COUNTY COUNCIL

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

37th Session

ORDER OF BUSINESS

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

May 9, 2018
9:00 a.m.

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

INVOCATION
Pastor Makana Delovio of New Hope Legacy

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

July 19, 2016
March 28, 2018

COMMUNICATIONS

ORDER OF RESOLUTIONS


Reference: Comm. 882
Intr. by: Ms. Ruggles (B/R)
Approve: PWPRC-45

Res. 590-18: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE OF REAL PROPERTY FOR THE COUNTY OF HAWAI‘I FIRE DEPARTMENT

Authorizes the Mayor to enter into a new five-year agreement with an option for an additional five years with Kaneshiro & Sons Enterprise, Limited and Glenn Kaneshiro Partnership, to allow for the continued occupancy of warehouse space located at 1990 Kino’ole Street, Hilo, with an approximate monthly cost of $4,958.

Reference: Comm. 888
Intr. by: Ms. David (B/R)
Approve: FC-111
Res. 593-18: 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 WAIĀKEA HIGH SCHOOL FOUNDATION TO ASSIST WITH EXPENSES RELATING TO WAIĀKEA HIGH SCHOOL’S ATHLETIC PROGRAMS
Transfers $2,400 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 895
Intr. by: Ms. Lee Loy

Res. 594-18: 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 FOR THE 34TH ANNUAL QUIKSILVER/BIG ISLAND PRO-AM SURFING TRIALS
Transfers $500 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 896
Intr. by: Ms. Lee Loy

Res. 595-18: 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 KEAUKAHA SCHOOL FOUNDATION FOR ITS KEAUKAHA ELEMENTARY SCHOOL PRESCHOOL PROGRAM
Transfers $957 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. 897
Intr. by: Ms. Lee Loy
Res. 596-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO REPAIR THE ROOF AND GUTTERS OF THE EAST HAWAI‘I CULTURAL CENTER

Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Department of Parks and Recreation, Parks Maintenance Other Current Expenses account.

Reference: Comm. 898
Intr. by: Ms. Lee Loy

Res. 597-18: 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 MERRIE MONARCH FESTIVAL TO ASSIST WITH EXPENSES RELATED TO THE HŌKULE‘A CREW RECOGNITION AND RADIO PUBLIC SERVICE ANNOUNCEMENTS

Transfers $6,043 from the Clerk-Council Services – Contingency Relief account (Council District 3); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 899
Intr. by: Ms. Lee Loy

Res. 598-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT FOR PARK MAINTENANCE AND IMPROVEMENT PROJECTS AT VARIOUS FACILITIES IN COUNCIL DISTRICT 2

Transfers $31,500 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Department of Parks and Recreation, Transfer to Capital Project Fund – General account.

Reference: Comm. 900
Intr. by: Mr. Chung
**Res. 599-18:** 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 TO PURCHASE AND INSTALL COMPUTERS AND WI-FI EQUIPMENT AT THE PĀHOA SENIOR CENTER
Transfers $30,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Department of Parks and Recreation, Administration Equipment account.

Reference: Comm. 901
Intr. by: Ms. Ruggles

**Res. 600-18:** COMMITS TO FUNDING THE COST ITEMS AWARDED BY ARBITRATION TO HAWAI‘I GOVERNMENT EMPLOYEES ASSOCIATION BARGAINING UNIT 14 AND EMPLOYEES EXCLUDED FROM BARGAINING UNIT 14 FOR THE CONTRACT PERIOD JULY 1, 2017, THROUGH JUNE 30, 2019
Cost items estimated at $347,793 are across-the-board increases, step movements, and one-time bonuses.

Reference: Comm. 902
Intr. by: Ms. David (B/R)
Waived: FC

**Res. 604-18:** AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I DEPARTMENT OF HUMAN SERVICES, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, FOR A GRANT TO THE OFFICE OF THE PROSECUTING ATTORNEY
Funds would be used to reimburse the department for expenses incurred by the West Hawai‘i Juvenile Intake and Assessment Center project.

Reference: Comm. 915
Intr. by: Ms. David (B/R)
Waived: FC
BILLS FOR ORDINANCES (FIRST READING)

Bill 102
(Draft 2):
AMENDS CHAPTER 2 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED) BY ADDING A NEW ARTICLE RELATING TO TRANSPORTATION SURCHARGE
Establishes a one-half percent general excise and use tax surcharge to fund operating or capital costs of public transportation systems within Hawai‘i County, to be levied beginning January 1, 2019.

Reference: Comm. 722.5
Intr. by: Ms. David (B/R)
Negative: FC-79 (Due to a vote of 3-ayes, 6-noes)
Public Hearing: February 20, 2018
Postponed: February 21, 2018

(Note: There is a motion by Ms. David, seconded by Ms. O’Hara, to approve Bill 102, Draft 2.)

Bill 127
(Draft 2):
ADOPTS A PAY PLAN FOR PERSONS EMPLOYED BY THE COUNTY OTHER THAN THOSE WHOSE PAY IS OTHERWISE PROVIDED FOR, DESIGNATES PAYROLL PERIODS, PAY DAYS, PRESCRIBES REQUIREMENTS WITH RESPECT TO OFFICIAL FIDELITY BONDS, AND REPEALS ORDINANCE NO. 17-36 AND ALL AMENDMENTS THERETO, SAID ORDINANCE TO BE KNOWN AS THE SALARY ORDINANCE OF 2018
Establishes rates of compensation for appointed employees in the Legislative Branch and the Office of Housing and Community Development, the County Physician, and Student Helpers and Senior Community Services Aids for various County agencies.

Reference: Comm. 840.2
Intr. by: Ms. David (B/R)
Approve: FC-112

Increases revenues in the Transfer from General Fund account ($4,800); and appropriates the same to the Highway Maintenance Administration-Other Current Expenses account. Funds would be used by the Department of Public Works for the annual rental of a portable toilet to be located at Banyan Beach in Kona.

Reference: Comm. 887
Intr. by: Ms. David (B/R)
Approve: FC-113


Increases revenues in the Coordinated Services account ($25,000); and appropriates the same to the Coordinated Services-Other Current Expenses account, for a total appropriation of $160,000. Funds would be used by the Department of Parks and Recreation to provide additional service to participants.

Reference: Comm. 889
Intr. by: Ms. David (B/R)
Approve: FC-114

Bill 139: AMENDS CHAPTER 15, ARTICLE 9, SECTION 15-72 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY ADDING MO‘OHEAU PARK TO THE FARMERS MARKET FACILITY SCHEDULE

Allows the Department of Parks and Recreation to work with qualified vendors to establish and operate a farmers market at Mo‘oheau Park.

Reference: Comm. 903
Intr. by: Mr. Chung
Waived: PWPRC
**Bill 141:**


 Appropriates revenues in the Real Property Tax Interest account ($22,500); and appropriates the same to the following accounts: Transfer to Public Access/Open Space Preservation Fund ($20,000) and Transfer to Public Access/Open Space Preservation Maintenance Fund ($2,500). Real property tax interest revenues are expected to exceed the amount budgeted for Fiscal Year 2017-18, requiring additional revenues to be transferred into these funds in order to maintain compliance with County Charter mandated minimal appropriations to each fund.

Reference: Comm. 912
Intr. by: Ms. David (B/R)
Waived: FC

**Bill 142:**

AUTHORIZES THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF HAWAI‘I FOR THE PURPOSE OF FUNDING ALL OR A PORTION OF THE COSTS OF VARIOUS IMPROVEMENT PROJECTS; FIXES THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDES FOR THEIR SALE TO THE PUBLIC; AND AUTHORIZES THE TAKING OF OTHER ACTIONS RELATING TO THE ISSUANCE AND SALE OF THE BONDS

Authorizes the issuance of up to $10.2 million in general obligation bonds, which would be used for the Lono Kona Improvement District sewer project that will connect approximately 107 parcels to the County’s sewer system.

Reference: Comm. 913
Intr. by: Ms. David (B/R)
Waived: FC
Bill 143: AMENDS ORDINANCE NO. 17-40, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JUNE 30, 2017, TO JUNE 30, 2018

Increases the Environmental Management Lono Kona Improvement District – County project by $6.2 million, for a total appropriation of $11,898,000. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources. Funds would be used for construction.

Reference: Comm. 914
Intr. by: Ms. David (B/R)
Waived: FC
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 State Grants – Juvenile Intake & Assessment Center account ($210,000); and appropriates the same to the Juvenile Intake & Assessment Center – State account. Funds would be used to reimburse the Office of the Prosecuting Attorney for expenses incurred by the West Hawai‘i Juvenile Intake and Assessment Center project.

Reference: Comm. 915
Intr. by: Ms. David (B/R)
Waived: FC


Appropriates revenues in the State Grants – Workforce Innovation Opportunity Act account ($15,000); and appropriates the same to the Workforce Innovation Opportunity Act – Sector Partnership Engagements account. Funds would be used by the Hawai‘i Island Economic Development Board to engage with the private sector to identify employment and training needs.

Reference: Comm. 916
Intr. by: Ms. David (B/R)
Waived: FC
Bill 146: 

Authorizes the issuance of up to $30.5 million in general obligation bonds, which would be used for Department of Parks and Recreation Americans with Disabilities Act and other projects.

Reference: Comm. 917
Intr. by: Ms. David (B/R)
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 125: 

Names a county park within Ali‘i Kai Subdivision, situated at tax map key: 7-6-019:034, and amends Chapter 15, Article 8, Section 15-68.1 of the Hawai‘i County Code 1983 (2016 edition, as amended), relating to the parks and recreational facility schedule.

Officially names Ali‘i Kai Park and adds it to the Parks and Recreational Facility Schedule.

Reference: Comm. 818
Intr. by: Mr. Kanuha
First Reading: April 25, 2018

Bill 126: 

Amends Chapter 24, Article 10, Division 3 of the Hawai‘i County Code 1983 (2016 edition, as amended), relating to bus stops and public road taxi stands.

Amends Section 24-275, Schedule 23 (Bus Stop locations), Subsection (c), South Hilo, by removing an existing bus stop to allow for parallel on-street parking stalls along a portion of Hualālai Street.

Reference: Comm. 830
Intr. by: Ms. Ruggles (B/R)
First Reading: April 25, 2018

Increases revenues in the Federal – 2017 Block Grant account ($24,362); and appropriates the same to the Administration, Planning & Fair Housing account for a total appropriation of $2,524,362. These additional funds would be used for the Office of Housing and Community Development’s Community Development Block Grant program.

Reference: Comm. 841
Intr. by: Ms. David (B/R)
First Reading: April 25, 2018


Increases revenues in the Federal Grants – Workforce Innovation Opportunity Act (WIOA) account ($1.3 million); and appropriates the same to the following 2018-2019 WIOA accounts: Administration Planning ($130,000); Adult Program ($400,000); Dislocated Worker Program ($345,000); and Youth Program ($425,000). Funds would be used to assist adults, dislocated workers, and youth by providing services that will train individuals to increase employment, retention, earnings, skills, and literacy.

Reference: Comm. 842
Intr. by: Ms. David (B/R)
First Reading: April 25, 2018


Appropriates revenues in the Federal – 2018 Housing Trust Fund Grant account ($1,425,000); and appropriates the same to the following accounts: Kaloko Heights Affordable Housing ($1,350,000) and Office of Housing and Community Development Administration ($75,000). Funds would be used towards projects that benefit persons of extremely-low income throughout Hawai‘i Island.

Reference: Comm. 852
Intr. by: Ms. David (B/R)
First Reading: April 25, 2018

Increases revenues in the Federal – 2018 HOME Investment Partnerships Program (HOME) ($2,375,000) and HOME Grant – Program Income ($50,000) accounts, for a total of $2,425,000; and appropriates the same to the following accounts: Kaloko Heights Affordable Housing ($1.4 million); Tenant Base Rental Assistance Program ($900,000); and Office of Housing and Community Development Administration ($125,000). Funds would be used towards projects that benefit persons of low and moderate income throughout Hawai‘i Island.

Reference: Comm. 853
Intr. by: Ms. David (B/R)
First Reading: April 25, 2018


Appropriates revenues in the Federal – 2018 Block Grant ($2,428,055) and Block Grant – Program Income ($100,000) accounts, for a total of $2,528,055; and appropriates the same to the following accounts: Paradise Park Fire Station – Wildland 4x4 Brush Truck ($270,000); Kula‘imanu Elderly Renovations ($850,000); Hale Maluhia Men’s Shelter – Roof and Americans with Disabilities Act Improvements ($151,742); Kiihipua Family Shelter – Roof and Kitchen Renovations ($137,753); Boys & Girls Club – Gym and Paving Improvements ($571,560); Boys & Girls Club – Van Acquisition ($47,000); and Administration, Planning & Fair Housing ($500,000). Funds would be used towards projects that benefit persons of low and moderate income throughout Hawai‘i Island.

Reference: Comm. 854
Intr. by: Ms. David (B/R)
First Reading: April 25, 2018

REPORTS

PC-57 (Comm. 878): NOMINATION OF KATHARINE T. CANNON-EGER TO THE BANYAN DRIVE HAWAI‘I REDEVELOPMENT AGENCY

PC-58 (Comm. 884): NOMINATION OF GERALDINE BELL TO THE HAWAI‘I COUNTY CULTURAL RESOURCES COMMISSION
PC-59   (Comm. 885):  NOMINATION OF DAVID DE LUZ, JR., TO THE WATER BOARD

Requires Council Confirmation by: May 20, 2018 (Section 13-4(l), Hawai‘i County Charter)

PSMTC-10 (Comm. 886): NOMINATION OF DWAYNE T. MUKAI TO THE LIQUOR CONTROL ADJUDICATION BOARD

REFERRALS FOR EXECUTIVE SESSION
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 7, 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 Aaron S. Y. Chung and Susan L. K. Lee Loy 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.

Copies of this agenda and items listed on the agenda are available on the County Clerk-Council webpage at http://www.hawaiicounty.gov/lb-council-meeting. For further information, please call 961-8255.

Submitting Written Testimony: Those submitting written testimony at the meetings 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).