31st Session

ORDER OF BUSINESS

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

February 7, 2018
9:00 a.m.

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

INVOCATION
Captain Celestine Ruwethin of Hilo Salvation Army Temple Corps

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

June 1, 2016
December 20, 2017

COMMUNICATIONS

Comm. 725: NOMINATION OF ROSS E. BIRCH, MARGARITA L. HOPKINS, JENIPHER A. JONES, LENARD ALLEN, BARBARA ANN BONGO ARTHURS, GREGORY DALE LARSON, DAVID A. BUEHLER, AND GENEVIEVE PUANANI WOO TO THE COST OF GOVERNMENT COMMISSION

From Mayor Harry Kim, dated January 19, 2018, submitting for the Council’s review and confirmation the above nominations.

Waived: FC
Requires Council Confirmation by: March 4, 2018 (Section 13-4(I), Hawai‘i County Charter)

ORDER OF RESOLUTIONS


Dedicated to the County for public roadway purposes.

Reference: Comm. 690
Intr. by: Ms. Ruggles (B/R)
Approve: PWPRC-32
Res. 472-18: ACCEPTS THE DEDICATION OF ROADWAY LOTS R-8 TO R-14 FOR LUALAʻI PHASE 2, IDENTIFIED AS TAX MAP KEY: 6-7-003:109 (POR.), SITUATED AT LĀLĀMILO AND WAIKOLOA, DISTRICT OF SOUTH KOHALA, ISLAND AND COUNTY OF HAWAIʻI, STATE OF HAWAIʻI, FROM KAOMALO LLC, A HAWAIʻI LIMITED LIABILITY COMPANY
Dedicated to the County for public roadway purposes.

Reference: Comm. 691
Intr. by: Ms. Ruggles (B/R)
Approve: PWPRC-33

Res. 473-18: ACCEPTS THE DEDICATION OF ROADWAY LOTS R-15 TO R-20 FOR LUALAʻI PHASE 3, WITH EACH LOT RESPECTIVELY IDENTIFIED AS TAX MAP KEY: 6-7-008:086, 6-7-008:087, 6-7-008:088, 6-7-008:089, 6-7-008:090, AND 6-7-008:091, SITUATED AT WAIKOLOA AND WAIMEA, DISTRICT OF SOUTH KOHALA, ISLAND AND COUNTY OF HAWAIʻI, STATE OF HAWAIʻI, FROM KAOMALO LLC, A HAWAIʻI LIMITED LIABILITY COMPANY
Dedicated to the County for public roadway purposes.

Reference: Comm. 692
Intr. by: Ms. Ruggles (B/R)
Approve: PWPRC-34

Res. 474-18: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR ONE COPY MACHINE FOR THE DEPARTMENT OF PARKS AND RECREATION
Authorizes the Mayor to enter into a five-year lease agreement at an estimated monthly cost of $155. The equipment would be used by the department’s Administration Office.

Reference: Comm. 693
Intr. by: Ms. David (B/R)
Approve: FC-73
**Res. 475-18:** AUTHORIZES THE ABANDONMENT OF A PORTION OF “KAIMŪ-KAPOHO ROAD” FOR CONSOLIDATION WITH ISAAC KEPOʻOKALANI HALE BEACH PARK

The County desires to abandon this flood-prone tract of road, determining it is no longer needed due to the completion of the Pohoiki Bypass Road.

Reference: Comm. 694
Intr. by: Ms. David (B/R)
Approve: FC-74

**Res. 476-18:** AUTHORIZES THE DIRECTOR OF FINANCE TO NEGOTIATE A SEVENTY-FIVE YEAR LEASE WITH THE HAWAI‘I ISLAND COMMUNITY DEVELOPMENT CORPORATION (HICDC) FOR THE PURPOSE OF DEVELOPMENT AND CONSTRUCTION OF HALE OLA O MOHOULI AFFORDABLE SENIOR RENTAL HOUSING PROJECT AT A SET LEASE RENTAL AMOUNT OF $100 PER YEAR

HICDC would construct approximately 200 rental units on property identified as Tax Map Key: 2-4-001:168, containing an area of 9.091 acres, that was acquired from the State of Hawai‘i for the purpose of developing affordable housing.

Reference: Comm. 695
Intr. by: Ms. David (B/R)
Approve: FC-75

**Res. 478-18:** TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO GOING HOME HAWAI‘I FOR ITS “PUʻUHONUA O HILO” PILOT PROJECT

Transfers $2,000 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. 706
Intr. by: Mr. Chung
Res. 479-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO ‘O KA‘Ū KĀKOU TO PURCHASE SUPPLIES FOR THE KEIKI EMERGENCY GO BAG

Transfers $1,600 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. 707
Intr. by: Ms. David

Res. 480-18: URGES THE HAWAIʻI STATE LEGISLATURE TO SUPPORT A BILL FOR AN ACT REQUIRING THAT EACH DISTRICT HEALTH OFFICER BE A PHYSICIAN LICENSED IN THE STATE OF HAWAIʻI

The responsibilities of a District Health Officer include serving in emergency preparedness, family health services, public health nursing, services for the developmentally delayed, environmental health services, vital statistics, and mental health services.

Reference: Comm. 711
Intr. by: Ms. O’Hara
Waived: GREDC (Comm. 711.1)

Res. 481-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE POLICE DEPARTMENT’S NEIGHBORHOOD WATCH PROGRAM IN HĀMĀKUA

Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Police Department, Hāmākua Police-Other Current Expenses account.

Reference: Comm. 713
Intr. by: Ms. Poindexter
Res. 482-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR IMPROVEMENTS TO THE RODEO ARENA AT THE PANA‘EWA EQUESTRIAN CENTER
Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Department of Parks and Recreation, Friends of the Park account.

Reference: Comm. 714
Intr. by: Ms. Lee Loy

Res. 483-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE POLICE DEPARTMENT TO PURCHASE STEALTH CAMERAS FOR PLACEMENT IN AREAS PRONE TO CRIMINAL ACTIVITY IN THE DISTRICT OF PUNA
Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Police Department, Puna Police Other Current Expenses account.

Reference: Comm. 715
Intr. by: Ms. O’Hara

Res. 484-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR IMPROVEMENTS TO THE RODEO ARENA AT THE PANA‘EWA EQUESTRIAN CENTER
Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Parks and Recreation, Friends of the Park account.

Reference: Comm. 716
Intr. by: Mr. Richards
Res. 485-18: URGES THE HAWAI‘I STATE LEGISLATURE TO PASS HOUSE BILL NO. 1767, RELATING TO ENFORCEMENT OF FOUR-WHEEL DRIVE VEHICLE USE AND TOUR OPERATOR REQUIREMENTS FOR ACCESS TO MAUNA KEA SCIENCE RESERVE AND WAIPU‘O VALLEY

House Bill No. 1767 would require a low-gear, four-wheel drive vehicle for access to Mauna Kea Science Reserve and Waipi’o valley and require operators of tours to obtain a certificate for Hawai‘i professional tour guides. This bill would also authorize the counties and University of Hawai‘i to appoint individuals to issue fines and enforce restrictions.

Reference: Comm. 717
Intr. by: Ms. Poindexter
Waived: GREDC

Res. 486-18: AUTHORIZES THE ACCEPTANCE OF MULTIPROTOCOL LABEL SWITCHING (MPLS) EQUIPMENT FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY

Donated by Maui County with a total value of $48,017.12, this donation would be used by the department to help complete Hawai‘i County’s MPLS network.

Reference: Comm. 726
Intr. by: Ms. David (B/R)
Waived: FC


Funds in the amount of $3,000 would be used by the Office of the Prosecuting Attorney to compensate for overtime incurred by staff to research charges identified by the HCJDC with overdue dispositions.

Reference: Comm. 727
Intr. by: Ms. David (B/R)
Waived: FC
Res. 489-18: URGES THE STATE LEGISLATURE TO PASS SENATE BILL NO. 2679, AMENDING HAWAI‘I REVISED STATUTES CHAPTER 663 RELATING TO TORT LIABILITY

Senate Bill No. 2679 seeks to permanently reestablish limited liability protection for County lifeguards performing their duties on beaches or in the ocean.

Reference: Comm. 729
Intr. by: Mr. Kanuha
Waived: GREDC

BILLS FOR ORDINANCES (FIRST READING)


Reestablishes the Fire Board of Appeals pursuant to Hawai‘i Revised Statutes, Subsection 132-6(f), by adding a new Article 3, Fire Board of Appeals.

Reference: Comm. 684
Intr. by: Ms. Poindexter (B/R)
Approve: PSMTC-3

Bill 92: 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, COVERED BY TAX MAP KEY: 2-4-001:184 (Applicant: Hawai‘i Island Community Development Corporation)

The Windward Planning Commission forwards its favorable recommendation for this amendment to the State Land Use Boundaries Maps, which would allow the applicant to develop 92 units of affordable senior housing.

Reference: Comm. 689
Intr. by: Ms. Eoff (B/R)
Approve: PC-48

Increases revenues in the Real Property Tax Sale Cost & Expenditure account ($525,000); and appropriates the same to the Real Property Tax Sale Cost & Expenditure account for a total appropriation of $1,070,000. Fund appropriation accommodates an increased amount of parcels anticipated for Real Property Tax Foreclosure Tax Sale in Fiscal Year 2017-2018.

Reference: Comm. 696
Intr. by: Ms. David (B/R)
Approve: FC-76


Appropriates revenues in the Federal Grants – Hawai‘i Criminal Justice Center-Overdue Dispositions account ($3,000); and appropriates the same to the Hawai‘i Criminal Justice Center-Overdue Dispositions account. Funds would be used by the Office of the Prosecuting Attorney to compensate for overtime incurred by staff to research charges identified by the Hawai‘i Criminal Justice Data Center with overdue dispositions.

Reference: Comm. 727
Intr. by: Ms. David (B/R)
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)


The Windward and Leeward Planning Commissions forward their favorable recommendations for this amendment to the Subdivision Code, which would add a criterion for determining a pre-existing lot.

Reference: Comm. 656
Intr. by: Ms. Eoff (B/R)
First Reading: January 24, 2018

Increases revenues in the Federal Grants – Hawai‘i County Police Department (HCPD) Traffic Investigation Program account ($9,250); and appropriates the same to the HCPD Traffic Investigation Program account for a total appropriation of $80,750. Funds would be used by the Police Department to increase the number of officers trained in advanced traffic accident reconstruction and other traffic-crash related courses.

Reference: Comm. 700
Intr. by: Ms. David (B/R)
First Reading: January 24, 2018


Increases revenues in the Federal Grants – SAFE (Sexual Assault Forensic Examiner) Program account ($49,745); and appropriates the same to the SAFE Program account for a total appropriation of $101,745. Funds would be used by the Police Department to improve response and victim services in cases involving crimes against women.

Reference: Comm. 701
Intr. by: Ms. David (B/R)
First Reading: January 24, 2018

REPORTS

PC-44 (Comm. 685): NOMINATION OF TRISTIE K. LICOAN TO THE SOUTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

Requires Council Confirmation by: February 17, 2018 (Section 13-4(l), Hawai‘i County Charter)
PC-45 (Comm. 686): NOMINATION OF KEVIN MCLAUGHLIN TO THE SOUTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

Requires Council Confirmation by: February 17, 2018 (Section 13-4(l), Hawai‘i County Charter)

PC-46 (Comm. 687): NOMINATION OF J WILLIAM SANBORN TO THE SOUTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

Requires Council Confirmation by: February 17, 2018 (Section 13-4(l), Hawai‘i County Charter)

PC-47 (Comm. 688): NOMINATION OF RUTH ANNETTE SMITH TO THE SOUTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE

Requires Council Confirmation by: February 17, 2018 (Section 13-4(l), Hawai‘i County Charter)

REFERRALS FOR EXECUTIVE SESSION

Comm. 720: JONATHAN KIMO SANTIAGO VS. COUNTY OF HAWAI‘I, ET. AL.; CIVIL NO. 16-00583 DKW-KSC (NON-MOTOR VEHICLE TORT)

From Deputy Corporation Counsel Andrew D. Son, dated January 19, 2018, requesting an attorney-client confidential discussion to consult with the Council regarding the above entitled matter.

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 February 5, 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 Keohokālole 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.

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. 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).

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