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

32nd Session

ORDER OF BUSINESS

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

February 3, 2016
9:00 a.m.

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

INVOCATION Reverend Tag Taggart of the Center for Spiritual Living

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

March 4, 2015
March 18, 2015

COMMUNICATIONS

Comm. 626: NOMINATION OF G. RICK ROBINSON TO THE BOARD OF ETHICS
From Mayor William P. Kenoi, dated January 4, 2016, submitting for the Council’s review and confirmation the above nomination.

Waived: FC
Postponed: January 22, 2016

(Note: There is a pending motion by Ms. David and seconded by Mr. Onishi to approve Comm. 626.)

Comm. 654: NOMINATION OF DARNEL “PILI” KALELE TO THE BOARD OF ETHICS
From Mayor William P. Kenoi, dated January 28, 2016, submitting for the Council’s review and confirmation the above nomination.

Waived: FC

ORDER OF RESOLUTIONS

Res. 375-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO GOING HOME HAWAI‘I TO SUPPORT THE STEPPING UP INITIATIVE
Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 637
Intr. by: Mr. Paleka
Res. 377-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR THE WAIPI'O KALO FESTIVAL

Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Parks and Recreation, Culture/Arts Other Current Expenses account.

Reference: Comm. 640
Intr. by: Ms. Poindexter

Res. 378-16: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR A BRONZE PLAQUE FOR THE ROBERT RALEIGH MARTIN MUNICIPAL PARKING CENTER IN HONOKA‘A TOWN

Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Public Works, Administration Other Current Expenses account.

Reference: Comm. 641
Intr. by: Ms. Poindexter

Res. 380-16: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE UNIVERSITY OF HAWAI‘I, WATER RESOURCES RESEARCH CENTER, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, TO PROVIDE TRAINING TO WASTEWATER TREATMENT WORKS OPERATORS

Provides 12 wastewater training courses per year for five years at a total cost of $77,015 ($15,403 per year).

Reference: Comm. 645
Intr. by: Ms. Eoff
Waived FC

BILL FOR ORDINANCES (FIRST READING)
ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 119: (Draft 2)
AMENDS CHAPTER 24 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION), RELATING TO VEHICLES AND TRAFFIC
Adds portions of the West Hawai‘i Civic Center’s public parking area to Article 10, Division 5, Section 24-284 (Two hour parking areas), Subsection (f), Kona.

Reference: Comm. 588.1
Intr. by: Ms. Poindexter
First Reading: January 22, 2016

Bill 123:
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 Office of Housing & Community Development (OHCD) Facilities/Maintenance & Renovation project for $500,000 to the Capital Budget. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources ($500,000). Funds would be used for general repairs and maintenance to all OHCD housing facilities.

Reference: Comm. 599
Intr. by: Ms. Eoff
First Reading: January 22, 2016
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

Bill 125:
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 Honomū Park New Playground Equipment - County project for $500,000 to the Capital Budget. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund - Fund Balance and/or Other Sources ($500,000). Funds would be used for the construction of new playground equipment at Honomū Park.

Reference: Comm. 603
Intr. by: Ms. Poindexter
First Reading: January 22, 2016
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
Bill 127: 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 PANĂ‘EWA HOUSE LOTS, 2ND SERIES, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY: 2-2-056:002
(Applicants: Minoru, Jr., and Katherine Takehiro) (Area: 2.666 acres)
Reference: Comm. 612
Intr. by: Mr. Ilagan (B/R)
First Reading: January 22, 2016

; and

The Windward Planning Commission forwards its favorable recommendation for this change of zone, which would allow the applicants to subdivide the property into four lots that the applicants state would be conveyed to their children.

Increases revenues in the Federal Grants – Improve Forensic Sciences account ($23,151); and appropriates the same to the Improve Forensic Services account. Funds would be used to pay for training and updated equipment in the field of forensic science.
Reference: Comm. 617
Intr. by: Ms. Eoff
First Reading: January 22, 2016

Increases revenues in the Police Department Private Contributions account ($1,000); and appropriates the same to the Hawai‘i Isles Police Activities League (HIPAL) Other Current Expenses account. Funds would be used for the Department’s HIPAL program.

Reference: Comm. 618
Intr. by: Ms. Eoff
First Reading: January 22, 2016

Bill 134: 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 Kealakehe Wastewater Treatment Plant (WWTP) Upgrade and Sludge Removal – State Revolving Funds (SRF) project for $5 million to the Capital Budget. Funds for this project shall be provided from SRF ($5 million). Funds would be used to replace liners at the WWTP facility.

Reference: Comm. 620
Intr. by: Ms. Eoff
First Reading: January 22, 2016
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
Bill 135:  AMENDS ORDINANCE NO. 14-99, WHICH AMENDED ORDINANCE NO. 13-21, WHICH AUTHORIZED THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR WASTEWATER PUBLIC IMPROVEMENT PROJECTS AND AUTHORIZED THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF FINANCING QUALIFIED WASTEWATER PUBLIC IMPROVEMENTS OF THE COUNTY OF HAWAI‘I

Increases from $18 million to $23 million the principal amount of general obligation bonds that may be issued by the County to repay loan costs for the Kealakehe Wastewater Treatment Plant Aeration Upgrade and Sludge Removal project.

Reference: Comm. 624
Intr. by: Ms. Eoff
First Reading: January 22, 2016
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 47-5, Hawai‘i Revised Statutes

Bill 136:  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 Housing Micro Unit Housing – West Hawai‘i project for $650,000 to the Capital Budget. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or other Sources ($650,000). Funds would be used to prepare and acquire 32 micro housing units to provide permanent, long-term housing to the chronically homeless.

Reference: Comm. 632
Intr. by: Ms. Eoff
First Reading: January 22, 2016
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter

REPORTS
REFERRALS FOR EXECUTIVE SESSION

Comm. 638: REQUEST TO AUTHORIZE THE USE OF SPECIAL COUNSEL TO ADVISE THE HAWAIʻI COUNTY BOARD OF ETHICS IN MATTERS RELATING TO PETITION 2015-19

From Corporation Counsel Molly A. Stebbins, dated January 6, 2016, requesting an attorney-client confidential discussion to consult with the Council the use of special counsel, including pricing information.

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 Hawaiʻi 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 1, 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 Hawaiʻi 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 for technical or other unanticipated circumstances the video and/or audio connection cannot be made or 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, February 10 (to follow the viewing of the January 22, 2016, meeting scheduled to start at 6 p.m.) and February 17, 2016, at 6 p.m.; Fridays, February 12 and 19, 2016, at 12 p.m.; and Sundays, February 14 and 21, 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/](http://www.naleo.tv/tv-schedules/channel-55/).)