COUNTY COUNCIL

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

21st Session

ORDER OF BUSINESS

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

September 2, 2015
9:00 a.m.

(Note: Please turn cell phones, pagers, and other mobile communication devices on 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

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 252-15: AWARDS A PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION MAINTENANCE STEWARDSHIP GRANT TO PŌHĀHĀ I KA LANI

Approves a grant of $83,500 to Pōhāhā I Ka Lani, a 501(c)(3) nonprofit organization, for the purpose of protecting, preserving, and restoring the Waipi‘o Valley Lookout property (Tax Map Key: 4-8-004:006), pursuant to Section 10-16 of the Hawai‘i County Charter.

Reference: Comm. 423
Intr. by: Ms. Poindexter
Approve: FC-32

Res. 254-15: 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 BIG ISLAND DRUG COURT, INC., TO PAY FOR SERVICES FOR PARTICIPANTS OF THE BIG ISLAND DRUG COURT AND BIG ISLAND VETERANS TREATMENT COURT

Transfers/appropriates $5,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits the same to the Office of the Prosecuting Attorney, Prosecuting Attorney Other Current Expenses, Miscellaneous Contract Services account (Friends of Big Island Drug Court, Inc.)

Reference: Comm. 426
Intr. by: Mr. Ilagan
Res. 255-15: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $20 TO THE DEPARTMENT OF PARKS AND RECREATION

Donated by Jeffrey and Helen Lorance to purchase prizes for the Annual Ohana Shoreline Fishing Tournament held in August 2015.

Reference: Comm. 427
Intr. by: Ms. Eoff
Waived: FC

Res. 256-15: PROPOSES AN AMENDMENT TO THE COUNTY OF HAWAI‘I GENERAL PLAN, IN ACCORDANCE WITH THE GENERAL PLAN COMPREHENSIVE REVIEW PROCESS, RELATING TO THE PRINCIPLES OF THE AHUPUA‘A SYSTEM

Proposes amendments to the General Plan to apply the values, philosophy, and geographical features of the ahupua‘a system as a land use model to regulatory decisions and government programs, fulfilling sustainability goals, and land use policies with consideration for resource management.

Reference: Comm. 429
Intr. by: Ms. David
Waived: PC

Res. 257-15: PROPOSES AN AMENDMENT TO THE COUNTY OF HAWAI‘I GENERAL PLAN, IN ACCORDANCE WITH THE GENERAL PLAN COMPREHENSIVE REVIEW PROCESS

Proposes the following amendments to the General Plan: 1) Retain Sections 1.1 and 1.2 of the 2005 General Plan as Chapter 1 of the Revised General Plan; 2) Insert Exhibit A “General Plan Policies And Principles” as Chapter 2 of the Revised General Plan; 3) Insert Exhibits B through O, “General Plan Categories” as Chapter 3 of the Revised General Plan; 4) Retain Chapters 15 and 16 of the 2005 General Plan as the final chapters in the Revised General Plan; 5) Place the 2005 General Plan Sections 1.6, 1.7, and 1.8, as appropriately updated, in the Appendices to the Revised General Plan; 6) Place all statistical analysis and background research in the Appendices to the Revised General Plan appendices; and 7) Place the Strategies and Action Plan Sections in a separate chapter or in the Appendices to the Revised General Plan as the Planning Director deems appropriate.

Reference: Comm. 430
Intr. by: Ms. Wille
Waived: PC
Res. 258-15: PROPOSES AN AMENDMENT TO THE COUNTY OF HAWAI‘I GENERAL PLAN, IN ACCORDANCE WITH THE GENERAL PLAN COMPREHENSIVE REVIEW PROCESS, RELATING TO ROADWAY ACCESS IN THE DISTRICT OF KA‘Ū DURING TIMES OF FLOODING
Proposes to amend the General Plan to investigate potential solutions to prevent the closure of the Hawai‘i Belt Road due to flooding, including improving, acquiring, and maintaining alternate routes.

Reference: Comm. 431
Intr. by: Ms. David
Waived: PC

Res. 259-15: AUTHORIZES THE DEPARTMENT OF PARKS AND RECREATION TO AWARD FUNDS TO THE PEOPLES ADVOCACY FOR TRAILS HAWAI‘I (PATH)
Funds in the amount of $35,000 would be used towards PATH’s Bike Education program for fourth grade students.

Reference: Comm. 432
Intr. by: Ms. Eoff
Waived: FC

Res. 260-15: AUTHORIZES THE ACCEPTANCE OF A GRANT AWARD OF $50,000 FROM THE CITIES FOR FINANCIAL EMPOWERMENT FUND TO SUPPORT THE OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT’S DIRECT DEPOSIT INCENTIVE PROGRAM
Funds would be used to provide Direct Deposit Incentive program participants incentives for opening and maintaining an account free of overdraft fees and introduce participants to additional financial and employment related services.

Reference: Comm. 433
Intr. by: Ms. Eoff
Waived: FC
Res. 261-15: 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 HAWAI‘I LGBT LEGACY FOUNDATION TO ASSIST WITH EXPENSES RELATED TO THE 3RD ANNUAL LGBT PRIDE PARADE AND FESTIVAL

Transfers/appropriates $1,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits the same to the Department of Parks and Recreation, Parks and Recreation Administration Other Current Expenses, Miscellaneous Contract Services account (Hawai‘i LGBT Legacy Foundation – 3rd Annual LGBT Pride Parade and Festival).

Reference: Comm. 434
Intr. by: Mr. Paleka

Res. 262-15: 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 HAWAI‘I ISLAND ECONOMIC DEVELOPMENT BOARD, INC. (HIEDB), TO ASSIST WITH EXPENSES RELATED TO ‘IMILOA ASTRONOMY CENTER’S MOBILE SCIENCE OUTREACH PROGRAM FOR SCHOOLS IN THE PUNA DISTRICT

Transfers/appropriates $5,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits the same to the Department of Parks and Recreation, Parks and Recreation Administration Other Current Expenses, Miscellaneous Contract Services account (HIEDB – ‘Imiloa Astronomy Center’s Mobile Science Outreach Program).

Reference: Comm. 435
Intr. by: Mr. Paleka

Res. 263-15: 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 HAWAI‘I ISLAND ECONOMIC DEVELOPMENT BOARD, INC. (HIEDB), TO ASSIST WITH EXPENSES RELATED TO TRANSPORTATION FOR THE STARBASE HAWAI‘I PROGRAM DURING THE 2015-2016 SCHOOL YEAR

Transfers/appropriates $3,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits the same to the Office of the Prosecuting Attorney, Prosecuting Attorney Other Current Expenses, Miscellaneous Contract Services account (HIEDB – STARBASE Hawai‘i).

Reference: Comm. 437
Intr. by: Mr. Paleka
Res. 265-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO ASSIST WITH EXPENSES RELATED TO THE FIRST JUNIOR POLICE OFFICERS (JPO) PROGRAM AT PĀHOA ELEMENTARY SCHOOL

Transfers/appropriates $1,000 out and from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits the same to the Hawai‘i Police Department, Police Administration Division – Other Current Expenses, Educational-Recreational-Scientific account (JPO Program – Pāhoa Elementary School). Funds would be used to pay for an end-of-year award celebration and 11 JPO shirts.

Reference: Comm. 439
Intr. by: Mr. Paleka

Res. 266-15: URGES HAWAI‘I’S CONGRESSIONAL DELEGATION TO PROPOSE AND PASS AN AMENDMENT CLARIFYING THAT CORPORATIONS ARE NOT PEOPLE WITH CONSTITUTIONAL RIGHTS, AND THAT UNLIMITED CAMPAIGN SPENDING IS NOT FREE SPEECH

Reference: Comm. 445
Intr. by: Ms. Eoff
Waived: GREDC

Res. 267-15: REQUESTS THE HAWAI‘I STATE ASSOCIATION OF COUNTIES (HSAC) TO INCLUDE IN ITS 2016 LEGISLATIVE PACKAGE A RESOLUTION URGING HAWAI‘I’S CONGRESSIONAL DELEGATION TO PROPOSE AND PASS AN AMENDMENT CLARIFYING THAT CORPORATIONS ARE NOT PEOPLE WITH CONSTITUTIONAL RIGHTS, AND THAT UNLIMITED CAMPAIGN SPENDING IS NOT FREE SPEECH

Requests that the HSAC package include a request to the State Legislature to urge Hawai‘i’s congressional delegation to take the above action.

Reference: Comm. 446
Intr. by: Ms. Eoff
Waived: GREDC
BILLS FOR ORDINANCES (FIRST READING)


Appropriates revenues in the Housing Private Contributions account ($50,000); and appropriates the same to the Direct Deposit Incentive Program account. Funds would be used to provide Direct Deposit Incentive program participants incentives for opening and maintaining an account free of overdraft fees and introduce participants to additional financial and employment related services.

Reference:  Comm. 433
Intr. by:  Ms. Eoff
Waived:  FC

Bill 85:  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 Public Works Water Line Replacement, Nohea Street, Santos Lane – State project for $550,000 to the Capital Budget. Funds for the project shall be provided from State Grants Receivable ($550,000). Funds would be used to replace corroded and leaky galvanized water lines along Nohea Street and Santos Lane in Hilo.

Reference:  Comm. 444
Intr. by:  Ms. Eoff
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 62
(Draft 2):

INITIATES AN AMENDMENT TO ARTICLE VI, CHAPTER 3, SECTION 6-3.4, OF THE HAWAI‘I COUNTY CHARTER (2014), RELATING TO COUNTY BANDS

Removes language specifying that bandmasters and band employees are appointed and exempt from civil service laws and classifications.

Reference: Comm. 357.2
Intr. by: Mr. Onishi
First Reading: August 5, 2015
Second Reading: August 19, 2015
Note: Third of three required readings, a 2/3 vote of the entire membership is required to pass each reading, pursuant to Section 15-1(a), Hawai‘i County Charter.

Bill 72:

AMENDS THE COUNTY OF HAWAI‘I GENERAL PLAN AS ADOPTED BY ORDINANCE NO. 05-25 AND AMENDED BY ORDINANCE NOS. 06-153, 12-89, AND 14-87, AND BY AMENDING MAP 14 OF THE LAND USE PATTERN ALLOCATION GUIDE MAP BY CHANGING THE LAND USE DESIGNATION FROM LOW DENSITY URBAN AND IMPORTANT AGRICULTURAL LAND TO MEDIUM DENSITY URBAN FOR KEA‘AU VILLAGE AND THE IMMEDIATELY SURROUNDING AREAS, KEA‘AU VILLAGE, KEA‘AU, PUNA, ISLAND OF HAWAI‘I (Planning Director Initiated)
The Windward and Leeward Planning Commissions forward their favorable recommendations for this amendment.

Reference: Comm. 398
Intr. by: Mr. Ilagan (B/R)
First Reading: August 19, 2015

Bill 74:


Appropriates revenues in the Asset Forfeitures – State account ($200,000); and appropriates the same to the Asset Forfeitures – State account. The appropriation is necessary for the Police Department to receive State Asset Forfeiture funds.

Reference: Comm. 412
Intr. by: Ms. Eoff
First Reading: August 19, 2015

Increases revenues in the State Grants – Coastal Zone Management account ($16,258); and appropriates the same to the Coastal Zone Management – Other Current Expenses account. Funds would be used for costs related to increased wages of public employees providing contract work and for performance of additional services.

Reference: Comm. 413
Intr. by: Ms. Eoff
First Reading: August 19, 2015


Appropriates revenues in the State Grants – Fall Prevention/Home Safety Program account ($3,360); and appropriates the same to the Fall Prevention/Home Safety Program account. Funds would be used by the Hawai‘i Fire Department to conduct home safety assessments with individuals identified as at-risk for falls and to refer individuals to prevention services.

Reference: Comm. 415
Intr. by: Ms. Eoff
First Reading: August 19, 2015

REPORTS

REFERRALS FOR EXECUTIVE SESSION

Comm. 428: GARY DARNELL/GOVERNMENT EMPLOYEES INSURANCE COMPANY VS. COUNTY OF HAWAI‘I; ET AL.; CIVIL NO. 09-1-0146

From Deputy Corporation Counsel Melody Parker, dated August 11, 2015, requesting an attorney-client confidential discussion to consult with the Council a possible settlement offer for a lawsuit filed on April 17, 2009, due to an automobile accident.

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 August 31, 2015. 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
- Waimea Council Office, Holomua Center, 64-1067 Māmalahoa Highway, Suite 5.

Public attendance via courtesy site is also available at the following locations until public testimony has been completed:

- County Facility (former Bank of Hawai‘i Building), 54-3888 Akoni Pule Highway, Kohala;
- Nā‘ālehu State Office Building, 95-5669 Māmalahoa Highway, Nā‘ālehu; 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.

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. 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, September 9 and 16, 2015, at 6 p.m.; Fridays, September 11 and 18, 2015, at 12 p.m.; and Sundays, September 13 and 20, 2015, 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/).)

**UPCOMING MEETINGS**

**TUESDAY, SEPTEMBER 15, 2015**

**COMMITTEES**

TBA

WEST HAWAI‘I CIVIC CENTER
74-5044 Ane Keohokālōle Highway
Building A

**WEDNESDAY, SEPTEMBER 16, 2015**

**COUNCIL**

9:00 A.M.

WEST HAWAI‘I CIVIC CENTER
74-5044 Ane Keohokālōle Highway
Building A

**TUESDAY, OCTOBER 6, 2015**

**COMMITTEES**

TBA

COUNCIL ROOM - HILO
25 Aupuni Street

**WEDNESDAY, OCTOBER 7, 2015**

**COUNCIL**

9:00 A.M.

COUNCIL ROOM - HILO
25 Aupuni Street