COUNTY COUNCIL

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

46th Session

ORDER OF BUSINESS

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

August 8, 2018
9:00 a.m.

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

INVOCATION
Reverend Bryan Siebuhr of Honpa Hongwanji Hilo Betsuin

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

June 29, 2018
July 10, 2018

COMMUNICATIONS

Comm. 999: REAPPOINTMENT OF JULIA ANN ALOS AND MARK S. GORDON TO THE SOUTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE
From Mayor Harry Kim, dated July 20, 2018, submitting for the Council’s review and confirmation the above nominations.

Waived: PC
Requires Council Confirmation by: September 2, 2018 (Section 13-4(l), Hawai‘i County Charter)

ORDER OF RESOLUTIONS

Res. 636-18: AUTHORIZES A GRANT OF EASEMENT S-41 ON, THROUGH, AND/OR OVER A PORTION OF KAOMOLOA ROAD, LOT R-1 OF FILE PLAN 1683, TAX MAP KEY NO.: 6-7-003, FOR SEWER PURPOSES TO WAIMEA WASTEWATER COMPANY, INC., SITUATED AT LALAMILO AND WAIKOLOA, WAIMEA, DISTRICT OF SOUTH KOHALA, ISLAND, COUNTY AND STATE OF HAWAI‘I
The roadway contains an area of approximately 860 square feet, and would be used for a sewer easement to serve the Lualai Subdivision, with an anticipated sales price of less than $1,000.

Reference: Comm. 980
Intr. by: Ms. David (B/R)
Approve: FC-124
Res. 641-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PURCHASE WREATHS FOR THE WEST HAWAI‘I VETERANS CEMETERY-PU‘U HO‘OMAHA O NA PO‘E KOA O HAWAI‘I KOMOHANA FOR THE NATIONAL WREATHS ACROSS AMERICA DAY
Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 992
Intr. by: Ms. Eoff

Res. 642-18: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO D.A.R.E. HAWAI‘I TO ASSIST WITH EXPENSES RELATED TO THE MILOLI‘I YOUTH FISHING TOURNAMENT
Transfers $500 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 993
Intr. by: Ms. David

Res. 643-18: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $1,000 TOWARDS ENSURING THE CONTINUITY OF ESSENTIAL AIR SERVICE AT THE WAIMEA-KOHALA AIRPORT
Donated by the Kohala Coast Resort Association, these funds are part of the community contributions required by the U.S. Department of Transportation and would be administered by the Department of Research and Development.

Reference: Comm. 1001
Intr. by: Ms. David (B/R)
Waived: FC
Res. 644-18: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $50 TOWARDS ENSURING THE CONTINUITY OF ESSENTIAL AIR SERVICE AT THE WAIMEA-KOHALA AIRPORT
Donated by Riley Smith, these funds are part of the community contributions required by the U.S. Department of Transportation and would be administered by the Department of Research and Development.

Reference: Comm. 1002
Intr. by: Ms. David (B/R)
Waived: FC

Res. 645-18: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $50 TOWARDS ENSURING THE CONTINUITY OF ESSENTIAL AIR SERVICE AT THE WAIMEA-KOHALA AIRPORT
Donated by Frankie Pang, these funds are part of the community contributions required by the U.S. Department of Transportation and would be administered by the Department of Research and Development.

Reference: Comm. 1003
Intr. by: Ms. David (B/R)
Waived: FC

Res. 646-18: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $100 TOWARDS ENSURING THE CONTINUITY OF ESSENTIAL AIR SERVICE AT THE WAIMEA-KOHALA AIRPORT
Donated by Patti Cook, these funds are part of the community contributions required by the U.S. Department of Transportation and would be administered by the Department of Research and Development.

Reference: Comm. 1004
Intr. by: Ms. David (B/R)
Waived: FC
Res. 647-18: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

The memorandum of agreement with the Department of Research and Development would establish and operate a local project under the AmeriCorps Volunteers in Service to America program focusing on transportation, affordable housing, energy, and economic self-sufficiency, and includes a cost-sharing agreement of $78,478 of Federal investments and $14,666 of County funds.

Reference: Comm. 1005
Intr. by: Ms. David (B/R)
Waived: FC

Res. 648-18: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF $542 TO THE DEPARTMENT OF PARKS AND RECREATION

Donated by Polynesian Adventure Tours, LLC, this donation would be used for the Pana’ewa Rainforest Zoo and Gardens.

Reference: Comm. 1006
Intr. by: Ms. David (B/R)
Waived: FC

Res. 649-18: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I DEPARTMENT OF HEALTH, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, FOR A GRANT TO THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Funds in the amount of $160,000 would be used towards the Solid Waste Division’s Electronic Waste Recycling program.

Reference: Comm. 1007
Intr. by: Ms. David (B/R)
Waived: FC
**Res. 651-18:** 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 HAWAI‘I ISLAND PORTUGUESE CHAMBER OF COMMERCE CULTURAL AND EDUCATIONAL CENTER FOR THE 140TH ANNIVERSARY OF THE ARRIVAL OF THE FIRST PORTUGUESE IMMIGRANT FAMILIES TO HAWAI‘I

Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 1); and credits to the Department of Research and Development, Tourism Promotion account.

Reference: Comm. 1009
Intr. by: Ms. Poindexter

**Res. 652-18:** DIRECTS THE CLERK OF THE COUNTY OF HAWAI‘I TO TAKE NECESSARY ACTION TO PLACE THE CHARTER AMENDMENT PROPOSED BY ORDINANCE NO. 18-76, RELATING TO FISCAL IMPACT STATEMENTS, ON THE 2018 GENERAL ELECTION BALLOT

Ordinance No. 18-76 proposes an amendment to the Hawai‘i County Charter that would require that any proposed amendment or revision to the Hawai‘i County Charter be accompanied by a Fiscal Impact Statement.

Reference: Comm. 1011
Intr. by: Ms. Poindexter
Res. 653-18: AUTHORIZES THE ADOPTION OF USDA FORM RESOLUTION 1780-27 PROVIDING FOR A UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) LOAN TO FINANCE CERTAIN PUBLIC SEWER SYSTEM IMPROVEMENTS FOR THE LONO KONA SUBDIVISION, NORTH KONA, HAWAI’I; AUTHORIZES THE EXECUTION OF AN AGREEMENT WITH THE UNITED STATES OF AMERICA DEPARTMENT OF AGRICULTURE, PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, FOR A GRANT FOR COSTS OF SUCH PUBLIC SEWER SYSTEM IMPROVEMENTS; AND AUTHORIZES THE MAYOR, THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT, THE DIRECTOR OF FINANCE, AND THE CHAIR OF THE COUNTY COUNCIL TO TAKE ALL ACTIONS NECESSARY TO FACILITATE SUCH LOAN AND GRANT

Authorizes a loan agreement with the USDA not to exceed $3,699,000 and a grant agreement not to exceed $1,071,000 to fund a portion of the costs of constructing a public sewer system for the Lono Kona Subdivision. Funds are needed due to higher than anticipated project costs.

Reference: Comm. 1014
Intr. by: Ms. David (B/R)
Waived: FC

BILLS FOR ORDINANCES (FIRST READING)


Extends the authority of the Department of Environmental Management to take into custody and dispose of abandoned or derelict vehicles from certain private roadways in the interest of public health and safety, in accordance with Chapter 290, Hawai‘i Revised Statutes, and requires that the department’s director develop and implement an educational outreach program on the disposition and reporting of abandoned or derelict vehicles.

Reference: Comm. 941.6
Intr. by: Ms. O’Hara
Approve: EMC-6

Officially names Happiness Gardens and adds it to the Parks and Recreational Facility Schedule. This park located at the mouth of the Wailoa River where it empties into Hilo Bay was conceived and constructed by Mr. Kazuo Nakamura through donations by the local community, and dedicated on May 11, 1979.

Reference: Comm. 979
Intr. by: Ms. Lee Loy
Approve: PWPRC-48


Appropriates revenues in the State Grants – Hawai‘i Tourism Authority account ($145,000); and appropriates the same to the Hawai‘i Tourism Authority account. Funds would be used by the Department of Research and Development to develop and implement its Ho‘okaulike Signage project.

Reference: Comm. 983
Intr. by: Ms. David (B/R)
Approve: FC-125


Effective July 1, 2019, removes the phrase “totally disabled” from Section 19-73, and replaces with “100 percent disabled or 100 percent unemployable, or both.” Further amends Section 19-73 to exempt disabled or unemployable veterans from all real property tax, where “totally disabled” veterans are currently subject to the minimum tax provided for in Section 19-90(e).

Reference: Comm. 989.5
Intr. by: Mr. Kanuha
Approve: FC-126
**Bill 171:** AMENDS ORDINANCE NO. 18-68, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAIʻI FOR THE FISCAL YEAR ENDING JUNE 30, 2019

Appropriates revenues in the State Grants – Electronic Waste Recycling account ($160,000); and appropriates the same to the Electronic Waste Recycling account. Funds would be used towards the Department of Environmental Management, Solid Waste Division’s Electronic Waste Recycling program.

Reference: Comm. 1007
Intr. by: Ms. David (B/R)
Waived: FC

**Bill 172:** AMENDS ORDINANCE NO. 18-68, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAIʻI FOR THE FISCAL YEAR ENDING JUNE 30, 2019

Appropriates revenues in the State Grants – 2018 Lava Disaster Relief – State account ($12 million); and appropriates the same to the 2018 Lava Disaster Relief – State account. Funds would be used to provide immediate relief necessary to protect the health, safety, and welfare of residents in the Lower Puna area.

Reference: Comm. 1013
Intr. by: Ms. David (B/R)
Waived: FC

**Bill 173:** AUTHORIZES THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF HAWAIʻI IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $3,699,000 FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF CONSTRUCTING A PUBLIC SEWER SYSTEM SERVING THE LONO KONA SUBDIVISION; FIXES THE FORM, DENOMINATION, AND CERTAIN DETAILS OF SUCH BONDS; PROVIDES FOR THE ISSUANCE AND SALE OF SUCH BONDS; AND PROVIDES FOR OTHER MATTERS OR ACTIONS PERTAINING TO THE ISSUANCE AND SALE OF THE BONDS

The sale of $3,699,000 of general obligation bonds to the United States Department of Agriculture (USDA) would allow the County to secure payment of a loan in the same amount from the USDA. Funds are needed due to higher than anticipated project costs.

Reference: Comm. 1015
Intr. by: Ms. David (B/R)
Waived: FC
Bill 174:  
AMENDS ORDINANCE NO. 18-69, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2018, TO JUNE 30, 2019

Increases the Environmental Management Lono Kona Improvement District – County project by $3,699,000, for a total appropriation of $4,839,000. Funds for this project shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources. The increase reflects an anticipated USDA loan to cover portions of the cost of constructing a public sewer system serving the Lono Kona Subdivision. Funds are needed due to higher than anticipated costs.

Reference: Comm. 1016  
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

Bill 175:  
AMENDS ORDINANCE NO. 18-69, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2018, TO JUNE 30, 2019

Adds the Environmental Management Lono Kona Improvement District – Federal project for $1,071,000 to the Capital Budget. Funds for this project shall be provided from Federal Grants Receivable. These funds reflect an anticipated USDA grant to cover higher than anticipated costs of constructing a public sewer system for the Lono Kona Subdivision.

Reference: Comm. 1016  
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 161: ADOPTS THE COUNTY OF HAWAI‘I HĀMĀKUA COMMUNITY DEVELOPMENT PLAN (CDP)
The Windward Planning Commission forwards its favorable recommendation for the adoption of the Hāmākua CDP. The CDP Program is established by the County’s General Plan to create a framework for residents and other stakeholders to participate in regional planning for their communities. The planning area for the Hāmākua CDP encompasses most of the Judicial District of Hāmākua, North Hilo, and a portion of the South Hilo District.

Reference: Comm. 967
Intr. by: Ms. Poindexter
First Reading: July 25, 2018

Appropriates revenues in the Federal Grants – Hawai‘i Criminal Justice Data Center – National Instant Criminal Background Check System Act Record Improvement Program account ($48,590); and appropriates the same to the Hawai‘i Criminal Justice Data Center – National Instant Criminal Background Check System Act Record Improvement Program account. Funds would be used by the Police Department to purchase equipment that would allow access to statewide offender information and enhance identification, storage, and tracking of evidence by transitioning to a standardized bar code system.

Reference: Comm. 984
Intr. by: Ms. David (B/R)
First Reading: July 25, 2018

REPORTS

PC-65 (Comm. 987): NOMINATION OF MICHAEL VITOUSEK TO THE LEEWARD PLANNING COMMISSION
Requires Council Confirmation by: August 19, 2018 (Section 13-4(l), Hawai‘i County Charter)
PC-66 (Comm. 988):

NOMINATION OF FAITH YATES TO THE LEEWARD PLANNING COMMISSION

Requires Council Confirmation by: August 19, 2018 (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 August 6, 2018. 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;
• 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:
• Nā‘ālehu State Office Building, 95-5669 Māmalahoa Highway; 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.
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](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).

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