COUNTY COUNCIL

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

23rd Session

ORDER OF BUSINESS

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

October 7, 2015
9:00 a.m.

(Note: Please turn cell phones, pagers, and other mobile communication devices on silent mode.)

INVOCATION

Kahu Brian Welsh of Haili Congregational Church

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. 273-15:** 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., FOR EDUCATIONAL FIELD TRIPS TO ‘IMILOA ASTRONOMY CENTER OF HAWAI‘I FOR STUDENTS IN THE PUNA DISTRICT

Transfers $10,000 from the Clerk-Council Services – Contingency Relief account (Council District 4); and credits to the Research and Development, Business Development account. Funds will be used to cover costs for program supplies, travel expenses, and admission for students in grade levels 3 through 9.

Reference: Comm. 457
Intr. by: Mr. Ilagan

**Res. 275-15:** 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 THE FUTURE FOR THE 2015 HÔKÛPA‘A YOUTH SUPPORT SUMMIT

Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 7); and credits to the Prosecuting Attorney, Kona Other Current Expenses account.

Reference: Comm. 459
Intr. by: Mr. Kanuha
Res. 276-15: 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 THE FUTURE FOR HŌKŪPA‘A YOUTH SUPPORT FORUMS IN 2015
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Prosecuting Attorney, Kona Other Current Expenses account.

Reference: Comm. 460
Intr. by: Ms. Eoff

Res. 277-15: 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 THE FUTURE FOR THE 2015 HŌKŪPA‘A YOUTH SUPPORT FORUM
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Prosecuting Attorney, Kona Other Current Expenses account.

Reference: Comm. 461
Intr. by: Ms. David

Res. 278-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PURCHASE WREATHS TO BE PLACED AT THE WEST HAWAI‘I VETERANS CEMETERY FOR THE NATIONAL WREATHS ACROSS AMERICA DAY ON DECEMBER 12, 2015
Transfers $5,000 from the Clerk-Council Services – Contingency Relief account (Council District 8); and credits to the Parks and Recreation Administration, Other Current Expenses account.

Reference: Comm. 462
Intr. by: Ms. Eoff
Amends Council Rule 24, General Procedures, to include the requirement that the Legislative Research Branch shall review bills and resolutions prior to filing with the Clerk, unless the introducer states in writing to the Chairperson that such review shall be waived.

Reference: Comm. 463
Intr. by: Mr. Ilagan

Res. 281-15: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM A DESIGNATED FUND ACCOUNT AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT TO PROVIDE FUNDING TO THE DEPARTMENT OF PARKS AND RECREATION FOR EXPENSES RELATED TO THE HILO SEGMENT OF THE 2015 JAPAN TRAINING SQUADRON GOODWILL TOUR
Transfers $1,500 from the Clerk-Council Services – Contingency Relief account (Council District 2); and credits to the Parks and Recreation, Culture/Arts Other Current Expenses account.

Reference: Comm. 466
Intr. by: Mr. Chung

Res. 282-15: 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 KONA COFFEE FESTIVAL FOR EXPENSES RELATING TO THE 45TH ANNUAL CELEBRATION OF KONA COFFEE
Transfers $2,500 from the Clerk-Council Services – Contingency Relief account (Council District 6); and credits to the Parks and Recreation Administration, Other Current Expenses account. The festival is scheduled for November 6-15, 2015.

Reference: Comm. 469
Intr. by: Ms. David

Urges the Legislature to amend Chapter 8, Holidays, of the Hawai‘i Revised Statutes to add a new section designating November 28 of each year to be known as “Lā Kū‘Oko‘a”, in recognition of November 28, 1843, which was celebrated as Independence Day by the Kingdom of Hawai‘i.

Reference: Comm. 474
Intr. by: Mr. Ilagan
Waived: GREDC

; and

Comm. 474.1: From Governmental Relations and Economic Development Committee Chairperson Dennis “Fresh” Onishi, dated September 25, 2015, requesting that this matter be waived to the full Council for immediate action.


Donated by HiloWalmart, and valued at $1,577.50, to be used by the department’s National Rifle Association classes.

Reference: Comm. 479
Intr. by: Ms. Eoff
Waived: FC

Res. 289-15: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR ONE COPY MACHINE FOR THE DEPARTMENT OF PUBLIC WORKS

Authorizes the Mayor to enter into a five-year lease agreement for a copy machine for the Hilo Building Division, at an approximate cost of $2,160 per year.

Reference: Comm. 480
Intr. by: Ms. Eoff
Waived: FC

Res. 290-15: AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR LEASE FOR ONE COPIER FOR THE OFFICE OF THE CORPORATION COUNSEL

Authorizes the Mayor to enter into a five-year lease agreement for a multi-function color copy machine at an approximate cost of $8,000 per year.

Reference: Comm. 481
Intr. by: Ms. Eoff
Waived: FC
**Res. 291-15:** AUTHORIZES THE DEPARTMENT OF RESEARCH AND DEVELOPMENT TO AWARD A GRANT TO THE HAWA'I TROPICAL FLOWER COUNCIL (HTFC)
Provides $40,000 to support HTFC’s marketing plan, which increases awareness of the Hawai‘i Tropical Flower brand by participating in mainland and international tradeshows.

Reference: Comm. 482
Intr. by: Ms. Eoff
Waived: FC

**Res. 292-15:** AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI‘I DEPARTMENT OF TRANSPORTATION (DOT), PURSUANT TO HAWAI‘I REVISED STATUTES SECTION 46-7, TO ACCEPT FEDERAL FUNDS FOR THE OFFICE OF THE PROSECUTING ATTORNEY’S DOT FLEX PROGRAM
Provides $105,045 to the Flex program, which would be used to provide specialized training for police, prosecutors, and members of the judiciary in the investigation and prosecution of drivers impaired by drugs and/or alcohol.

Reference: Comm. 483
Intr. by: Ms. Eoff
Waived: FC

**BILLS FOR ORDINANCES (FIRST READING)**

**Bill 37 (Draft 3):** AMENDS CHAPTER 2, ARTICLE 15, OF THE HAWA‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO THE CODE OF ETHICS
Amends: 1) Definitions - revises definition for “agency” and adds definition for “immediate family”; 2) Fair Treatment - amends provision for use of County property to include “campaign purposes” and adds provision that places a $50,000 limit on any County contract for goods and services with a County officer or employee or a business where an immediate family member of a County officer or employee has a controlling interest of said business; 3) Conflicts of Interest - revises provisions for the ability of County officers and employees to represent private interests in legal actions/proceedings against the County or appear on behalf of private interests before any agency of the County; and 4) Contracts - establishes a $50,000 limit on any County contract with an officer or employee of the County, or a business in which the officer or employee of the County or the officer or employee’s immediate family holds a controlling interest.

Reference: Comm. 231.14
Intr. by: Ms. Wille
Postponed: September 16, 2015

(Note: There is a pending motion by Ms. Wille and duly seconded by Mr. Onishi to approve Bill 37, Draft 3.)
**Bill 78 (Draft 2):**

AMENDS CHAPTER 2, ARTICLE 16, SECTION 2-98 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED) RELATING TO TRAVEL AND OTHER EXPENSES

Amends the Code to require that an exception to prohibited expenditures may only be allowed if a written request showing the expenditure would be for a public purpose is approved by the Mayor for requests made by employees or officers of the Executive Branch or the Council Chair for requests made by employees or officers of the Legislative Branch.

Reference: Comm. 422.3
Intr. by: Mr. Ilagan
Postponed: September 16, 2015

(Note: There is a pending motion by Mr. Ilagan and duly seconded by Ms. Wille to approve Bill 78, Draft 2.)

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**Bill 86:**

AMENDS ORDINANCE NO. 08-72, WHICH AMENDED ORDINANCE NO. 95-55, WHICH RECLASSIFIED LANDS FROM AGRICULTURAL - 10 ACRES (A-10a) AND AGRICULTURAL - 3 ACRES (A-3a) TO AGRICULTURAL - 1 ACRE (A-1a) AT WAIĀKEA, SOUTH HILO, HAWAI‘I, COVERED BY TAX MAP KEY: 2-2-048:093 AND PORTION OF 13.

(Applicant: Glory Nani Mau, LLC) (Area: 41.749 acres)

The Windward Planning Commission forwards its favorable recommendation for this amendment, which would allow a five-year time extension to Condition B, Final Subdivision Approval.

Reference: Comm. 447
Intr. by: Mr. Ilagan (B/R)
Approve: PC-26

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**Bill 90 (Draft 2):**

AMENDS CHAPTER 2, ARTICLE 42 OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION

Adds language to facilitate the administration of the Public Access, Open Space, and Natural Resources Preservation Maintenance Fund; and to enable the Public Access, Open Space, and Natural Resources Commission to review and evaluate stewardship grant applications associated with the fund.

Reference: Comm. 455.2
Intr. by: Ms. Eoff
Approve: FC-35
**Bill 96:**


Appropriates revenues in the Federal Grants – DOT Flex Grant account ($105,045); and appropriates the same to the DOT Flex Grant account. Funds would be used to provide specialized training for police, prosecutors, and members of the judiciary in the investigation and prosecution of drivers impaired by drugs and/or alcohol.

Reference: Comm. 483  
Intr. by: Ms. Eoff  
Waived: FC

**Bill 97:**


Increases revenues in the Federal Grants – Aggressive Driving Project Grant account ($4,000); and appropriates the same to the Aggressive Driving Project Grant account. The funds would be used with existing funds towards the purchase of 20 Whelen VERTEX Super-LED light kits for Traffic Enforcement Unit officers with unmarked vehicles.

Reference: Comm. 484  
Intr. by: Ms. Eoff  
Waived: FC

**Bill 98:**


Increases revenues in the Federal Grants – Hawai‘i County Police Department (HCPD) Click It Or Ticket Grant account ($500); and appropriates the same to the HCPD Click It Or Ticket Grant account. The funds would be used with existing funds towards the purchase of additional sporting equipment for the East and West side of the Island to facilitate various sporting events.

Reference: Comm. 485  
Intr. by: Ms. Eoff  
Waived: FC

Increases revenues in the Federal Grants – Speed Enforcement Grant account ($15,000); and appropriates the same to the Speed Enforcement Grant account. The funds would be used with existing funds towards the purchase of a Stalker Speed Awareness Monitor for the Kona district.

Reference: Comm. 486
Intr. by: Ms. Eoff
Waived: FC

ORDER OF THE DAY (SECOND OR FINAL READING)


Adds two separate portions of Mohouli Street to Section 24-280 (No parking at anytime), Subsection (c), South Hilo.

Reference: Comm. 440
Intr. by: Ms. Poindexter
First Reading: September 16, 2015


Adds a portion of Kaomoloa Road to Section 24-279 (Parking on pavement prohibited at all times), Subsection (e), Kohala.

Reference: Comm. 441
Intr. by: Ms. Poindexter
First Reading: September 16, 2015

Bill 83:  AMENDS CHAPTER 24, ARTICLE 10, DIVISION 6, OF THE HAWAI‘I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO LOADING ZONES

Adds the western terminus of Kahauloa Road to Section 24-288.1 (Active loading and unloading zones), Subsection (f), Kona.

Reference: Comm. 442
Intr. by: Ms. Poindexter
First Reading: September 16, 2015
Bill 84
(Draft 2):
AMENDS CHAPTER 24, ARTICLE 10, DIVISION 5, OF THE HAWAIʻI COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO PARKING
Amends Section 24-280 (No parking at anytime), Subsection (f), Kona, by extending the portion of Hina-Lani Street where parking is prohibited.

Reference: Comm. 443.2
Intr. by: Ms. Poindexter
First Reading: September 16, 2015

Bill 87:
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 Kahilu Road Resurfacing – State project for $500,000 to the Capital Budget. Funds for the project shall be provided from State Grants Receivable ($500,000). Funds would be used towards labor and equipment.

Reference: Comm. 451
Intr. by: Ms. Eoff
First Reading: September 16, 2015
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawaiʻi County Charter

Bill 88:
Increases revenues in the Transfer from General Fund account ($900); and appropriates the same to the Signs and Markings, Other Current Expenses account (Roadway Safety Mirrors District 3). Funds would be used to install three convex mirrors to provide improved sight distance to driveways in District 3.

Reference: Comm. 452
Intr. by: Ms. Eoff
First Reading: September 16, 2015
Bill 89:  
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 Parks and Recreation Hilo Trap and Skeet Range – Federal project for $643,250 to the Capital Budget. Funds for the project shall be provided from Federal Grants Receivable ($643,250). Funds would be used to upgrade the project, which would include repairing building structures, paving of the entrance road and parking lot, and drywell installation.

Reference:  
Intr. by:  
First Reading:  
Note:  
Comm. 453  
Ms. Eoff  
September 16, 2015  
Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai’i County Charter

REPORTS

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 October 5, 2015. Relay users please call 711(961-8255) to contact our office.
Public attendance via courtesy site is available at the following location 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 Keohokāole 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 location until 4:30 p.m.:
- Conference Room adjacent to Hisaoka Gymnasium, Kamehameha Park Complex, 54-382 Kamehameha Park Road, Kapaʻau;

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
- 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.hawaii county.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, October 14 and 21, 2015, at 6 p.m.; Fridays, October 16 and 23, 2015, at 12 p.m.; and Sundays, October 18 and 25, 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/.)
UPCOMING MEETINGS

TUESDAY, OCTOBER 20, 2015

COMMITTEES  TBA  WEST HAWAI'I CIVIC CENTER
              74-5044 Ane Keohokālole Highway
              Building A

WEDNESDAY, OCTOBER 21, 2015

COUNCIL  9:00 A.M.  WEST HAWAI'I CIVIC CENTER
                   74-5044 Ane Keohokālole Highway
                   Building A

TUESDAY, NOVEMBER 3, 2015

COMMITTEES  TBA  COUNCIL ROOM - HILO
               25 Aupuni Street

WEDNESDAY, NOVEMBER 4, 2015

COUNCIL  9:00 A.M.  COUNCIL ROOM - HILO
                   25 Aupuni Street