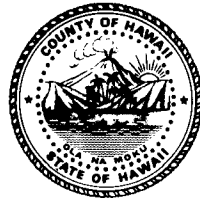


DOMINIC YAGONG
Chairperson and Presiding Officer

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*

36th Session

ORDER OF BUSINESS

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

Wednesday, February 1, 2012
9:00 a.m.

INVOCATION Father Mike Scully of Immaculate Heart of Mary Church (Pāpa'ikou Parish)

CALL TO ORDER **9:05 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

9:00 A.M.: STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

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

APPROVAL OF MINUTES

June 30, 2011: Postponed – January 20, 2012

APPROVED:

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

COMMUNICATIONS

Comm. 9.1:

REQUESTS AN INCREASE OF \$21,000 TO CONTRACT NO. 002904 RELATING TO THE SINGLE AUDIT OF THE COUNTY’S FEDERAL FINANCIAL ASSISTANCE PROGRAMS FOR FISCAL YEAR END JUNE 30, 2011
 From Legislative Auditor Colleen Schrandt, dated January 12, 2012, stating that in order to receive Federal funds, the County is required to undergo a single audit. The original contract fee proposal from Accuity LLP is based upon three programs for the fiscal year that ended June 30, 2011, with any additional programs to be billed at \$10,500 per program. Per the contract terms, Accuity LLP is requesting an additional \$21,000 relating to two additional programs.

Waived: FC

APPROVED:

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

Comm. 547: NOMINATIONS TO THE NORTH KOHALA COMMUNITY DEVELOPMENT PLAN ACTION COMMITTEE: MR. FRANK CIPRIANI, MR. CHRISTOPHER MacKILLOP, AND MR. JOHN WINTER

From Mayor William P. Kenoi, dated December 29, 2011, requesting the Council's favorable consideration of the above nominations.

Waived: PC

APPROVED – MR. FRANK CIPRIANI:

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

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

APPROVED – MR. CHRISTOPHER MacKILLOP:

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

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

APPROVED – MR. JOHN WINTER:

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

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

Comm. 548: COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR JULY 1, 2010 TO JUNE 30, 2011; INTERNAL CONTROL AND BUSINESS ISSUES REPORT JUNE 30, 2011; AND SINGLE AUDIT OF FEDERAL FINANCIAL ASSISTANCE PROGRAMS JUNE 30, 2011

From Legislative Auditor Colleen Schrandt, dated January 12, 2012, transmitting for the Council's review, deliberation, and acceptance, the above Post-Audit Reports for the Fiscal Year Ended June 30, 2011.

Waived: FC

CLOSE FILE:

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

ORDER OF RESOLUTIONS

Res. 210-12: **AUTHORIZES THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAI'I WITH RESPECT TO AN EVALUATION OF THE DRUG, ALCOHOL AND TOBACCO PREVENTION PROGRAM**

DAT is a program to prevent underage consumption of drug, alcohol, and tobacco by school-age children, and is administered by the County of Hawai'i's Department of Liquor Control. A Memorandum of Understanding between the County of Hawai'i and RCUH, who will conduct a study of the DAT program to measure its effectiveness, is needed to accomplish and fund this study.

Re: Comm. 519
Intr. by: Mr. Pilago
Approve: HSSPSC-6

AMENDED TO DRAFT 2 AND ADOPTED:

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

Res. 211-12 (Draft 2): **AUTHORIZES THE PAYMENT OF FUNDS OF A LATER FISCAL YEAR AND OF MORE THAN ONE FISCAL YEAR FOR A MULTI-YEAR SUBSCRIPTION TO THE UNITED STATES & CANADA IDENTIFICATION CHECKING GUIDE FOR THE DEPARTMENT OF LIQUOR CONTROL**

Authorizes the Department of Liquor Control to enter into a three-year subscription for the United States & Canada I.D. Checking Guide in an effort to help licensees within the County of Hawai'i identify false forms of identification by providing them with a copy of this publication as a reference and training guide to help verify current valid forms of identification. The I.D. Checking Guide shall not exceed \$20 per guide book for 500 copies for each of the three years, for a total of 1,500 copies, at a cost not to exceed \$30,000.

Re: Comm. 520.3
Intr. by: Ms. Ford
Approve: FC-185

ADOPTED:

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

Res. 212-12: AUTHORIZES THE ACCEPTANCE OF A MONETARY DONATION OF \$2,000 TO THE HAWAI'I FIRE DEPARTMENT TO BE USED TO HELP PAY FOR MATERIALS AND SUPPLIES USED FOR FIRE PREVENTION WEEK
 Donated by Wal-Mart, the funds will be used by the Fire Department to purchase materials and supplies for Fire Prevention Week.

Re: Comm. 522
 Intr. by: Ms. Ford (B/R)
 Approve: FC-187

ADOPTED:

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

Res. 220-12: TRANSFERS/APPROPRIATES AN APPROPRIATION OUT AND FROM THE DESIGNATED FUND ACCOUNT(S) AND CREDITS SAME TO A DESIGNATED FUND ACCOUNT(S) FOR THE FOOD BASKET, INC.
 Transfers/appropriates out and from Clerk-Council Services Other Current Expenses (\$75,000); and credits same to Food Basket, Inc. The Council budgeted for Fiscal Year 2011-2012 an amount of \$120,220 for the purpose of videotaping Council meetings prior to receiving a grant from Na Leo 'O Hawai'i. The Council received the grant from Na Leo 'O Hawai'i in the amount of \$75,000 for the period of July 1, 2011 through June 30, 2012.

Re: Comm. 549
 Intr. by: Mr. Onishi
 Waived: FC

AMENDED TO DRAFT 2 AND POSTPONED TO THE FEBRUARY 15, 2012 COUNCIL MEETING:

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 90: **AMENDS CHAPTER 25, ARTICLE 1 AND ARTICLE 5 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO ZONING DISTRICT REGULATIONS FOR CREMATORIUMS, FUNERAL HOMES, FUNERAL SERVICES, AND MORTUARIES**

The purpose of this amendment is to treat both mortuaries and crematoriums equally in permitting, and adds "funeral homes" and "funeral services" as similar services with the same regulations for use.

Re: Comm. 332
Intr. by: Ms. Ford
Approve: PC-39

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 137: **AMENDS THE STATE LAND USE BOUNDARIES MAPS FOR THE COUNTY OF HAWAI'I BY CHANGING THE DISTRICT CLASSIFICATION FROM THE AGRICULTURAL TO THE URBAN DISTRICT AT HONOMŪ, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-8-013:063 & 064**

The applicant intends to subdivide the property into eight lots retaining the two larger lots to build a home for his family, and will sell most or all of the remaining lots to help pay for infrastructure and related costs of the proposed subdivision.

Re: Comm. 450
Intr. by: Mr. Hoffmann
Approve: PC-36

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 164: AMENDS ORDINANCE NO. 11-59, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI'I FOR THE FISCAL YEAR ENDING JUNE 30, 2012 FOR APPROPRIATION OF AN ENERGY REBATE
 Increases revenues in Sundry Revenues – Current Year (\$41,863); and appropriates same to Energy – Research and Development. Funds would be used by the Research and Development Department to lease and/or purchase one or more electric vehicles.

Re: Comm. 521
 Intr. by: Ms. Ford (B/R)
 Approve: FC-186

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 165: AMENDS ORDINANCE NO. 11-59, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI'I FOR THE FISCAL YEAR ENDING JUNE 30, 2012
 Appropriates revenues in Videotaping Contribution – Na Leo ‘O Hawai‘i (\$75,000); and appropriates same to Videotaping – Na Leo ‘O Hawai‘i. Accepts a monetary contribution from Na Leo ‘O Hawai‘i, Inc., for production costs associated with the videotaping of Council meetings for the period of July 1, 2011 to June 30, 2012.

Re: Comm. 523
 Intr. by: Ms. Ford (B/R)
 Approve: FC-188

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 166: AMENDS ORDINANCE NO. 95 98 WHICH AMENDED SECTION 25-8-22 (formerly referred to as Section 25-103) (PUNA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – 20 ACRES (A-20a) TO AGRICULTURAL – 1 ACRE (A-1a) AT KEA'AU, PUNA, HAWAI'I, COVERED BY TAX MAP KEY: 1-6-003:010
 The applicant requests amendments to Conditions B and I of Ordinance No. 95-98, which reclassified approximately 44.341 acres from the Agricultural (A-20a) to the Agricultural (A-1a) to allow the development of 35-lot one-acre subdivision.

Re: Comm. 524
 Intr. by: Mr. Hoffmann
 Approve: PC-37

AMENDED TO DRAFT 2 AND 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 167: 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 RESIDENTIAL-COMMERCIAL MIXED – 20,000 SQUARE FEET (RCX-20), AT WAIĀKEA, SOUTH HILO, HAWAI'I, COVERED BY TAX MAP KEY: 2-2-038:028
 The applicant requests a Change of Zone from a Single-Family Residential – 10,000 square feet (RS-10) to a Residential-Commercial Mixed Use – 20,000 square feet (RCX-20) in order to establish a single-story 4,200-square foot dental office building.

Re: Comm. 525
 Intr. by: Mr. Hoffmann
 Approve: PC-38

PASSED 1ST READING:

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

Bill 169: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 4 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO PEDESTRIANS
 Amends Chapter 24, Article 10, Division 4, Section 24-276(e), by adding a new item to be renumbered as required: “() Paniolo Avenue, three hundred forty feet southwest of Hooko Street.”

Re: Comm. 527
 Intr. by: Mr. Blas
 Approve: PWPRC-68

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 170: AMENDS ORDINANCE NO. 11-59, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI'I FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Appropriates revenues in a new account, Transfer from Disaster & Emergency Fund (\$200,000); and appropriates same to The Food Basket, Inc. The Food Basket, Inc., serves as Hawai'i Island's Food Bank and is an island-wide nonprofit food network that collects and distributes food to low income families, the ill and disabled, senior citizens, children's programs, and other charitable nonprofit organizations. The current demand of food has caused an emergency shortfall in food supplies at the Food Basket's two warehouses.

Re: Comm. 529
 Intr. by: Mr. Hoffmann
 Waived: FC

AMENDED TO DRAFT 2 AND PASSED 1ST READING:

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

(For informational purposes, Mr. Onishi voted “Kānalua” twice.)

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 142 (Draft 2): AMENDS ARTICLE X, FINANCIAL PROCEDURES, SECTION 10-12, SPECIAL FUNDS, OF THE HAWAI'I COUNTY CHARTER (2010 EDITION), RELATING TO ESTABLISHING OR ABOLISHING SPECIAL FUNDS

States that special funds may be created or abolished by ordinance as may be necessary for the proper and efficient segregation of fiscal operations of the County.

Re: Comm. 466.2
Intr. by: Ms. Ford (B/R)
First Reading: December 21, 2011
Postponed: January 4, 2012
Second Rdg.: January 20, 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

PASSED 3rd AND FINAL READING:

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

(For informational purposes, Mr. Ikeda voted “Kānalua” twice.)

Bill 143:

AMENDS CHAPTER 24, ARTICLE 10, DIVISION 5 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO PARKING

Amends Chapter 24, Article 10, Division 5, Section 24-280, Schedule 28 (No parking at anytime), subsection (c), South Hilo, to read as follows and renumbered as required:

“ ~~[(5) — Aupuni Street, both sides, for a distance of two hundred feet from its intersection with Kīlauea Avenue.] (5) Aupuni Street, northwest side, from a point one thousand one hundred seventy-eight feet southeast of Pauahi Street to Kīlauea Avenue. (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. (7) Aupuni Street, northeast side, from a point one thousand five hundred sixty-two feet northwest of Kīlauea Avenue to Pauahi Street. [(6)](8) Aupuni Street, [makai] southeast side, [for a distance of one hundred feet] from a point six hundred sixty-two feet [on each side of the intersection of Aupuni Street with the County Building road] northeast of Kīlauea Avenue and extending two hundred forty-five feet in the northwesterly direction. [(7) — Aupuni Street, mauka-Hāmākua (Kaiko‘o Mall) side, from the driveway located four hundred fifty feet north of the intersection with Kīlauea Avenue and extending five hundred feet around the curve to the driveway across from the State Building.] [(8)](9) Aupuni Street, southwest side, from [a point two hundred forty feet southeast of] Pauahi Street and extending [sixty-six] two hundred thirty-five feet in the southeasterly direction. (10) Aupuni Street, southwest side, from a point three hundred one feet southeast of Pauahi Street and extending two hundred eighty-two feet in the southeasterly direction. (11) Aupuni Street, southwest side, from a point seven hundred seven feet southeast of Pauahi Street and extending four hundred thirty-five feet in the southeasterly direction.”~~ The amendments are necessary to update the Hawai'i County Code to match existing conditions.

Re: Comm. 467
 Intr. by: Mr. Blas
 First Reading: January 20, 2012

PASSED 2nd AND FINAL READING:

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

Bill 152 (Draft 3): 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 grant the County Council the right to employ special counsel and Council staff attorneys without express limitation.

Re: Comm. 482.7
 Intr. by: Ms. Ford
 Postponed: December 21, 2011 and January 4, 2012
 First Reading: January 20, 2012
 Note: Second 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

POSTPONED TO THE FEBRUARY 15, 2012 COUNCIL MEETING:

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

Bill 160: AMENDS ORDINANCE NO. 11-59, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI'I FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Appropriates revenues in Federal Grants – Pu Malu Grant (\$33,002); and appropriates same to Pu Malu Grant.

Re: Comm. 511
 Intr. by: Ms. Ford (B/R)
 First Reading: January 20, 2012

PASSED 2nd AND FINAL READING:

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

Bill 161: AMENDS ORDINANCE NO. 11-59, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI'I FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Increases revenues in Contribution from Private Source (\$1,000); and appropriates same to Kona Police - Other Current Expenses.

Re: Comm. 513
Intr. by: Ms. Ford (B/R)
First Reading: January 20, 2012

PASSED 2nd AND FINAL READING:

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

Bill 162: AMENDS ORDINANCE NO. 11-59, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI'I FOR THE FISCAL YEAR ENDING JUNE 30, 2012

Increases revenues in Contribution from Private Source (\$1,000); and appropriates same to Police Administration Division - Other Current Expenses.

Re: Comm. 515
Intr. by: Ms. Ford (B/R)
First Reading: January 20, 2012

PASSED 2nd AND FINAL READING:

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

Bill 163: AMENDS ORDINANCE NO. 11-59, AS AMENDED, THE OPERATING BUDGET FOR THE COUNTY OF HAWAI'I FOR THE FISCAL YEAR ENDING JUNE 30, 2012
 Increases revenues in Federal Grants – Coordinated Services (\$30,000); and appropriates same to Coordinated Services - Equipment.

Re: Comm. 516
 Intr. by: Ms. Ford (B/R)
 First Reading: January 20, 2012

PASSED 2nd AND FINAL READING:

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

Bill 270 (Draft 7): REPEALS CHAPTER 5 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), TO BE REPLACED BY A NEW CHAPTER 5, RELATING TO BUILDING
 (2008-2010)
 The State Building Code Council has reviewed and proposed the adoption of the 2006 International Building Code (IBC) with amendments. (Repeals Chapter 5 of the Hawai'i County Code (Building) and replaces it with a new Chapter 5.)

Re: Comm. 128.133
 Intr. by: Ms. Smart
 Postponed: September 9, 2010
 March 16, 2011: Recommits Bill 270, Draft 2, to the Public Works and Parks and Recreation Committee
 First Rdg.: July 7, 2011
 Second Rdg.: July 22, 2011
 Reconsidered: August 17, 2011
 Postponed: September 21, 2011
 Held Over: October 5, 2011
 Postponed: October 19, 2011
 Nov. 2, 2011: Recommits Bill 270, Draft 4, to the Public Works and Parks and Recreation Committee
 Approve: PWPRC-67
 Held Over: January 20, 2012

PASSED 2nd AND FINAL READING:

AYES: Council Members Blas, Hoffmann, Ikeda, Pilago and Smart – 5.
 NOES: Council Member Ford and Chair Yagong – 2.
 ABSENT: Council Members Onishi and Yoshimoto – 2.
 EXCUSED: None.

(For informational purposes, Mr. Blas voted “Kānalua” twice; Ms. Ford and Mr. Yagong voted “Kanalua” and “no”.)

REPORTS

Financial Report: Monthly Budget Status Report for the Month Ended November 30, 2011, from the Department of Finance.

ACCEPTED:

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

NOES: None.

ABSENT: None.

EXCUSED: None.

REFERRALS FOR EXECUTIVE SESSION

Comm. 556 CLAIM FILED ON BEHALF OF GLEN SHIKUMA AND PATRICIA NAKAMOTO; REQUEST TO HIRE SPECIAL COUNSEL
From Corporation Counsel Lincoln S. T. Ashida, dated January 25, 2012.

WITHDRAWN

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 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 5:34 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 *January 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. **Please submit separate testimony for each item.**

Viewing of Meetings on Government Access Television - Channel 52:
 Wednesdays, February 8th (to follow the Council meeting of January 20, 2012) and 15th at 6 p.m.; Fridays, February 10th and 17th at 12 p.m.; and Sundays, February 12th and 19th 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, FEBRUARY 14, 2012

COMMITTEES	TBA	TBA
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WEDNESDAY, FEBRUARY 15, 2012

COUNCIL	9:00 A.M.	TBA
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THURSDAY, MARCH 8, 2012

COMMITTEES	TBA	COUNCIL ROOM - HILO 25 Aupuni Street
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FRIDAY, MARCH 9, 2012

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