COUNTY COUNCIL

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

12th Session

ORDER OF BUSINESS

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

May 17, 2017
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

November 18, 2015
December 2, 2015

COMMUNICATIONS


From Council Member Richards, dated April 24, 2017.

ORDER OF RESOLUTIONS

Res. 193-17: 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 KEAOUHOU CANOE CLUB TO ASSIST WITH EXPENSES ASSOCIATED WITH ITS 1ST ANNUAL ALA KAHAKAI LONG DISTANCE CANOE RACE
Transfers $3,500 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 262
Intr. by: Mr. Kanuha
Res. 194-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO HÔLUALOA FOUNDATION FOR ARTS & CULTURE TO ASSIST WITH THE “HAPPILY EVER AFTER-SCHOOL” PROGRAM
Transfers $6,500 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 263
Intr. by: Mr. Kanuha

Res. 195-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO THE DEPARTMENT OF PARKS AND RECREATION TO DEVELOP ACTIVITIES TO FOSTER SISTER-CITY RELATIONSHIPS FOR THE WAIMEA CHERRY BLOSSOM HERITAGE FESTIVAL
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Parks and Recreation, Culture and Education Other Current Expenses account.

Reference: Comm. 264
Intr. by: Mr. Richards

Res. 196-17: 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 ISLAND OF HAWAI‘I YMCA FOR ITS FAMILY VISITATION CENTER PROGRAM
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Office of the Prosecuting Attorney, Other Current Expenses account.

Reference: Comm. 265
Intr. by: Mr. Richards
Res. 197-17: 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 GRASSROOTS COMMUNITY DEVELOPMENT GROUP TO SUPPORT THE FOREST ROOTS FAMILY EDUCATION DAY AND HUNTING TOURNAMENT

Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Research and Development, Hawai‘i County Resource Center account.

Reference: Comm. 266
Intr. by: Ms. O’Hara

Res. 198-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO SUPPORT ISLAND-WIDE TRAININGS FOR THE POLICE DEPARTMENT

Transfers $7,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Police Department, Training account.

Reference: Comm. 267
Intr. by: Ms. O’Hara

Res. 199-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO THE DEPARTMENT OF PARKS AND RECREATION TO SUPPORT THE 35TH ANNUAL KUPUNA HULA FESTIVAL

Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Parks and Recreation, Elderly Activities Division Special Programs, Other Current Expenses account.

Reference: Comm. 268
Intr. by: Mr. Kanuha
Res. 200-17: AUTHORIZES THE ACQUISITION OF AN EASEMENT ON AND OVER PRIVATE PROPERTY BY EMINENT DOMAIN OF A PORTION OF TAX MAP KEY: 9-3-001:006, SITUATED AT PĀKINI IKI, DISTRICT OF KAʻŪ, COUNTY AND STATE OF HAWAI‘I, FOR AN EXPANDED MICROWAVE RADIO TOWER SITE

The County needs to replace its microwave radio tower due to corrosion. This acquisition would allow the County to maintain current operations until the new tower is completed.

Reference: Comm. 269
Intr. by: Ms. David (B/R)
Waived: FC
Note: First of two required readings, Section 101-13, Hawai‘i Revised Statutes

Res. 201-17: COMMITS TO FUNDING THE COST ITEMS AWARDED BY ARBITRATION TO HAWAI‘I FIRE FIGHTERS ASSOCIATION UNIT 11 AND EMPLOYEES EXCLUDED FROM BARGAINING UNIT 11 FOR THE CONTRACT PERIOD JULY 1, 2017, THROUGH JUNE 30, 2019

Cost items estimated at $3,753,349 in the two-year contract are across-the-board increases, step movements, and within range progressions.

Reference: Comm. 270
Intr. by: Ms. David (B/R)
Waived: FC

Res. 202-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO WATERS OF LIFE NEW CENTURY PUBLIC CHARTER SCHOOL TO ASSIST WITH EXPENSES ASSOCIATED WITH ITS AFTER-SCHOOL PROGRAM

Transfers $3,000 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Liquor Control, Public Programs account.

Reference: Comm. 271
Intr. by: Ms. Ruggles
Res. 203-17: 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 HILO HĀMĀKUA COMMUNITY DEVELOPMENT CORPORATION FOR EXPENSES RELATING TO THE 2017 HONOKAʻA WESTERN WEEK FESTIVAL
Transfers $1,200 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Parks and Recreation, Administration Other Current Expenses account.
Reference: Comm. 272
Intr. by: Mr. Richards

Res. 204-17: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO FRIENDS OF THE FUTURE FOR FRIENDS 4 WAIMEA’S RECYCLE FOOD PROGRAM
Transfers $2,000 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Liquor Control, Public Programs account.
Reference: Comm. 273
Intr. by: Mr. Richards

Res. 206-17: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAIʻI DEPARTMENT OF TRANSPORTATION, PURSUANT TO HAWAIʻI REVISED STATUTES SECTION 46-7, FOR THE COUNTY OF HAWAIʻI’S SAFE ROUTES TO SCHOOL (SRTS) PROGRAM GRANT
Authorizes the Mayor to enter into an agreement to accept $86,468.50 to be used towards the County’s SRTS program.
Reference: Comm. 282
Intr. by: Ms. David (B/R)
Waived: FC
Res. 207-17: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR ONE MULTI-FUNCTION HIGH CAPACITY COPY MACHINE FOR THE OFFICE OF THE PROSECUTING ATTORNEY

Authorizes the Mayor to enter into a five-year lease for one color copier to be used by the department’s Victim’s Assistance Unit in Kona.

Reference: Comm. 283
Intr. by: Ms. David (B/R)
Waived: FC

Res. 208-17: AUTHORIZES THE ACCEPTANCE OF A DONATION OF A MURAL TO THE DEPARTMENT OF PARKS AND RECREATION

Donated by Michelle Obregon and her Konawaena High School students, with an estimated total value of $3,500, to be located at the Konawaena Pool.

Reference: Comm. 284
Intr. by: Ms. David (B/R)
Waived: FC

Res. 209-17: COMMITS TO FUNDING THE COST ITEMS AWARDED BY ARBITRATION TO HAWAI‘I GOVERNMENT EMPLOYEES ASSOCIATION UNITS 03, 04, AND EMPLOYEES EXCLUDED FROM THOSE UNITS FOR THE CONTRACT PERIOD JULY 1, 2017, THROUGH JUNE 30, 2019

Cost items estimated at $4,217,368 in the two-year contract are across-the-board increases, one-time bonuses, and elimination of the lowest step movement.

Reference: Comm. 286
Intr. by: Ms. David (B/R)
Waived: FC
Res. 210-17: COMMTS TO FUNDING THE COST ITEMS AWARDED BY ARBITRATION TO HAWAI‘I GOVERNMENT EMPLOYEES ASSOCIATION UNITS 02, 13, AND EMPLOYEES EXCLUDED FROM THOSE UNITS FOR THE CONTRACT PERIOD JULY 1, 2017, THROUGH JUNE 30, 2019

Cost items estimated at $3,700,731 in the two-year contract are across-the-board increases, step movements, and within range progressions.

Reference: Comm. 287
Intr. by: Ms. David (B/R)
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)

Bill 29: AMENDS CHAPTER 2, ARTICLE 4, OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY ADDING A NEW SECTION RELATING TO TEMPORARY POSITIONS

Requires the Finance Director to notify the Council of any person employed under a contract for less than 90 days if the salary is $5,000 or more per month, and the temporary position is unrelated to a state of emergency declaration.

Reference: Comm. 238
Intr. by: Ms. Lee Loy
Approve: FC-16


Appropriates revenues in the State Grants – Safe Routes to School (SRTS) Program Grant account ($86,468.50); and appropriates the same to the Safe Routes to School Program Grant account. Funds would be used towards the County’s SRTS program.

Reference: Comm. 282
Intr. by: Ms. David (B/R)
Waived: FC
Bill 34:

AMENDS ORDINANCE NO. 16-73, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2016, TO JUNE 30, 2017

Adds the Parks and Recreation Kuawa Street New Sports Fields Development – Fair Share Project for $400,000 to the Capital Budget. Funds for this project shall be provided from Fair Share Contributions ($400,000). Funds would be used to develop new fields to accommodate rugby, soccer, and football and a new youth baseball/softball field.

Reference: Comm. 285
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

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 26:

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. 16-65 AND ALL AMENDMENTS THERETO, SAID ORDINANCE TO BE KNOWN AS THE SALARY ORDINANCE OF 2017

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. 192
Intr. by: Ms. David (B/R)
First Reading: May 3, 2017
**Bill 30:** AMENDS ORDINANCE NO. 16-72, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2017

Appropriates revenues in the State Grants - Juvenile Intake and Assessment Center account ($210,000); and appropriates the same to the Juvenile Intake and Assessment Center – State account. Funds would be used to establish and maintain the County’s Juvenile Intake and Assessment Center in West Hawai‘i with a sub-contracted operator chosen through procurement.

Reference: Comm. 250
Intr. by: Ms. David (B/R)
First Reading: May 3, 2017

**Bill 31:** AMENDS ORDINANCE NO. 16-72, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI‘I FOR THE FISCAL YEAR ENDING JUNE 30, 2017

Increases revenues in the Area Plan on Aging account ($1,000,760); and appropriates the same to the Area Plan on Aging account for a total appropriation of $2,212,405. The Office of Aging received additional state grant award funds from the State Executive Office on Aging.

Reference: Comm. 254
Intr. by: Ms. David (B/R)
First Reading: May 3, 2017

**REPORTS**

**FC-13 (Comm. 247):** NOMINATION OF FREDERICK R. WARSHAUER TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION COMMISSION

Requires Council Confirmation by: May 28, 2017 (Section 2-215(k), Hawai‘i County Code)

**PC-11 (Comm. 245):** NOMINATION OF MARY FREITAS TO THE BOARD OF APPEALS

Requires Council Confirmation by: May 28, 2017 (Section 13-4(l), Hawai‘i County Charter)
NOMINATION OF ERIC SCICCHITANO TO THE WATER BOARD

Requires Council Confirmation by: May 28, 2017 (Section 13-4(l), Hawai‘i County Charter)

NOMINATION OF THOMAS RAFFIPIY TO THE WINDWARD PLANNING COMMISSION

Requires Council Confirmation by: May 28, 2017 (Section 13-4(l), Hawai‘i County Charter)

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 15, 2017. 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
- Pāhoa Council Office, 15-2879 Pāhoa Village Road.

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, Nā‘ālehu; 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](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 24 and 31, 2017, at 6 p.m.; Fridays, May 26 and June 2, 2017, at 12 p.m.; and Sundays, May 28 and June 4, 2017, 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/).)