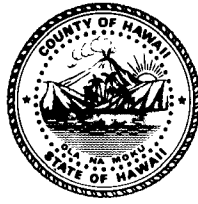


J YOSHIMOTO  
*Chairperson and Presiding Officer*

KAREN EOFF  
*Vice-Chairperson*



BRENDA FORD  
GREGGOR ILAGAN  
DRU MAMO KANUHA  
ZENDO KERN  
DENNIS "FRESH" ONISHI  
VALERIE T. POINDEXTER  
MARGARET WILLE

## COUNTY COUNCIL

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

5<sup>th</sup> Session

### ORDER OF BUSINESS

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

Wednesday, February 6, 2013  
9:00 a.m.

INVOCATION

Kahu Brian Welsh of Haili Church

CALL TO ORDER

ROLL CALL

**9:02 A.M.**

PLEDGE OF ALLEGIANCE

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

**APPROVAL OF MINUTES:**

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

Police Chief Harry Kubojiri and the Police Department: Presentation of a Certificate of Merit Sponsored by Vice-Chair Karen Eoff recognizing Police Chief Harry Kubojiri and the Police Department for being awarded accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Reference: Comm. 94

Chase K. I. Tanaka: Presentation of a Certificate of Merit Sponsored by Council Chair J Yoshimoto recognizing Chase K. I. Tanaka for obtaining the highest rank in The Boy Scouts of America, the honor of Eagle Scout.

Reference: Comm. 99

Kea'au High School Cougars Cheer Competition Team: Presentation of Certificates of Merit Sponsored by Council Member Greggor Ilagan recognizing the Kea'au High School Cougars Cheer Competition Team for winning the 2012 Big Island Interscholastic Federation (BIIF) Cheerleading Championship Title: Maryann Calamayan, Brianna Cadaoas, Chloe Kaua, Daysha Alameda, Kiana Akana, Charnalyn Crivello, Abigail Delarosa, Samantha Shute, Tabitha Silva-Perreira, and Maelin Tamashiro. Also, recognizing Head Coach Tonya Baybayan, Assistant Coach Jamie Soli, and Volunteer Coaches Sarah Lips, Elisha Tenorio, and CJ Fukumoto.

Reference: Comm. 102

**9:50 A.M.: STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS**

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

**COMMUNICATIONS**

Comm. 104: APPOINTMENT OF NANCY E. CRAWFORD AS FINANCE DIRECTOR  
From Mayor Billy Kenoi, dated January 9, 2013, submitting for Council's confirmation the appointment of Ms. Nancy E. Crawford as Finance Director.

Waived: GREDC

APPROVED:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.

NOES: None.

ABSENT: None.

EXCUSED: None.

Comm. 105: APPOINTMENT OF LINCOLN S. T. ASHIDA AS CORPORATION COUNSEL  
From Mayor Billy Kenoi, dated January 9, 2013, submitting for Council's confirmation the appointment of Mr. Lincoln S. T. Ashida as Corporation Counsel.

Waived: GREDC

APPROVED:

AYES: Council Members Eoff, Ilagan, Kanuha, Kern,  
Onishi, Poindexter, and Chair Yoshimoto – 7.  
NOES: Council Members Ford and Wille – 2.  
ABSENT: None.  
EXCUSED: None.

Comm. 106: APPOINTMENT OF WARREN H. W. LEE AS PUBLIC WORKS DIRECTOR  
From Mayor Billy Kenoi, dated January 9, 2013, submitting for Council's confirmation the appointment of Mr. Warren H. W. Lee as Public Works Director.

Waived: GREDC

APPROVED:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern,  
Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
NOES: None.  
ABSENT: None.  
EXCUSED: None.

Comm. 107: APPOINTMENT OF BOBBY JEAN LEITHEAD TODD AS PLANNING DIRECTOR  
From Mayor Billy Kenoi, dated January 9, 2013, submitting for Council's confirmation the appointment of Ms. Bobby Jean Leithead Todd as Planning Director.

Waived: GREDC

APPROVED:

AYES: Council Members Eoff, Ilagan, Kanuha, Kern,  
Onishi, Poindexter, and Chair Yoshimoto – 7.  
NOES: Council Members Ford and Wille – 2.  
ABSENT: None.  
EXCUSED: None.

Comm. 108:

APPOINTMENT OF CLAYTON S. HONMA AS PARKS AND RECREATION DIRECTOR

From Mayor Billy Kenoi, dated January 9, 2013, submitting for Council's confirmation the appointment of Mr. Clayton S. Honma as Parks and Recreation Director.

Waived: GREDC

APPROVED:

- AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.
- NOES: None.
- ABSENT: None.
- EXCUSED: None.

Comm. 109:

APPOINTMENT OF MARK OW AS INFORMATION TECHNOLOGY DIRECTOR

From Mayor Billy Kenoi, dated January 9, 2013, submitting for Council's confirmation the appointment of Mr. Mark Ow as Information Technology Director.

Waived: GREDC

APPROVED:

- AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.
- NOES: None.
- ABSENT: None.
- EXCUSED: None.

**ORDER OF RESOLUTIONS**

Res. 21-13: **AUTHORIZES THE ACQUISITION OF PRIVATE PROPERTY BY EMINENT DOMAIN, TAX MAP KEY: (3)2-2-014-010:0057 (POR.), SUITE 229B, SITUATED AT HILO LAGOON CENTRE, FOR THE DEPARTMENT OF LIQUOR CONTROL RESTORATION PROJECT**

The Department of Liquor Control will be making improvements at its office located at the Hilo Lagoon Centre, which will require the acquisition of additional space to meet Americans with Disabilities Act (ADA) requirements. The improvements will require the acquisition by the Department of currently vacant property owned by Alvin M. Inoue, Sharon K. Scheele, and Della E. Yamashiro, fka Della E. Allison, identified as being a portion of Suite 229 located on the second floor (or lobby level) of the Hilo Lagoon Centre, adjacent to the current Department of Liquor Control Conference Room, and containing an area of 909 square feet (referred to as Suite 229B).

Reference: Comm. 28  
Intr. by: Ms. Poindexter  
Approve: FC-11  
Postponed: January 23, 2013  
Note: First of two required readings, Section 101-13, Hawai'i Revised Statutes

**WITHDRAWN BY INTRODUCER.**

**(Note: There is a pending motion by Mr. Kern and duly seconded by Mr. Kanuha to approve Resolution 21-13.)**

Comm. 28.1: *; and*  
From Senior Deputy Corporation Counsel Joseph K. Kamelamela, dated January 22, 2013, requesting Resolution 21-13 be withdrawn from the Council's January 23, 2012 agenda to allow the department to amend the map.

Res. 38-13:

**AUTHORIZES THE GRANT OF EASEMENT FOR DRAINAGE PURPOSES AT PUAPUA 'A 1<sup>ST</sup> AND 2<sup>ND</sup> AND HÖLUALOA 1<sup>ST</sup> AND 2<sup>ND</sup>, DISTRICT OF NORTH KONA, COUNTY AND STATE OF HAWAI'I, TAX MAP KEY: (3)7-6-002:034 TO THE COUNTY OF HAWAI'I**

The owners, David G. Wilkinson and Kimiko Wilkinson, have agreed to grant an easement that authorizes, allows, and permits the County of Hawai'i to utilize, maintain, and repair the installed catch basin/drywell on their property (minimizing runoff to downstream properties), for public purpose, at no cost to the County. The Departments of Public Works, Planning, and Water Supply have no objections to the granting of the easement.

Reference:       Comm. 75  
Intr. by:        Ms. Poindexter  
Approve:        FC-28

**AMENDED TO DRAFT 2 AND ADOPTED:**

AYES:            Council Members Eoff, Ford, Ilagan, Kanuha, Kern,  
                      Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
NOES:            None.  
ABSENT:         None.  
EXCUSED:        None.

*; and*

Comm. 75.1:

From Senior Deputy Corporation Counsel Joseph K. Kamelamela, dated January 30, 2013, transmitting a proposed amendment to Resolution 38-13. The amendment relates to the third "WHEREAS" clause, in the first line, by adding the language "at no cost to the County" (and deletes this same language in the fourth line) to clearly indicate that the Wilkinsons will be giving the grant of easement at no cost to the County.

Res. 43-13:

**AMENDS RULE NO. 23 OF THE RULES OF PROCEDURE AND ORGANIZATION OF THE COUNCIL OF THE COUNTY OF HAWAI'I, RELATING TO CERTIFICATES OF MERIT, MEMORIALS, AND EXPRESSIONS OF CONDOLENCE**

Amends Item 6 of Rule No. 23 stating that all certificates which do not have a major impact on established policies and procedures or which do not affect a significant number of people and are received less than six days before the regular meeting date of the Council, may be considered at such meeting.

Reference:       Comm. 89  
Intr. by:        Mr. Kern

**ADOPTED:**

AYES:            Council Members Eoff, Ford, Ilagan, Kanuha, Kern,  
                      Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
NOES:            None.  
ABSENT:         None.  
EXCUSED:        None.

Res. 45-13: URGES THE 2013 HAWAI'I STATE LEGISLATURE TO PASS SENATE BILL NO. 1 AND HOUSE BILL NO. 8 TO EFFECTIVELY ABOLISH THE PUBLIC LAND DEVELOPMENT CORPORATION (PLDC)

The Hawai'i County Council supports the repeal of the PLDC and opposes State legislation that seeks to amend a limited portion of the provisions of the PLDC, and strongly urges the 2013 Hawai'i State Legislature to pass Senate Bill No. 1 and House Bill No. 8 to effectively abolish the PLDC.

Reference: Comm. 98  
Intr. by: Ms. Wille  
Waived: PC

ADOPTED:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
NOES: None.  
ABSENT: None.  
EXCUSED: None.

Res. 47-13: AMENDS THE RULES OF PROCEDURE AND ORGANIZATION OF THE COUNCIL OF THE COUNTY OF HAWAI'I BY AMENDING RULE NO. 16, RELATING TO ORDER OF BUSINESS

Amends Rule No. 16 to place the "Approval of Minutes" between "Statements from the Public" and "Communications." States that its minutes may be a matter of board business, and as such, Council action should occur after "Statements from the Public" and prior to the reading of "Communications."

Reference: Comm. 101  
Intr. by: Mr. Yoshimoto

ADOPTED:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
NOES: None.  
ABSENT: None.  
EXCUSED: None.

**BILLS FOR ORDINANCES (FIRST READING)**

Bill 19: 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 WAIKOLOA, SOUTH KOHALA, HAWAI'I (Applicant: Hawaiian Riverbend, LLC; Approx. 14.622 Acres) From Mayor William P. Kenoi, dated December 14, 2012, transmitting the above bill and enclosures with a favorable recommendation from Leeward Planning Commission Chair Geraldine Giffin. The applicant requests a State Land Use Boundary Amendment from Agricultural to Urban to develop a commercial shopping complex approximately 170,700 square foot in size.

Reference: Comm. 66  
 Intr. by: Mr. Kern (B/R)  
 Approve: PC-10

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

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

Bill 20: AMENDS SECTION 25-8-7 (NORTH AND SOUTH KOHALA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION), BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL – FIVE ACRES (A-5a) TO VILLAGE COMMERCIAL – 20,000 SQUARE FEET (CV-20) AT WAIKOLOA, SOUTH KOHALA, HAWAI'I, COVERED BY TAX MAP KEY: 6-8-002:021 (POR) From Mayor William P. Kenoi, dated December 14, 2012, transmitting the above bill and enclosures with a favorable recommendation from Leeward Planning Commission chair Geraldine Giffin. The applicant requests a Change of Zone from A-5a to CV-20 to develop a commercial shopping complex approximately 170,700 square foot in size.

Reference: Comm. 66  
 Intr. by: Mr. Kern (B/R)  
 Approve: PC-11

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

AYES: Council Members Eoff, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 8.  
 NOES: Council Member Ford – 1.  
 ABSENT: None.  
 EXCUSED: None.

Bill 21:

AMENDS ORDINANCE NO. 07-127 WHICH AMENDED ORDINANCE NO. 05-157, WHICH AMENDED ORDINANCE NO. 95-51, WHICH AMENDED ORDINANCE NO. 90-160, WHICH RECLASSIFIED LANDS FROM AGRICULTURAL 5-ACRE (A-5a) (FORMERLY UNPLANNED) AND MULTIPLE FAMILY RESIDENTIAL – 1,500 SQUARE FEET (RM-1.5) TO RESIDENTIAL – AGRICULTURAL 1 ACRE (RA-1a) AND OPEN (O) DISTRICTS AT WAIKOLOA, SOUTH KOHALA, HAWAI'I, COVERED BY TAX MAP KEY: 6-8-002:PORTION OF 016 – Request Time Extension to Condition B (Final Subdivision Approval)  
 (Applicant: Waikoloa Mauka, LLC)

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From Mayor William P. Kenoi, dated December 14, 2012, transmitting the above bill and enclosures with a favorable recommendation from Leeward Planning Commission Chair Geraldine Giffin. The applicant requests an amendment to Condition B (secure final subdivision approval) of Ordinance 07-127, effective September 20, 2007, which required that Final Subdivision Approval be secured within five years from the effective date of the ordinance, or September 20, 2012.

Reference:      Comm. 67  
 Intr. by:        Mr. Kern (B/R)  
 Approve:        PC-12

AMENDED TO DRAFT 2 AND PASSED 1<sup>ST</sup> READING:

AYES:            Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES:            None.  
 ABSENT:         None.  
 EXCUSED:        None.

Bill 22: AMENDS ORDINANCE NO. 07-106, WHICH AMENDED ORDINANCE NO. 02-21, WHICH AMENDED ORDINANCE NO. 98-87, WHICH AMENDED ORDINANCE NO. 90-008, WHICH RECLASSIFIED LANDS FROM AGRICULTURAL – 20 ACRES (A-20a) TO AGRICULTURAL – 3 ACRES (A-3a) AT KAHUA 1<sup>ST</sup>, NORTH KOHALA, HAWAI'I, COVERED BY TAX MAP KEY: 5-9-007:007 – Request 5-Year Time Extension to Condition C (Time to Secure Final Subdivision Approval)  
(Applicant: Elwin F. Hussey (Keanahalululu))

From Mayor William P. Kenoi, dated December 14, 2012, transmitting the above bill and enclosures with a favorable recommendation from Leeward Planning Commission Chair Geraldine Giffin. The applicant requests a five-year extension of time to comply with Condition C of Ordinance No. 07-106, which requires the applicant to secure Final Subdivision Approval within five years from the effective date of the amended ordinance. The applicant plans to subdivide the subject property into eight lots, each approximately 3-acres in size.

Reference: Comm. 68  
 Intr. by: Mr. Kern (B/R)  
 Approve: PC-13

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

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Poindexter, Wille, and Chair Yoshimoto – 8.  
 NOES: None.  
 ABSENT: Council Member Onishi – 1.  
 EXCUSED: None.

Bill 23: AMENDS CHAPTER 19, ARTICLE 3, SECTION 19-32 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO REDUCTION OF THE REAL PROPERTY TAX PENALTY AND MONTHLY INTEREST FOR DELINQUENT TAXES

Amends Section 19-32, Penalty for delinquency, by reducing the penalty of ten percent to five percent for each year for new delinquent real property taxes, and reducing the monthly interest from one percent to one-half of one percent. Currently, the penalty and interest equal 22 percent for the first year.

Reference: Comm. 71  
 Intr. by: Ms. Ford  
 Negative: FC-26 (Due to a vote of 2-ayes, 6-noes, 1-absent)

FILED DUE TO THE FOLLOWING VOTE:

AYES: Council Member Ford – 1.  
 NOES: Council Members Eoff, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 8.  
 ABSENT: None.  
 EXCUSED: None.

Bill 24: AMENDS CHAPTER 2, ARTICLE 42, SECTION 2-214 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO A RESTRICTIVE COVENANT FOR DEEDS TO LANDS OR EASEMENTS ACQUIRED WITH FUNDS FROM THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND

Adds the following language in Section 2-214, Public access, open space, and natural resources preservation fund: (d) The director of finance shall ensure that the following covenant is written and duly recorded as part of the deed of any property acquired pursuant to this article: "This land/easement was acquired with moneys from the Public Access, Open Space, and Natural Resources Preservation Fund. It shall be held in perpetuity for the use and enjoyment of the people of Hawai'i County and may not be sold, mortgaged, traded or transferred in any way." The director of finance shall select either "land" or "easement" based on the type of property acquired.

Reference:       Comm. 72  
 Intr. by:        Ms. Ford  
 Approve:        FC-27

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

AYES:            Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES:            None.  
 ABSENT:         None.  
 EXCUSED:        None.

Bill 26: AMENDS CHAPTER 18, ARTICLE 4, SECTION 18-90 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO SHARED-RIDE FARES

The proposal adds the coupon price for a "single coupon" at a cost of \$6.

Reference:       Comm. 76  
 Intr. by:        Mr. Onishi  
 Approve:        PSMTC-4

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

AYES:            Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES:            None.  
 ABSENT:         None.  
 EXCUSED:        None.

Bill 27: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 1, SECTION 24-257 OF THE HAWAII 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 (e), Kohala, by revising an existing item: “(1) Māmalahoa Highway (Highway 190), [~~in Waimea~~] from a point five hundred three feet north of Lalamilo Farm Road to Lindsey Road [~~to a point four thousand feet in the Kona direction~~].” The amendment lowers the speed limit along Māmalahoa Highway south of the Ala Ohia Road (Waimea bypass) intersection.

Reference: Comm. 80  
Intr. by: Mr. Kanuha  
Approve: PWPRC-6

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

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
NOES: None.  
ABSENT: None.  
EXCUSED: None.

Bill 29: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 3, SECTION 24-275 OF THE HAWAII COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO BUS STOPS AND PUBLIC ROAD TAXI STANDS

Amends Chapter 24, Article 10, Division 3, Section 24-275, Schedule 23 (Bus Stops and Public Road Taxi Stands), subsection (c), by revising an existing item: “(1) Aupuni Street, southwest side, from a point seven hundred SEVENTY-THREE SEVEN feet southeast of Pauahi Street and extending forty ~~FOUR~~ feet in the southeasterly direction.” The amendment for the proposed location for the bus stop will allow the addition of one parking stall and a 46’ no parking zone/gap for the buses to use for a pull-in area to access the relocated bus stop.

Reference: Comm. 82  
Intr. by: Mr. Kanuha  
Approve: PWPRC-7

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

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
NOES: None.  
ABSENT: None.  
EXCUSED: None.

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

Bill 11: AMENDS CHAPTER 24, ARTICLE 10, DIVISION 2 OF THE HAWAI'I COUNTY CODE 1983 (2005 EDITION, AS AMENDED), RELATING TO MOVING VEHICLES  
 Amends Chapter 24, Article 10, Division 2, Section 24-265, Schedule 13 (Yield locations), subsection (a), Hāmākua, by adding a new item: "( ) Pa'auilo Mauka Road, westbound and eastbound departures to bridge no. 43-8." The amendment creates a vehicle yield on the bridge where it is wide enough for two cars to pass. There will be two yield conditions on Bridge No. 43-8, one at each end.

Reference: Comm. 43  
 Intr. by: Mr. Kanuha  
 First Reading: January 23, 2013

PASSED 2<sup>ND</sup> AND FINAL READING:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

Bill 12: AUTHORIZES THE MAYOR OF THE COUNTY OF HAWAI'I TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR WASTEWATER PUBLIC IMPROVEMENT PROJECTS; AND AUTHORIZES THE ISSUANCE OF \$12,000,000 GENERAL OBLIGATION BONDS OF THE COUNTY OF HAWAI'I FOR THE PURPOSE OF FINANCING QUALIFIED WASTEWATER PUBLIC IMPROVEMENTS OF THE COUNTY OF HAWAI'I

Authorizes the Mayor to execute all necessary intergovernmental agreements and documents between the State of Hawai'i and County of Hawai'i relating to the State Water Pollution Control Revolving Fund Loan (SRF Loan) to finance the construction of the Kealakehe Wastewater Treatment Plant Aeration Upgrade and Sludge Removal project. The County shall repay, over a term of 20 years, the principal amount which shall not exceed \$12,000,000, at a fixed rate of interest, which shall not exceed the Bond Buyer's 20-year general obligation bond issue.

Reference: Comm. 51  
 Intr. by: Ms. Poindexter  
 First Reading: January 23, 2013

PASSED 2<sup>ND</sup> AND FINAL READING:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

Bill 13:

**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**

Adds Public Works: Kealakehe Wastewater Treatment Plant (WWTP) Upgrade and Sludge Removal – State Revolving Fund (SRF) (\$12,000,000); funds for this appropriation increase shall be provided from State Revolving Funds (SRF) (\$12,000,000). The Kealakehe WWTP Aeration Upgrade is necessary to restore the plant’s treatment capacity to original design capacity, comply with an existing Department of Health variance, facilitate future upgrades of the facility, and to reduce electricity costs at the facility. Sludge removal is also required to maintain and upgrade the plant capacity and allow for the successful implementation and performance of the aeration system upgrade. (The design for this project is 95% completed and the construction is expected to begin in the second quarter of 2013.)

Reference: Comm. 52  
Intr. by: Ms. Poindexter  
First Reading: January 23, 2013  
Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai'i County Charter

**PASSED 2<sup>ND</sup> AND FINAL READING:**

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
NOES: None.  
ABSENT: None.  
EXCUSED: None.

Bill 14: AUTHORIZES THE ISSUANCE OF UP TO \$4,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF HAWAI'I FOR THE PURPOSE OF FUNDING ALL OR A PORTION OF THE COSTS OF A LANDFILL GAS COLLECTION AND CONTROL SYSTEM FOR THE COUNTY'S WEST HAWAI'I SANITARY LANDFILL AT PU'UANAHULU; FIXING THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THEIR SALE TO THE PUBLIC; AND AUTHORIZES THE TAKING OF OTHER ACTIONS RELATING TO THE ISSUANCE AND SALE OF THE BONDS  
 Authorizes the issuance and sale, in one or more series, Bonds of the County in an aggregate principal amount not to exceed \$4,000,000 for the purpose of funding all or a portion of the costs (including costs of issuance of Bonds) of the Project. The installation of a Gas Collection and Control System at the West Hawai'i Sanitary Landfill is required by December 17, 2013 in order to stay in compliance with regulations. This is the first phase of a system that will allow for landfill gas to be captured and burned in a landfill gas flare rather than being emitted to the atmosphere. The installation is expected to begin in the second quarter of 2013.

Reference: Comm. 54  
 Intr. by: Ms. Poindexter  
 First Reading: January 23, 2013

PASSED 2<sup>ND</sup> AND FINAL READING:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

Bill 15: 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  
 Adds Public Works: Gas Collection and Control System (GCCS) – Pu'uanahulu Landfill (\$4,000,000); funds for this appropriation increase shall be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$4,000,000).

Reference: Comm. 54  
 Intr. by: Ms. Poindexter  
 First Reading: January 23, 2013  
 Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai'i County Charter

PASSED 2<sup>ND</sup> AND FINAL READING:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

Bill 16: 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 – United States Department of Agriculture (USDA) Rural Development Grant (\$35,200); and appropriates same to USDA Rural Development Grant.

Reference: Comm. 57  
 Intr. by: Ms. Poindexter  
 First Reading: January 23, 2013

PASSED 2<sup>ND</sup> AND FINAL READING:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

Bill 17: 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

Adds Public Works: Māmalahoa Highway Phase I – Mānā Road – Federal (\$56,000) and Māmalahoa Highway Phase I – Mānā Road – County (\$14,000), for a total of \$70,000; funds for this appropriation increase shall be provided from Federal Grants Receivable (\$56,000) and General Obligation Bonds, Capital Projects Fund – Fund Balance and/or Other Sources (\$14,000), for a total of \$70,000. Funds will be used to improve the intersection and add a left-turn pocket into Mānā Road, from the Māmalahoa Highway, in the town of Waimea, South Kohala, Hawai'i. The \$56,000 appropriation for Federal funding is needed for the planning, design, and engineering of the project. The County's matching funding, for the same, will be \$14,000.

Reference: Comm. 59  
 Intr. by: Ms. Poindexter  
 First Reading: January 23, 2013  
 Note: Requires 2/3 vote of the entire membership to amend, pursuant to Section 10-6(e), Hawai'i County Charter

PASSED 2<sup>ND</sup> AND FINAL READING:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

**REPORTS**

Financial Report: Monthly Budget Status Report for the Month Ended December 31, 2012, from the Department of Finance.

ACCEPTED:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

PSMTC-2 (Comm. 74): Recommends the confirmation of the appointment of Mr. William T. Takaba (Council District 3) to the Liquor Commission

APPROVED:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

PSMTC-3 (Comm. 74): Recommends the confirmation of the appointment of Mr. Donn S. Mende (Council District 5) to the Liquor Commission.

APPROVED:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

**REFERRALS FOR EXECUTIVE SESSION**

Comm. 64: CLAIM AGAINST THE COUNTY OF HAWAI'I/USAA INSURANCE FOR WILLIAM BECK

From Deputy Corporation Counsel Kimberly K. Angay, dated January 22, 2013, requesting an attorney-client confidential discussion in executive session to consult with the County Council on an automobile accident claim occurring on or about October 27, 2012, submitted by USAA Insurance on behalf of William Beck.

CONCURRED WITH THE RECOMMENDATION OF CORPORATION COUNSEL:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

Comm. 65: CLAIM AGAINST THE COUNTY OF HAWAI'I/GEICO FOR KATHERINE GREENE  
 From Deputy Corporation Counsel Kimberly K. Angay, dated December 10, 2012, requesting an attorney-client confidential discussion in executive session to consult with the County Council on a claim submitted by GEICO on behalf of Katherine Greene resulting from an automobile accident occurring on or about July 13, 2012.

CONCURRED WITH THE RECOMMENDATION OF CORPORATION COUNSEL:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

Comm. 78: CLAIM AGAINST THE COUNTY OF HAWAI'I/USAA INSURANCE FOR CHAN LEE AIONA  
 From Deputy Corporation Counsel Kimberly K. Angay, dated January 22, 2013, requesting an attorney-client confidential discussion in executive session to consult with the County Council on an automobile accident claim occurring on or about July 7, 2012, submitted by USAA Insurance on behalf of Chan Lee Aiona.

CONCURRED WITH THE RECOMMENDATION OF CORPORATION COUNSEL:

AYES: Council Members Eoff, Ford, Ilagan, Kanuha, Kern, Onishi, Poindexter, Wille, and Chair Yoshimoto – 9.  
 NOES: None.  
 ABSENT: None.  
 EXCUSED: None.

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 Rules No. 2 and No. 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 5:20 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 *February 4, 2013*. Relay users please call 711(961-8255) to contact our office.

Public attendance via videoconference is available at the following locations until 4:30 p.m. or later in the event public witness testimony has not been completed:

- **Kona Council Office, West Hawai'i Civic Center, 74-5044 Ane Keohokālole Highway, Building A**
- **Waimea Council Office, Holomua Center, 64-1067 Māmalahoa Highway, Suite 5**
- **Pāhoa Council Office, Pāhoa Marketplace, 15-2660 Pāhoa Village Road, Room 304**

Public attendance via videoconference is available at the following location until 3:00 p.m. or later in the event public witness testimony has not been completed:

- **Hawaiian Ocean View Estates Community Center, 92-8924 Leilani Circle**

If for technical or other unanticipated circumstances the video connection cannot be made and/or is disrupted, the scheduled meeting will continue.

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.**

Submitting Video Testimony: Those submitting video testimony may e-mail a complete web address (url) to [videotestimony@hawaiicounty.gov](mailto: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). **Allowable video formats are to be internet-based, downloadable, and accessible to this office and the general public; e.g. YouTube being the most commonly known but any, of similar functionality and format we can access and review, is acceptable.**

Viewing of Meetings on Government Access Television - Channel 55:

Wednesdays, February 13<sup>th</sup> and 20<sup>th</sup> at 6 p.m.; Fridays, February 15<sup>th</sup> and 22<sup>nd</sup> at 12 p.m.; and Sundays, February 17<sup>th</sup> and 24<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/tv-schedules/channel-52/>.)

**UPCOMING MEETINGS**

TUESDAY, FEBRUARY 19, 2013

COMMITTEES

TBA

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

WEDNESDAY, FEBRUARY 20, 2013

COUNCIL

9:00 A.M.

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

TUESDAY, MARCH 12, 2013

COMMITTEES

TBA

COUNCIL ROOM - HILO  
25 Aupuni Street

WEDNESDAY, MARCH 13, 2013

COUNCIL

9:00 A.M.

COUNCIL ROOM - HILO  
25 Aupuni Street