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 21, 2019

9:00 a.m.

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

INVOCATION

Pastor Ron Brav of Calvary Chapel Hilo

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

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 141-19: AUTHORIZES THE TEMPORARY CLOSURE OF KEAUKAHA ROAD ON A NIGHTLY BASIS TO PREVENT LOITERING, LITTERING, AND OTHER ILLEGAL ACTIVITY

Pursuant to Section 24-153.3 of the Hawai‘i County Code, a gate would be installed at the intersection of Keaukaha Street and Kamokuna Street, with appropriate times for nightly closure and reopening to be determined by the Chief of Police, the Director of Public Works, and the Director of Parks and Recreation.

Reference: Comm. 238
Intr. by: Ms. Lee Loy
Approve: PWMTC-8


The landholder seeks to dedicate these private roadways to the County for public roadway purposes.

Reference: Comm. 239
Intr. by: Ms. Lee Loy (B/R)
Approve: PWMTC-9

The County would join the Friends of the Amy B.H. Greenwell Ethnobotanical Garden to acquire the property in whole or conservation easements to perpetuate traditions and customary native Hawaiian practices that sustain rare and native plant species.

Reference: Comm. 254
Intr. by: Ms. David
Approve: FC-35

Res. 159-19: AUTHORIZES THE EMPLOYMENT OF SPECIAL COUNSEL TO REPRESENT THE COUNTY OF HAWAI‘I, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT IN RENEGOTIATION OF ITS SOLID WASTE MANAGEMENT CONTRACT WITH WASTE MANAGEMENT HAWAI‘I IN REGARDS TO THE PU‘UANAHULU WEST HAWAI‘I SANITARY LANDFILL

The Department of Environmental Management requests the Council’s approval to retain special counsel with specific expertise and experience in solid waste contracting, at a cost not to exceed $300,000.

Reference: Comm. 266
Intr. by: Ms. David (B/R)
Approve: FC-36
Note: Requires 2/3 vote of the entire membership, pursuant to Section 6-5.5, Hawai‘i County Charter
Res. 164-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO KE KAI ALA FOUNDATION TO ASSIST WITH THE WAI'AHA ROOTS BODYBOARDING SURF CONTEST
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Department of Parks and Recreation, Administration Other Current Expenses account.

Reference: Comm. 271
Intr. by: Ms. Villegas

Res. 165-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO MAKUʻU FARMERS ASSOCIATION FOR ITS “MĀLA HOʻOULU ‘IKE” PROJECT
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 272
Intr. by: Ms. Kierkiewicz

Res. 166-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO BOYS TO MEN MENTORING NETWORK OF HAWAIʻI, INC., TO ASSIST WITH FOOD EXPENSES FOR ITS “ADVENTURE WEEKEND”
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 273
Intr. by: Ms. Kierkiewicz
Res. 167-19: 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 NORTH KOHALA COMMUNITY RESOURCE CENTER FOR THE 2019 KOHALA HIGH SCHOOL PROJECT GRAD NIGHT Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 274
Intr. by: Mr. Richards

Res. 168-19: 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 AMERICAN NATIONAL RED CROSS FOR ITS HOME FIRE CAMPAIGN IN HAWAI’I COUNTY Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Hawai‘i Fire Department, Fire Prevention Other Current Expenses account.

Reference: Comm. 275
Intr. by: Mr. Richards

Res. 170-19: 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 ARTIST COLLABORATION TO ASSIST WITH PURCHASING ART SUPPLIES AND MATERIALS FOR STUDENTS AT MOUNTAIN VIEW ELEMENTARY SCHOOL Transfers $750 from the Clerk-Council Services – Contingency Relief account (Council District 5); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 282
Intr. by: Mr. Kaneali‘i-Kleinfelder
Res. 171-19: 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 COUNTY ECONOMIC OPPORTUNITY COUNCIL FOR ITS SENIOR FARMERS MARKET NUTRITION PROGRAM
Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Office of Aging, Other Current Expenses account.

Reference: Comm. 283
Intr. by: Mr. Richards

Res. 172-19: 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 FOR THE 2019 DARE DAY CELEBRATION EVENT IN WEST HAWAI‘I
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 9); and credits to the Hawai‘i Police Department, Police Administration Division-Other Current Expenses account.

Reference: Comm. 284
Intr. by: Mr. Richards

Res. 173-19: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE A GRANT TO TRIANGLE STRATEGIC AND FINANCIAL ADVISING FOR NOT-FOR-PROFITS, INC., TO ASSIST GIRLS TO WOMEN MENTORING HAWAI‘I
Transfers $1,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 285
Intr. by: Ms. Kierkiewicz
Res. 174-19: 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 DAUGHTERS OF HAWAI‘I TO ASSIST WITH EXPENSES RELATED TO THE KAMEHAMEHA DAY PARADE AND HO‘OLAULE‘A IN KONA
Transfers $500 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Department of Liquor Control, Public Programs account.

Reference: Comm. 286
Intr. by: Ms. Villegas

Res. 175-19: AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY OF HAWAI‘I
Funds in the amount of $9,900 would be provided to the University of Hawai‘i for its East Hawai‘i Cacao Variety Trial program to determine varieties with high yields and resistance to Black Pod Rot.

Reference: Comm. 289
Intr. by: Ms. David (B/R)
Waived: FC

Res. 182-19: APPROVES A NEW SLATE OF OFFICERS FOR THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS AND THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS
Requests the Council’s approval to nominate Ikaika Anderson and KipuKai Kuali‘i to the National Association of Counties Board of Directors and Herbert M. “Tim” Richards and Kelly T. King to the Western Interstate Region Board of Directors, all for terms beginning July 1, 2019.

Reference: Comm. 298
Intr. by: Ms. Poindexter
Waived: GREDC
BILLS FOR ORDINANCES (FIRST READING)

Bill 63: AMENDS CHAPTER 2, ARTICLE 25, SECTION 2-139 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO THE PROCEDURE FOR AWARDING GRANTS TO NONPROFIT ORGANIZATIONS

Proposes a $500,000 increase to the appropriation for grants-in-aid awarded annually in the County’s operating budget.

Reference: Comm. 234
Intr. by: Ms. Lee Loy
Approve: FC-37

Bill 64: AMENDS CHAPTER 24, ARTICLE 2, SECTION 24-12 OF THE HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), RELATING TO VEHICLES AND TRAFFIC

Amends “Aliyah’s Law” by adding that vehicles with window glazing that is not in compliance with State law and that are parked or operating on public highways may be cited and removed at the registered owner’s expense.

Reference: Comm. 247
Intr. by: Ms. Lee Loy
Approve: PWMTC-10


Increases revenues in the Nutrition Services Incentive Program account ($3,387); and appropriates the same to the Nutrition Services Incentive Program account, bringing the total appropriation to $103,387. Funds would be used for supplies for the program.

Reference: Comm. 288
Intr. by: Ms. David (B/R)
Waived: FC
Bill 72: 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

Establishes the following program appropriations to the Capital Budget: Roadway Projects ($138,519.11), Bridge Inspection/Repair ($96,963.37), and Local Road Projects ($235,482.49), for a total of $470,964.97. Funds for these appropriations shall be provided from fuel tax revenue in excess of what was projected in Ordinance 17-4.

Reference: Comm. 290
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


Increases revenues in the Fund Balance From Previous Year – Reserved account ($344,823.16); and appropriates the same to the Transfer to Capital Projects Fund – Highway account. These fiscal year 2017-2018 excess fuel tax revenues would be expended by the Department of Public Works on County roadway projects.

Reference: Comm. 291
Intr. by: Ms. David (B/R)
Waived: FC
ORDER OF THE DAY (SECOND OR FINAL READING)

**Bill 47:**

AMENDS SECTION 25-8-11 (LĀLĀMILO-PU’UKAPU ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAI’I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – FORTY ACRES (A-40a) TO AGRICULTURAL – FIVE ACRES (A-5a) AT PU’UKAPU HOMESTEADS 2ND SERIES, WAIMEA, SOUTH KOHALA, HAWAI’I, COVERED BY TAX MAP KEY: 6-4-017:043 (Applicant: 64-560 Mamalahoa, LLC) (Area: 10.94 Acres)

The Leeward Planning Commission forwards its unfavorable recommendation for this change of zone, which would allow the applicant to apply for subdivision of the parcel and create a flag lot. The property is located approximately .42 miles west of White Road and 150 feet east of Puʻu Manu Place.

Reference: Comm. 196.3
Intr. by: Ms. Kierkiewicz (B/R)
First Reading: May 8, 2019

**Bill 57:**

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. 18-53 AND ALL AMENDMENTS THERETO, SAID ORDINANCE TO BE KNOWN AS THE SALARY ORDINANCE OF 2019

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. 223
Intr. by: Ms. David (B/R)
First Reading: May 8, 2019
Bill 58:  
Appropriates revenues in the State Grants – Hawai‘i Island Tourism Strategic Plan account ($35,000); and appropriates the same to the Hawai‘i Island Tourism Strategic Plan – State account. Funds would be used to increase communication, interaction and understanding between industry stakeholders, residents and the visitor industry.

Reference:  Comm. 224  
Intr. by:  Ms. David (B/R)  
First Reading:  May 8, 2019  

Bill 65:  
Appropriates revenues in the following Parks and Recreation Administration accounts: Salaries and Wages ($15,000) and Other Current Expenses ($165,000), for a total of $180,000; and appropriates to the Transfer to Golf Course Fund account. Funds would be used by the Golf Course to mitigate a forecasted shortfall in revenue and higher than anticipated salary expenditures.

Reference:  Comm. 255  
Intr. by:  Ms. David (B/R)  
First Reading:  May 8, 2019  

Bill 66:  
(Draft 2)  
Appropriates revenues in the Transfer from General Fund account ($180,000); and reduces revenues in the following accounts: Fund Balance from Previous Year ($41,969) and Green Fees ($123,031); and appropriates $15,000 to the Golf Course Salaries and Wages account. Funds would be used toward higher than anticipated salary expenses.

Reference:  Comm. 256.2  
Intr. by:  Ms. David (B/R)  
First Reading:  May 8, 2019

Appropriates revenues in the Federal Grants-Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Program account ($75,000); and appropriates the same to the FEMA Pre-Disaster Mitigation Program account. Funds would be used by the Department of Research and Development to identify climate change impacts and develop mitigation measures, action priorities, and an implementation plan.

Reference: Comm. 257
Intr. by: Ms. David (B/R)
First Reading: May 8, 2019


Appropriates revenues in the Federal Grants – Department of Health (DOH) Complete Streets account ($45,000); and appropriates the same to the DOH Complete Streets – Federal account. Funds would be used by the Planning Department to allow staff to attend Complete Streets training.

Reference: Comm. 258
Intr. by: Ms. David (B/R)
First Reading: May 8, 2019

Bill 69: 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 Public Works Puainako Street Extension (State) project for $630,000 to the Capital Budget. Funds for this project shall be provided from State Grants Receivable. Funds would be used for the County’s portion of a settlement agreement regarding the purchase of land for the Puainako Street Extension Project.

Reference: Comm. 259
Intr. by: Ms. David (B/R)
First Reading: May 8, 2019
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai‘i County Charter
REPORTS

FC-33 (Comm. 262): NOMINATION OF GUILLERMA GALDONES SUMERA TO THE PENSION BOARD

Requires Council Confirmation by: June 1, 2019 (Section 13-4(I), Hawai‘i County Charter)

FC-34 (Comm. 263): NOMINATION OF BENSON PHILIP MEDINA TO THE SALARY COMMISSION

Requires Council Confirmation by: June 1, 2019 (Section 13-4(I), Hawai‘i County Charter)

PC-22 (Comm. 261): NOMINATION OF ZENDO KERN TO THE WATER BOARD

Requires Council Confirmation by: June 1, 2019 (Section 13-4(I), Hawai‘i County Charter)

PWMTC-7 (Comm. 264): NOMINATION OF ANDRES AUGUSTINE BACLIG, JR. TO THE TRANSPORTATION COMMISSION

REFERRALS FOR EXECUTIVE SESSION

Comm. 276: CLAIM AGAINST THE COUNTY OF HAWAI‘I/FIRST INSURANCE COMPANY OF HAWAI‘I

From Claims Adjuster/Investigator Clifford Victorine III, dated April 30, 2019, requesting an attorney-client confidential discussion to consult with the Council on a property damage accident occurring on or about October 15, 2018.

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.

If you need an auxiliary aid/service or other accommodation due to a disability, call 961-8255 as soon as possible, preferably by May 17, 2019. If a response is received after May 17, 2019, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

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 Keohokalole Highway, Building A; 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;
- Old Kohala Courthouse, 54-3900 Akoni Pule Highway, Kapa‘au; and
- Pāhoa Council Office, 15-2879 Pāhoa Village Road.

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. 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).

**Viewing of Meetings is Available on Public, Education, and Government Television.** Please call Na Leo TV at (808) 935-8874 for Channel 55 schedule of Council and Committee meetings.