):
NOMINATION OF NANCY CARR SMITH TO THE LEEWARD PLANNING COMMISSION

PC-59 (Comm. 870):
NOMINATION OF PERRY H. KEALOHA TO THE LEEWARD PLANNING COMMISSION

PC-60 (Comm. 871):
NOMINATION OF MARK TRAVALINO TO THE BOARD OF APPEALS

REFERRALS FOR EXECUTIVE SESSION

Comm. 875:
STACY CALLAWAY, ET AL. VS. GOZIP, LLC., ET AL.; CIVIL NO. 13-1-0224 (NON-MOTOR VEHICLE TORT)
From Deputy Corporation Counsel Steven D. Strauss, dated April 21, 2016, requesting an attorney-client confidential discussion to consult with the Council the above-entitled matter, including settlement discussion.

Comm. 881:
KITTRENA MORGAN VS. COUNTY OF HAWAI‘I, ET AL.; CIVIL NO. CV 14-00551 SOM-BMK
From Deputy Corporation Counsel Christopher P. Schlueter, dated April 28, 2016, requesting an attorney-client confidential discussion to consult with the Council the above-entitled matter, including settlement negotiations.
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 May 13, 2016. 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 Keohokālole Highway, Building A; and
- Waimea Council Office, Holomua Center, 64-1067 Māmalahoa Highway, Suite 5.

Public attendance via courtesy site is also available at the following location until public testimony has been completed or 4:30 p.m., whichever comes first:
- Conference Room adjacent to Hisaoka Gymnasium, Kamehameha Park Complex, 54-382 Kamehameha Park Road, Kapaʻau.

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, Nāʻālehu; and
- Pāhoa Neighborhood Facility, 15-2710 Kauhale Street.

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 Council-Clerk 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 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).

Viewing of Meetings on Government Access Television - Channel 55:
Wednesdays, May 25 and June 1, 2016, at 6 p.m.; Fridays, May 27 and June 3, 2016, at 12 p.m.; and Sundays, May 29 and June 5, 2016, at 9 a.m. (These airtimes are subject to preemption by broadcasts from the State Legislature, and are subject to change by Na Leo ‘O Hawai‘i. Please check the current legislative broadcast schedule on the Na Leo ‘O Hawai‘i website at http://www.naleo.tv/tv-schedules/channel-55/.)