COUNTY COUNCIL

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

24th Session

ORDER OF BUSINESS

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

October 16, 2019

9:00 a.m.

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

INVOCATION
Pastor Daniel Tomita of Kinoole Baptist Church

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 WILL TAKE A LUNCH BREAK AT 11:00 A.M.)

APPROVAL OF MINUTES September 18, 2019

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 322-19: (Draft 2) DECLARES A HAWAI‘I COUNTY CLIMATE EMERGENCY AND REQUESTS REGIONAL COLLABORATION TOWARDS AN IMMEDIATE JUST TRANSITION AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE

Seeks a commitment to rapidly complete the Hawai‘i Island Climate Action plan, establish goals and objectives to reduce the use of fossil fuels, and support the transition to climate-smart agriculture in an effort to immediately reverse global warming.

Reference: Comm. 494.5
Intr. by: Ms. Poindexter
Approve: AWEEMC-9

Res. 323-19: AUTHORIZES THE ACCEPTANCE OF A GRANT AWARD OF $100,000 FROM HAWAI‘I COMMUNITY FOUNDATION TO FUND THE HO‘OWAIWAI FINANCIAL EMPOWERMENT CENTER FOR HAWAI‘I ISLAND PILOT PROGRAM

Accepts a grant award from Hawai‘i Community Foundation for the Ho‘owaiwai Financial Empowerment Center for Hawai‘i Island Pilot Program. The program would provide free, one-on-one professional financial counseling and other related services and resources to Hawai‘i County residents.

Reference: Comm. 495
Intr. by: Ms. David (B/R)
Approve: FC-55
Res. 324-19:  AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF A SEVEN-TON ROLLER FOR THE DEPARTMENT OF PUBLIC WORKS

Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $2,200. The County would own the equipment at the end of the lease.

Reference: Comm. 496
Intr. by: Ms. David (B/R)
Approve: FC-56

Res. 325-19:  AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF AN EXCAVATOR FOR THE DEPARTMENT OF PUBLIC WORKS

Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $3,400. The County would own the equipment at the end of the lease.

Reference: Comm. 497
Intr. by: Ms. David (B/R)
Approve: FC-57

Res. 326-19:  AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF A TRUCK TRACTOR FOR THE DEPARTMENT OF PUBLIC WORKS

Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $2,200. The County would own the equipment at the end of the lease.

Reference: Comm. 498
Intr. by: Ms. David (B/R)
Approve: FC-58
Res. 327-19: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF TWO BACKHOES FOR THE DEPARTMENT OF PUBLIC WORKS

Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $3,700 per month. The County would own the equipment at the end of the lease.

Reference: Comm. 499
Intr. by: Ms. David (B/R)
Approve: FC-59

Res. 328-19: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF TWO TRUCKATS FOR THE DEPARTMENT OF PUBLIC WORKS

Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $6,700. The County would own the equipment at the end of the lease.

Reference: Comm. 500
Intr. by: Ms. David (B/R)
Approve: FC-60

Res. 329-19: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF A TANDEM TRAILER FOR THE DEPARTMENT OF PUBLIC WORKS

Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $1,150. The County would own the equipment at the end of the lease.

Reference: Comm. 501
Intr. by: Ms. David (B/R)
Approve: FC-61
Res. 330-19: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF A BIG BOOM TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS

Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $4,200. The County would own the equipment at the end of the lease.

Reference: Comm. 502
Intr. by: Ms. David (B/R)
Approve: FC-62

Res. 331-19: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF TWO SMALL BOOM TRUCKS FOR THE DEPARTMENT OF PUBLIC WORKS

Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $5,950. The County would own the equipment at the end of the lease.

Reference: Comm. 503
Intr. by: Ms. David (B/R)
Approve: FC-63

Res. 332-19: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF THREE TRACTOR MOWERS FOR THE DEPARTMENT OF PUBLIC WORKS

Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $4,100. The County would own the equipment at the end of the lease.

Reference: Comm. 504
Intr. by: Ms. David (B/R)
Approve: FC-64
Res. 333-19:  
AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF SIX 15 CUBIC YARD DUMP TRUCKS FOR THE DEPARTMENT OF PUBLIC WORKS  
Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $11,400. The County would own the equipment at the end of the lease.

Reference: Comm. 505  
Intr. by: Ms. David (B/R)  
Approve: FC-65

Res. 334-19:  
AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF THREE PICKUP TRUCKS FOR THE DEPARTMENT OF PUBLIC WORKS  
Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $2,100. The County would own the equipment at the end of the lease.

Reference: Comm. 506  
Intr. by: Ms. David (B/R)  
Approve: FC-66

Res. 335-19:  
AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF A 100-GALLON FUEL TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS  
Authorizes the Mayor to enter into a five-year lease agreement with an approximate monthly cost of $1,400 per month. The County would own the equipment at the end of the lease.

Reference: Comm. 507  
Intr. by: Ms. David (B/R)  
Approve: FC-67
AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR
AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF
TWO CREW CAB TRUCKS FOR THE DEPARTMENT OF PUBLIC WORKS
Authorizes the Mayor to enter into a five-year lease agreement with an
approximate monthly cost of $2,250. The County would own the equipment at the
end of the lease.

Reference:          Comm. 508
Intr. by:            Ms. David (B/R)
Approve:            FC-68

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 FOR REIMBURSEMENT OF EXPENSES RELATING TO THE
2019 HAWAI‘I ISLAND ALL NATIONS POWWOW
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. 514
Intr. by:            Mr. Kaneali‘i-Kleinfelder

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 FOR THE SAKADA DAY CELEBRATION 2019
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account
(Council District 5); and credits to the Department of Research and Development, Business Development account.

Reference:          Comm. 515
Intr. by:            Mr. Kaneali‘i-Kleinfelder
Res. 343-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO NORTH KOHALA COMMUNITY RESOURCE CENTER TO ASSIST WITH EXPENSES RELATED TO A CELEBRATION IN NORTH KOHALA HONORING THE FILIPINO CULTURE
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Research and Development, Business Development account.

Reference: Comm. 516
Intr. by: Mr. Richards

Res. 344-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HĀMĀKUA HARVEST, INC., TO PURCHASE A TENT FOR ITS WEEKLY FARMERS’ MARKET
Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Department of Research and Development, Agriculture Other Current Expenses account.

Reference: Comm. 517
Intr. by: Ms. Poindexter

Res. 345-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HĀMĀKUA YOUTH FOUNDATION, INC., FOR THE KA HĀMĀKUA MAKAHIKI
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 518
Intr. by: Ms. Poindexter
Res. 346-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PURCHASE TWO SETS OF YOUTH ADJUSTABLE BASKETBALL HOOPS FOR THE KEKUAOKALANI GYMNASIUM
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Department of Parks and Recreation, Recreation Division Equipment account.
Reference: Comm. 519
Intr. by: Ms. Villegas

Res. 347-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO BOY SCOUTS OF AMERICA, ALOHA COUNCIL FOR AN EAGLE SCOUT PROJECT IN DISTRICT 1
Transfers $500 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Department of Liquor Control, Public Programs account.
Reference: Comm. 520
Intr. by: Ms. Poindexter

Res. 348-19: 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 PU‘UHONUA WELLNESS CTE PATHWAY NETWORK PROGRAM IN WEST HAWAI‘I
Transfers $1,800 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.
Reference: Comm. 521
Intr. by: Ms. Eoff
Res. 354-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO ASSIST THE OFFICE OF THE PROSECUTING ATTORNEY WITH EXPANDING ITS SAFE DATES PROGRAM TO HAWA'II ISLAND HIGH SCHOOLS

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. 530
Intr. by: Ms. Lee Loy

BILLS FOR ORDINANCES (FIRST READING)

Bill 100: AMENDS CHAPTER 2, ARTICLE 4, OF THE HAWA'II COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY ADDING A NEW SECTION RELATING TO AN ANNUAL REVENUE REPORT

Requires the Finance Director to submit to the Council detailed information on every fee, rate, or charge established by administrative rule, ordinance, or a County board or commission on or before January 31 of each year.

Reference: Comm. 475
Intr. by: Mr. Kaneali'i-Kleinfelder
Approve: FC-69


Appropriates revenues in the Miscellaneous Private Contributions account ($100,000); and appropriates the same to the Ho'owaiwai Financial Empowerment – Private account. Funds would be used to provide free one-on-one professional financial counseling and other related services and resources to Hawai‘i County residents.

Reference: Comm. 495
Intr. by: Ms. David (B/R)
Approve: FC-70
ORDER OF THE DAY (SECOND OR FINAL READING)

**Bill 64:** AMENDS CHAPTER 24, ARTICLE 2, SECTION 24-12 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO VEHICLES AND TRAFFIC

Amends “Aliyah’s Law” by adding that vehicles with window glazing that is not in compliance with State law and that are parked or operating on public highways may be cited and removed at the registered owner’s expense.

- Reference: Comm. 247
- Intr. by: Ms. Lee Loy
- First Reading: May 21, 2019
- Postponed: June 4 and 19, 2019

(Note: There is a motion by Ms. Lee Loy, seconded by Mr. Richards, to approve Bill 64.)

**Bill 94:** AMENDS CHAPTER 25, ARTICLES 2 AND 5, OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO GENERAL ADMINISTRATION AND ZONING DISTRICT REGULATIONS FOR INDOOR AND MAJOR OUTDOOR AMUSEMENT AND RECREATION FACILITIES (Planning Director Initiated)

The Windward and Leeward Planning Commissions forward their favorable recommendations for this amendment to the Zoning Code, which would remove the option to obtain a Use Permit to develop major outdoor amusement and recreational facilities in residentially-zoned districts, and add the development of indoor amusement and recreational facilities as a permitted use in the Neighborhood Commercial, Limited Industrial, and General Industrial zoning districts.

- Reference: Comm. 450
- Intr. by: Ms. Kierkiewicz (B/R)
- First Reading: October 2, 2019
Bill 95:  AMENDS ORDINANCE NO. 19-74, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020

Adds the Public Works Waimāʻau Stream Bridge Repair project for $1.3 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. Funds would be used to replace the concrete deck and bridge railings, which have deteriorated.

Reference:  Comm. 467
Intr. by:  Ms. David (B/R)
First Reading:  October 2, 2019
Note:  Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter


Appropriates revenues in the Federal Grants – Solutions for Combatting Violent Crimes account ($360,000); and appropriates the same to the Solutions for Combatting Violent Crimes account. Funds would be used by the Office of the Prosecuting Attorney to support innovative prosecution solutions for combatting violent crimes.

Reference:  Comm. 509
Intr. by:  Ms. David (B/R)
First Reading:  October 2, 2019


Appropriates revenues in the Federal Grants – 2019 Computer Replacements account ($118,943.41); and appropriates the same to the 2019 Computer Replacements account. Funds would be used to reimburse the Office of the Prosecuting Attorney for the purchase of 59 desktop computers and software licenses.

Reference:  Comm. 510
Intr. by:  Ms. David (B/R)
First Reading:  October 2, 2019
Appropriates revenues in the Contribution from Private Source account ($5,000); and appropriates the same to the Roadside Maintenance Service account. Funds would be used by the Department of Public Works to repair and fill potholes on County roads.

Reference: Comm. 511
Intr. by: Ms. David (B/R)
First Reading: October 2, 2019

REPORTS

REFERRALS FOR EXECUTIVE SESSION

Res. 353-19: AUTHORIZES THE EMPLOYMENT OF SPECIAL COUNSEL TO REPRESENT THE COUNTY OF HAWAI‘I, BOARD OF ETHICS IN PETITION NO. 2019-05
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. 529
Intr. by: Ms. David (B/R)
Waived: FC
Note: Requires 2/3 vote of the entire membership, pursuant to Section 6-5.5, Hawai‘i 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 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.

If you need an auxiliary aid/service or other accommodation due to a disability, call 961-8255 as soon as possible, preferably by October 14, 2019. If a response is received after October 14, 2019, 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.

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

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.

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).