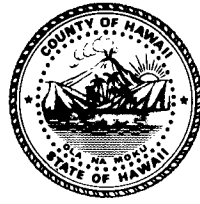


DOMINIC YAGONG  
*Chairperson and Presiding Officer*

K. ANGEL PILAGO  
*Vice-Chairperson*



FRED BLAS  
BRENDA FORD  
PETE HOFFMANN  
DONALD IKEDA  
DENNIS "FRESH" ONISHI  
BRITTANY SMART  
J YOSHIMOTO

## COUNTY COUNCIL

*County of Hawai'i  
Hawai'i County Building  
25 Aupuni Street  
Hilo, Hawai'i 96720*

51<sup>st</sup> Session

### ORDER OF BUSINESS

Hawai'i County Council  
25 Aupuni Street  
Hilo, Hawai'i

Wednesday, August 1, 2012  
8:00 a.m.

INVOCATION

Reverend Junshin Miyazaki of the Hilo Meishoin

CALL TO ORDER

**8:06 A.M.**

PLEDGE OF ALLEGIANCE

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

**MEMORIALS, CERTIFICATES OF MERIT, AND EXPRESSIONS OF CONDOLENCE**

**8:00 A.M.: STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS**

*(NOTE: COUNCIL WILL TAKE A LUNCH BREAK CLOSE TO THE NOON HOUR)*

**APPROVAL OF MINUTES**

**COMMUNICATIONS**

**ORDER OF RESOLUTIONS**

Res. 252-12:            ACCEPTS A GRANT OF EASEMENT FROM THE TERRY LYNN HARRISON FAMILY TRUST FOR PUBLIC ACCESS PURPOSES  
 The Terry Lynn Harrison Family Trust is desirous of granting the County of Hawai'i a pedestrian easement, which will provide public access laterally along the coast over the subject land in Kapa'au and 'Äinakea in North Kohala, TMK: (3)5-3-006:025 (described and delineated in Exhibit "1," which is attached to this resolution).

Re:                      Comm. 711  
 Intr. by:              Mr. Blas  
 Approve:              PWPRC-109

ADOPTED:  
 AYES:                  Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.  
 NOES:                  None.  
 ABSENT:               None.  
 EXCUSED:              None.

Res. 272-12:            AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF \$75 TO THE OFFICE OF AGING TO HELP SUBSIDIZE THE COST OF GENERAL OFFICE OPERATIONS  
 Donated by Puna Hongwanji, Buddhist Women's Association, funds would be used by the Office of Aging to subsidize the cost of general office operations.

Re:                      Comm. 770  
 Intr. by:              Ms. Ford  
 Approve:              FC-231

ADOPTED:  
 AYES:                  Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.  
 NOES:                  None.  
 ABSENT:               None.  
 EXCUSED:              None.

Res. 273-12:           **AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF TRANSPORTATION PURSUANT TO HRS 46-7, FOR THE HAWAI'I FIRE DEPARTMENT'S SPINE BOARD EQUIPMENT PURCHASE PROJECT TITLED "HAWAI'I FIRE DEPARTMENT PEDIATRIC SPINAL BOARDS"**

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Funds would be used by the Fire Department to purchase specialized pediatric spinal immobilization equipment for the department's 15 advanced life support ground ambulances, island-wide.

Re:                    Comm. 771  
 Intr. by:            Ms. Ford  
 Approve:           FC-232

**ADOPTED:**

**AYES:**            Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.  
**NOES:**            None.  
**ABSENT:**         None.  
**EXCUSED:**       None.

Res. 274-12:           **AUTHORIZES THE OFFICE OF THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF HAWAI'I DEPARTMENT OF HEALTH, ALCOHOL AND DRUG ABUSE DIVISION (ADAD), PURSUANT TO HRS 46-7, FOR A PROGRAM TO CONDUCT ENFORCEMENT OPERATIONS OF MINORS PURCHASING TOBACCO, FOR THE HAWAI'I COUNTY POLICE DEPARTMENT**

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Funds would be used to support the Police Department's efforts to conduct law enforcement operations of minors purchasing tobacco.

Re:                    Comm. 772  
 Intr. by:            Ms. Ford  
 Approve:           FC-234

**ADOPTED:**

**AYES:**            Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.  
**NOES:**            None.  
**ABSENT:**         None.  
**EXCUSED:**       None.

Res. 275-12: **AUTHORIZES THE DIRECTOR OF FINANCE TO NEGOTIATE A LEASE OF REAL PROPERTY, SITUATED AT WAIĀKEA, SOUTH HILO, COUNTY AND STATE OF HAWAI'I, IDENTIFIED AS TAX MAP KEYS: (3)2-4-057:029, (3)2-4-057:030, AND (3)2-4-057:031, TO THE HAWAI'I ISLAND VETERANS MEMORIAL, INC.**

Authorizes the negotiation of a five-year lease with renewal options of five-year increments for the above-referenced parcels. The Hawai'i Island Veterans Memorial, Inc., a nonprofit organization, plans to use the properties for the purpose of construction and development of a veterans center and veterans housing.

Re: Comm.773  
Intr. by: Ms. Ford  
Approve: FC-236

**ADOPTED:**

**AYES:** Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Res. 276-12: **REQUESTS THAT THE MAYOR AUTHORIZE THE DIRECTOR OF FINANCE TO ENTER INTO NEGOTIATIONS FOR THE ACQUISITION OF TAX MAP KEY NUMBERS: (3)7-3-009:004 AND (3)7-3-009:022, PROPERTIES KNOWN AS THE COASTAL LANDS OF 'O'OMA II, IN THE DISTRICT OF NORTH KONA, COUNTY OF HAWAI'I**

Authorizes the Finance Director to initiate any funding mechanisms required for the acquisition of the above-referenced parcels in accordance with the terms of this resolution. The Public Access, Open Space and Natural Resources Preservation Commission in its 2007 and 2011 Annual Report to the Mayor included 'O'oma II in its island-wide prioritized list, consisting of approximately 300 acres located makai of the Queen Ka'ahumanu Highway. These properties contain a widely used beach access road to the shoreline and would be a natural continuation of the future County of Hawai'i shoreline park located at Kohanaiki, which is adjacent to the properties.

Re: Comm. 776  
Intr. by: Mr. Pilago  
Approve: FC-239

**ADOPTED:**

**AYES:** Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.

**NOES:** None.

**ABSENT:** None.

**EXCUSED:** None.

Res. 277-12 (Draft 2): ENCOURAGES THE STATE OF HAWAI'I'S PUBLIC UTILITIES COMMISSION TO RAISE HAWAI'I ELECTRIC LIGHT COMPANY'S RENEWABLE FEEDER PENETRATION THRESHOLD FROM 15 PERCENT OF PEAK LOAD TO 100 PERCENT OF MINIMUM LOAD

The Public Utilities Commission has the authority to require Hawai'i Electric Light Company (HELCO) to change its renewable energy threshold, and who also regulate the charges and fees, as well as issue guidelines concerning the general management of Hawai'i Electric Company and its subsidiary HELCO. States that the Public Utilities Commission schedule two hearings, to be held in Kailua-Kona and Hilo, to discuss the subject matter.

Re: Comm. 778.2
Intr. by: Mr. Yagong
Approve: AWESC-3

ADOPTED:

AYES: Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.
NOES: None.
ABSENT: None.
EXCUSED: None.

BILLS FOR ORDINANCES (FIRST READING)

Bill 265: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, SECTION 24-260 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SPEED LIMITS

Amends Chapter 24, Article 10, Division 1, Section 24-260, Schedule 8 (45 mile per hour limit), subsection (g), Puna, by deleting item 3: “[3] Route 132, from the Pohoiki Road Junction to Route 137.” The amendment removes an inapplicable item from the Hawai'i County Code. This specific section of Route 132 (Pāhoa-Kapoho Road) is currently signed as a 55 mph speed limit road.

Re: Comm. 744
Intr. by: Mr. Blas
Approve: PWPRC-110

PASSED 1ST READING:

AYES: Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.
NOES: None.
ABSENT: None.
EXCUSED: None.

Bill 266 (Draft 2): PLANNING DIRECTOR INITIATED: AMENDS CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED) RELATING TO AGRICULTURAL TOURISM

From Mayor William P. Kenoi, dated May 25, 2012, transmitting the above bill and enclosures with a favorable recommendation from Windward Planning Commission Chair Zendo Kern and Leeward Planning Commission Chair Geraldine Giffin. The amendments specifically relate to agricultural tourism: Amends article 1, subsection 25-1-5(b) by amending the definition of "Agricultural tourism" and adds new definitions; amends article 2, division 7, section 25-2-71 relating to Applicability, plan approval required; amends article 2, division 7, section 25-2-75 relating to Plan approval application requirements for major agricultural tourism; amends article 2, division 7, section 25-2-76 relating to Action on plan approval application; and amends article 4, division 1, section 25-4-15 relating to Agricultural tourism.

Re: Comm. 745.2  
 Intr. by: Mr. Hoffmann  
 Approve: PC-55

AMENDED TO DRAFT 3 AND PASSED 1<sup>ST</sup> READING:

AYES: Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

Bill 268: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 2, SECTION 24-264 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO MOVING VEHICLES

Amends Chapter 24, Article 10, Division 2, Section 24-264, Schedule 12 (Stop intersections), subsection (c), by adding a new item and renumbered as required: "( ) East Puainako Street/Ohuohu Street intersection, all approaches." The amendment, based on the East Maka'ala Mixed Use Development Traffic Impact Analysis Report, recommended that the subject intersection be converted to an all-way stop when the traffic volumes warrant it.

Re: Comm. 755  
 Intr. by: Mr. Blas  
 Approve: PWPRC-111

PASSED 1<sup>ST</sup> READING:

AYES: Council Members Blas, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 8.  
 NOES: None.  
 ABSENT: Council Member Ford – 1.  
 EXCUSED: None.

Bill 269:

**AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, SECTION 24-255 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SPEED LIMITS**

Amends Chapter 24, Article 10, Division 1, Section 24-255, Schedule 3 (25 mile per hour limit), subsection (g)(29), Puna, by revising an existing item 29 and adds a new item and renumbered as required: “(29) South Kūlani Road, from Volcano Road to the property line between parcels 1-8-086:026 and 1-8-086:027.”; and “( ) South Kūlani Road, from a point three hundred feet northwest of bridge 18-1 to its southeastern terminus.” These amendments revise the speed limits along South Kūlani Road.

Re: Comm. 756  
Intr. by: Mr. Blas  
Approve: PWPRC-112

**PASSED 1<sup>ST</sup> READING:**

AYES: Council Members Blas, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 8.  
NOES: None.  
ABSENT: Council Member Ford – 1.  
EXCUSED: None.

Bill 270:

**AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, SECTION 24-257 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SPEED LIMITS**

Amends Chapter 24, Article 10, Division 1, Section 24-257, Schedule 5 (35 mile per hour limit), subsection (g), Puna, by adding a new item and renumbered as required: “( ) South Kūlani Road, from the property line between parcels 1-8-086:026 and 1-8-086:027 and extending three hundred feet northwest of bridge 18-1.” The amendment revises the speed limits along South Kūlani Road.

Re: Comm. 757  
Intr. by: Mr. Blas  
Approve: PWPRC-113

**PASSED 1<sup>ST</sup> READING:**

AYES: Council Members Blas, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 8.  
NOES: None.  
ABSENT: Council Member Ford – 1.  
EXCUSED: None.

Bill 271: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 5, SECTION 24-281 OF THE HAWAII COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO PARKING

Amends Chapter 24, Article 10, Division 5, Section 24-281, Schedule 29 (Parking prohibited during certain hours on certain streets), subsection (c), South Hilo, by deleting item 18 and renumbered as required: “[~~(18) Mohouli Street, on the Puna side, those three metered stalls mauka of Kīlauea Avenue between 7:00 a.m. and 8:00 a.m. on school days.~~]” The amendment improves the flow of traffic through the Mohouli Street/Kīlauea Avenue intersection.

Re: Comm. 758  
Intr. by: Mr. Blas  
Approve: PWPRC-114

PASSED 1<sup>ST</sup> READING:

AYES: Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Bill 272: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 5, SECTION 24-284 OF THE HAWAII COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO PARKING

Amends Chapter 24, Article 10, Division 5, Section 24-284, Schedule 32 (Two hour parking areas), subsection (c), South Hilo, by deleting item 22 and renumbered as required: “[~~(22) Mohouli Street, Puna side, the last three parking stalls approaching Kīlauea Avenue.~~]” The amendment improves the flow of traffic through the Mohouli Street/Kīlauea Avenue intersection.

Re: Comm. 759  
Intr. by: Mr. Blas  
Approve: PWPRC-115

PASSED 1<sup>ST</sup> READING:

AYES: Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.



Bill 273:

**AMENDS CHAPTER 24, ARTICLE 10, DIVISION 5, SECTION 24-280 OF THE HAWAII COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO FREIGHT LOADING ZONES**

Amends Chapter 24, Article 10, Division 5, Section 24-280, Schedule 28 (No parking at anytime), subsection (c), South Hilo, by deleting items 6 and 8 and renumbered as required and revises existing items 5, 10, and 11: “[~~6~~] Aupuni Street, northeast side, from a point one thousand one hundred twenty feet northwest of Kīlauea Avenue and extending two hundred sixty-seven feet in the northwesterly direction.”; “[~~8~~] Aupuni Street, southeast side, from a point six hundred sixty-two feet northeast of Kīlauea Avenue and extending two hundred forty-five feet in the northwesterly direction.”; “(5) Aupuni Street, northwest side, from a point one thousand one hundred [~~seventy-eight~~]sixty-three feet southeast of Pauahi Street to Kīlauea Avenue.”; “[~~(10)~~](8) Aupuni Street, southwest side, from a point three hundred [~~one~~]forty-one feet southeast of Pauahi Street and extending two hundred [~~eighty-two~~]eighteen feet in the southeasterly direction.”; and “[~~(11)~~](9) Aupuni Street, southwest side, from a point seven hundred [~~seven~~]fifty-one feet southeast of Pauahi Street and extending [~~four hundred thirty-five~~]three hundred seventy-six feet in the southeasterly direction.” These amendments address the adjustments to the no parking at any time zones that were made in an effort to increase parking along Aupuni Street.

Re: Comm. 760  
Intr. by: Mr. Blas  
Approve: PWPRC-116

**PASSED 1<sup>ST</sup> READING:**

AYES: Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.  
NOES: None.  
ABSENT: None.  
EXCUSED: None.

Bill 274:

**AMENDS CHAPTER 24, ARTICLE 10, DIVISION 3, SECTION 24-275 OF THE HAWAII COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING BUS STOPS AND PUBLIC ROAD TAXI STANDS**

Amends Chapter 24, Article 10, Division 3, Section 24-275, Schedule 23 (Bus stop locations), subsection (c), by adding a new item and renumbered as required: “( ) Aupuni Street, southwest side, from a point seven hundred seven feet southeast of Pauahi Street and extending forty four feet in the southeasterly direction.” The amendment updates the Hawai'i County Code to match existing conditions.

Re: Comm. 761  
Intr. by: Mr. Blas  
Approve: PWPRC-117

**PASSED 1<sup>ST</sup> READING:**

AYES: Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.  
NOES: None.  
ABSENT: None.  
EXCUSED: None.

Bill 275:

AMENDS SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE-FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO GENERAL COMMERCIAL – 20,000 SQUARE FEET (CG-20) AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-024:005 (Applicant: Hawai'i Island Board of Realtors; Area: 20,160 square feet)

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From Mayor William P. Kenoi, dated June 20, 2012, transmitting the above bill and enclosures with a favorable recommendation from Windward Planning Commission Chair Zendo Kern. The applicant requests a Change of Zone from Single-Family Residential - 10,000 square feet (RS-10) to General Commercial – 20,000 square feet (CG-20) in order to use the existing dwelling as an office for ongoing operations of the Hawai'i Board of Realtors.

Re:                   Comm. 768  
Intr. by:           Mr. Hoffmann  
Approve:           PC-59

PASSED 1<sup>ST</sup> READING:

AYES:               Council Members Blas, Ford, Hoffmann, Ikeda, Onishi,  
                          Pilago, Smart, Yoshimoto, and Chair Yagong – 9.  
NOES:               None.  
ABSENT:           None.  
EXCUSED:          None.

Bill 276:

**PLANNING DIRECTOR INITIATED: AMENDS CHAPTER 25, ARTICLE 2, ARTICLE 4 AND ARTICLE 5, OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO BED AND BREAKFAST ESTABLISHMENTS**

From Mayor William P. Kenoi, dated June 22, 2012, transmitting the above bill and enclosures with a favorable recommendation from Windward Planning Commission Chair Zendo Kern and Leeward Planning Commission Chair Geraldine Giffin. The amendments specifically relate to bed and breakfast establishments: Amends article 2, division 6, section 25-2-61(a) by adding zoning districts; amends article 2, division 7, section 25-2-71(c) by deleting "(1)" and renumbers the remaining items; amends article 2, division 7, section 25-2-76 relating to Action on plan approval applications, by deleting "(b)" and renumbers the remaining items; amends article 4, division 1, section 25-4-7(a) by adding CDH district; amends article 5, division 5, section 25-2-52(d) and article 5, division 6, section 25-5-62(d) and article 5, division 7, section 25-5-72(d) by adding a new "(1) Bed and breakfast establishments, as permitted under section 25-4-7" and renumbers the remaining items.

Re: Comm. 769  
Intr. by: Mr. Hoffmann  
Approve: PC-60

**PASSED 1<sup>ST</sup> READING:**

AYES: Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.  
NOES: None.  
ABSENT: None.  
EXCUSED: None.

Bill 277:

**AMENDS ORDINANCE NO. 12-86, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI'I FOR THE FISCAL YEAR ENDING JUNE 30, 2013**

Appropriates revenues in Federal Grants – Spine Boards (12,802.74); and appropriates same to Fire Grants – Spine Boards – Federal.

Re: Comm. 771  
Intr. by: Ms. Ford  
Approve: FC-233

**PASSED 1<sup>ST</sup> READING:**

AYES: Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.  
NOES: None.  
ABSENT: None.  
EXCUSED: None.

Bill 278: AMENDS ORDINANCE NO. 12-86, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI'I FOR THE FISCAL YEAR ENDING JUNE 30, 2013

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Appropriates revenues in State Grants – Department of Health – Tobacco Sting (\$8,000); and appropriates same to Department of Health – Tobacco Sting.

Re: Comm. 772  
 Intr. by: Ms. Ford  
 Approve: FC-235

**PASSED 1<sup>ST</sup> READING:**

AYES: Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

Bill 279 (Draft 2): AMENDS ORDINANCE NO. 12-87, AS AMENDED, RELATING TO PUBLIC IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2012 TO JUNE 30, 2013

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Establishes the following program appropriations: Roadway Projects (Engineering) (\$1,650,000); Bridge Inspection, Repair, and Replacement Program (Engineering) (\$1,500,000); Americans with Disabilities Act Curb Cut and Accessible Route Program (Engineering) (\$200,000); and Local Road Improvements (Highways) (\$3,350,000), for a total amount of \$6,700,000; funds shall be provided from that portion of the Highway Fund which is designated as the Fuel Tax Increase Account No. 3104.06, and which consists of the increase fuel tax revenues created pursuant to Resolution No. 504-08. Allotments from these program appropriations shall be made to be specific projects listed on "Exhibit A" which is attached to this resolution.

Re: Comm. 774.2  
 Intr. by: Ms. Ford  
 Approve: FC-237  
 Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai'i County Charter

**PASSED 1<sup>ST</sup> READING:**

AYES: Council Members Blas, Ford, Hoffmann, Ikeda, Onishi, Pilago, Smart, Yoshimoto, and Chair Yagong – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

**ORDER OF THE DAY (SECOND OR FINAL READING)**

Bill 152 (Draft 5): **INITIATES AN AMENDMENT TO ARTICLE III, SECTION 3-6, AND ARTICLE VI, CHAPTER 5, SECTION 6-5.5, OF THE HAWAI'I COUNTY CHARTER (2010 EDITION), RELATING TO SPECIAL COUNSEL AND COUNCIL STAFF ATTORNEYS**

Initiates an amendment to the Hawai'i County Charter to authorize the County Council to employ Council staff attorneys and special counsel without limitation.

Re:	Comm. 482.12
Intr. by:	Ms. Ford
Postponed:	December 21, 2011 and January 4, 2012
First Reading:	January 20, 2012
Second Rdg.:	February 1, 2012
Held Over:	February 15, 2012
Postponed:	March 9, 2012
Held Over:	July 19, 2012
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

**FILED DUE TO THE FOLLOWING VOTE:**

AYES:	Council Members Ford, Hoffmann, Pilago, Smart, and Chair Yagong – 5.
NOES:	Council Members Blas, Ikeda, and Onishi – 3.
ABSENT:	Council Member Yoshimoto – 1.
EXCUSED:	None.

Bill 256 (Draft 2): **AMENDS CHAPTER 2, ARTICLE 36, HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), BY RENAMING AND REDEFINING THE GEOTHERMAL RELOCATION AND COMMUNITY BENEFITS PROGRAM TO THE GEOTHERMAL RELOCATION AND PUBLIC SAFETY PROGRAM**

Renames the Geothermal Relocation and Community Benefits Program to the Geothermal Relocation and Public Safety Program, and proposes substantial revisions throughout this measure including the establishment, purchase of properties, creation of geothermal relocation and community benefits fund, public safety funding, expenditures from fund, and relocation expenditures.

Re: Comm. 710.31  
Intr. by: Mr. Yagong  
First Reading: June 6, 2012  
Second Rdg.: June 19, 2012  
Returned &  
Disapproved: July 12, 2012  
Reconsidered  
& Postponed: July 19, 2012

**FILED DUE TO THE FOLLOWING VOTE:**

AYES: Council Members Hoffmann, Pilago,  
Smart, Yagong, and Acting Chair Ford – 5.  
NOES: Council Members Blas, Ikeda, Onishi, and Yoshimoto – 4.  
ABSENT: None.  
EXCUSED: None.

**(Note: There is a pending motion by Mr. Pilago and duly seconded by Ms. Ford to approve Bill 256, as amended, and to override the Mayor's veto.)**

Bill 257 (Draft 2): AMENDS CHAPTER 7, SECTION 7-3, HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO EMERGENCY RESPONSE AND EVACUATION PLANS FOR GEOTHERMAL FACILITIES

States that the Civil Defense Agency's Deputy Director shall prepare an emergency response and evacuation plan for each geothermal power production facility operating in the County, and sets forth criteria. The plan for any existing geothermal power production facility shall be submitted to the Council for approval by August 1, 2012, and at the request of the Deputy Director, the Council may approve an extension of an additional 90 days for the submission of an emergency response and evacuation plan.

Re: Comm. 725.2  
Intr. by: Mr. Yagong  
First Reading: June 6, 2012  
Second Rdg.: June 19, 2012  
Returned &  
Disapproved: July 12, 2012  
Reconsidered  
& Postponed: July 19, 2012

FILED DUE TO THE FOLLOWING VOTE:

AYES: Council Members Hoffmann, Pilago,  
Smart, Yagong, and Acting Chair Ford – 5.  
NOES: Council Members Blas, Ikeda, Onishi, and Yoshimoto – 4.  
ABSENT: None.  
EXCUSED: None.

**(Note: There is a pending motion by Mr. Pilago and duly seconded by Mr. Hoffmann to approve Bill 257, as amended, and to override the Mayor's veto.)**

Bill 262 (Draft 2): AMENDS CHAPTER 2, ARTICLE 4, SECTION 2-12.4, HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO FUND BALANCE  
Amends Chapter 2, Article 4, Section 2-12.4 by adding the following language: “(f) At the end of each fiscal year, any fund balance in excess of \$5,000,000 shall be applied to the post employment benefits account (GASB-45). This subsection shall not apply in any fiscal year where a payment of at least fifty percent of the actuary’s recommended GASB-45 payment has been appropriated in the County’s operating budget.”

Re: Comm. 734.2  
Intr. by: Mr. Yagong  
First Reading: June 8, 2012 (June 6, 2012 Council meeting recessed to June 8, 2012)  
Second Rdg.: June 19, 2012  
Returned &  
Disapproved: July 12, 2012  
Reconsidered  
& Postponed: July 19, 2012

FILED DUE TO THE FOLLOWING VOTE:

AYES: Council Members Ford, Hoffmann, Smart, and Chair Yagong – 4.  
NOES: Council Members Blas, Ikeda, Onishi, Pilago, and Yoshimoto – 5.  
ABSENT: None.  
EXCUSED: None.

**(Note: There is a pending motion by Mr. Pilago and duly seconded by Mr. Hoffmann to approve Bill 262, as amended, and to override the Mayor’s veto.)**



Bill 263 (Draft 2): AMENDS CHAPTER 2, ARTICLE 40, SECTION 2-207 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO THE SCOPE AND DUTIES OF THE ENVIRONMENTAL MANAGEMENT COMMISSION  
 Amends Chapter 2, article 40, section 2-207 by adding language relating to the following: The environmental management commission shall advise the department on solid waste and wastewater programs and to include any pilot project or program; comments or recommendations by the commission shall be forwarded to the council; and that prior to council action, the director and commission shall submit comments and recommendations on all legislation relating to the functions and duties of the department, including any ordinance that amends chapters 20 or 21 of this Code, and further states that the comments and recommendations shall be provided to the council within 45 days of receipt.

Re: Comm. 737.2  
 Intr. by: Ms. Smart  
 First Reading: July 3, 2012  
 Postponed: July 19, 2012

AMENDED TO DRAFT 3 AND PASSED 2<sup>ND</sup> AND FINAL READING:

AYES: Council Members Blas, Ford, Hoffmann, Ikeda, Pilago, Smart, and Chair Yagong – 7.  
 NOES: None.  
 ABSENT: Council Members Onishi and Yoshimoto – 2.  
 EXCUSED: None.

**(Note: There is a pending motion by Ms. Smart and duly seconded by Ms. Ford to approve Bill 263, as amended.)**

**REPORTS**

FC-238 (Comm. 775): Donated by Mr. Jim Lee of Signage and Beyond, recommends the acceptance of a new custom sign, valued at \$700, to be utilized by the Fire Department's Hawaiian Paradise Park Fire Station.

APPROVED:

AYES: Council Members Blas, Ford, Hoffmann, Ikeda, Pilago, Smart, and Chair Yagong – 7.  
 NOES: None.  
 ABSENT: Council Members Onishi and Yoshimoto – 2.  
 EXCUSED: None.

PC-56 (Comm. 766): Recommends the confirmation of Mr. Gregory G. Ogin to the Kona Community Development Plan Action Committee.

CONFIRMATION FAILS:

AYES: Council Members Blas, Hoffmann, Ikeda, and Chair Yagong – 4.  
 NOES: Council Members Ford, Pilago, and Smart – 3.  
 ABSENT: Council Members Onishi and Yoshimoto – 2.  
 EXCUSED: None.

PC-57 (Comm. 766): Recommends the confirmation of Mr. Hiram Rivera to the Kona Community Development Plan Action Committee.

CONFIRMATION FAILS:

AYES: Council Members Blas, Hoffmann, Ikeda, and Chair Yagong – 4.  
 NOES: Council Members Ford, Pilago, and Smart – 3.  
 ABSENT: Council Members Onishi and Yoshimoto – 2.  
 EXCUSED: None.

PC-58 (Comm. 766): Recommends the confirmation of Mr. George “Keoki” Schattauer to the Kona Community Development Plan Action Committee.

APPROVED:

AYES: Council Members Blas, Hoffmann, Ikeda, Pilago, Smart, and Chair Yagong – 6.  
 NOES: Council Member Ford – 1.  
 ABSENT: Council Members Onishi and Yoshimoto – 2.  
 EXCUSED: None.

(For informational purposes, Ms. Smart voted “*Kānalua*” twice.)

**REFERRALS FOR EXECUTIVE SESSION**

Comm. 789: CLAIM AGAINST THE COUNTY OF HAWAI'I/JOSEPH SOUZA  
 From Deputy Corporation Counsel Kimberly K. Angay, dated July 11, 2012.

CONCURRED WITH THE RECOMMENDATION OF CORPORATION COUNSEL:

AYES: Council Members Ford, Hoffmann, Ikeda, Pilago, Smart, and Chair Yagong – 6.  
 NOES: None.  
 ABSENT: Council Members Blas, Onishi, and Yoshimoto – 3.  
 EXCUSED: None.

The Council anticipates convening an executive meeting regarding the above matters, 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 HRS Section 92-4 and Rules 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 10:20 P.M.**

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 **July 30, 2012**. Relay users please call 711(961-8255) to contact our office.

**Notice is hereby given** that pursuant to Hawai'i Revised Statutes (hereinafter "HRS") §92-3.5, the Hawai'i County Council will be conducting this meeting via videoconference. Council Members will be present at the following locations:

- **County Council Room, Hawai'i County Building, 25 Aupuni Street, First Floor, Room 1401**
- **Kona Council Office, West Hawai'i Civic Center, 74-5044 Ane Keohokālole Highway, Building A**

Public Attendance via Videoconference is available at the locations above and at the Waimea Council Office (Holomua Center, 64-1067 Māmalahoa Highway, Suite 5), and at the Pāhoa Council Office (Pāhoa Marketplace, 15-2660 Pāhoa Village Road, Room 304), until 4:30 p.m., or later in the event public witness testimony has not been completed. If audio stream between Kona and Hilo is lost for more than a short period of time, the meeting will be terminated.

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 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@co.hawaii.hi.us](mailto:counciltestimony@co.hawaii.hi.us). **Please submit separate testimony for each item.**

Viewing of Meetings on Government Access Television - Channel 52:

Wednesdays, August 8<sup>th</sup> (to follow the viewing of the July 19, 2012 Council meeting at 6 p.m.) and 15<sup>th</sup> at 6 p.m.; Fridays, August 10<sup>th</sup> and 17<sup>th</sup> at 12 p.m.; and Sundays, August 12<sup>th</sup> and 19<sup>th</sup> 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/schedule>.)

**UPCOMING MEETINGS**

TUESDAY, AUGUST 14, 2012

COMMITTEES	TBA	WEST HAWAI'I CIVIC CENTER 74-5044 Ane Keohokālole Highway Building A
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WEDNESDAY, AUGUST 15, 2012

COUNCIL	9:00 A.M.	WEST HAWAI'I CIVIC CENTER 74-5044 Ane Keohokālole Highway Building A
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WEDNESDAY, SEPTEMBER 5, 2012

COMMITTEES	TBA	COUNCIL ROOM - HILO 25 Aupuni Street
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THURSDAY, SEPTEMBER 6, 2012

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