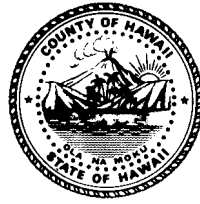


JAMES Y. ARAKAKI  
*Chairman & Presiding Officer*

J. CURTIS TYLER, III  
*Vice Chairman*



AARON S.Y. CHUNG  
LENINGRAD ELARIONOFF  
FRED C. HOLSCHUH, M.D.  
BOB JACOBSON  
JOE REYNOLDS  
GARY SAFARIK  
MICHAEL C. TULANG

## COUNTY COUNCIL

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

36<sup>th</sup> Session

### ORDER OF BUSINESS

Hawai'i County Council  
Hilo, Hawai'i

Wednesday, May 19, 2004  
9:00 a.m.

INVOCATION

Reverend Larry Walter, First United Protestant Church

CALL TO ORDER

9:10 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

April 7, 2004

**APPROVED AS AMENDED**

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

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

**STATEMENTS FROM THE PUBLIC ON ITEMS LISTED ON THE ORDER OF BUSINESS**

**ORDER OF RESOLUTIONS**

Res. 186-04: Authorizes the Office of the Mayor to Enter Into an Agreement with the State of Hawai'i Department of Defense, State Civil Defense, Pursuant to HRS 46-7, for the Citizen Corps Program. {Funds to support Citizen Corps Councils with planning, outreach, training, and management of its programs and activities.}

Re: Comm. 621  
Intr. by: Mr. Chung  
Waived: FC

**ADOPTED:**

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Res. 187-04: Authorizes the Office of the Mayor to Enter Into an Agreement with the State of Hawai'i Department of Defense, State Civil Defense, Pursuant to HRS 46-7, for the Law Enforcement Terrorism Prevention Program. {Funds to provide law enforcement communities with enhanced capabilities for detecting, deterring, disrupting, and preventing acts of terrorism.}

Re: Comm. 622  
Intr. by: Mr. Chung  
Waived: FC

**ADOPTED:**

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Res. 188-04: Authorizes the Office of the Mayor to Enter Into Agreements with the State of Hawai'i Department of Defense, State Civil Defense, Pursuant to HRS 46-7, for the FY 2004 State Homeland Security Grant Program. {Funds to be used for the purchase of specialized equipment to enhance the capability of state and county agencies to prevent, respond to, and mitigate incidents of terrorism involving the use of chemical, biological, radiological, nuclear or explosive (CBRNE) weapons, as well as other provisions, as listed.}

Re: Comm. 623  
 Intr. by: Mr. Chung  
 Waived: FC

**ADOPTED:**

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

**BILLS FOR ORDINANCES (FIRST READING)**

Bill 237: Establishes an Operating Budget for the County of Hawaii for the Fiscal Year July 1, 2004, to June 30, 2005. {Proposed \$246,596,820 Operating Budget for the County of Hawai'i.};

Re: Comm. 521  
 Intr. by: Mr. Chung (B/R)  
 Approve: FC-250

*and*

Comm. 521.23: From Environmental Management Director Barbara Bell, dated April 22, 2004;

*and*

Comm. 521.25: From Mayor Harry Kim, dated May 5, 2004, transmitting Bill 237, Draft 2. {Draft 2 proposes a budget of \$250,264,375, an increase of \$3,667,555. Details are contained in Communication 521.25};

*and*

Bill 237 (Draft 2): Establishes an Operating Budget for the County of Hawai'i for the Fiscal Year July 1, 2004, to June 30, 2005. {Proposed \$250,264,375 Operating Budget for the County of Hawai'i.};

Intr. by: Mr. Chung

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

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

*and*

(Related Communication and HSEDC Report 6 continued on the next page.)

Comm. 521.26: From Dassar K. Nojiri, Nojiri & Company, Inc., dated March 17, 2004;  
*and*  
 HSEDC Rept. 6 The Committee on Human Services and Economic Development is in accord with  
 (Comm. 486.1): the purpose and intent of the funding recommendations of \$900,000 to 46 nonprofit agencies, as set forth in Communication 486.1 for inclusion in Bill 237, Draft 2, and recommends its adoption.  
**APPROVED**

Bill 238: Relates to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004, to June 30, 2005. {Proposed \$46,839,000 Capital Improvements Budget for the County of Hawai'i.};

Re: Comm. 522  
 Intr. by: Mr. Chung  
 Negative: FC-251 (due to a vote of 4 ayes, 4 noes & 1 excused)

*and*  
 Comm. 522.2: From Mayor Harry Kim, dated May 5, 2004, transmitting Bill 238, Draft 2. {Draft 2 proposes 60 projects requiring a total appropriation of \$91,339,000. Details are contained in Communication 522.2.};

*and*  
 Bill 238 Relates to Public Improvements and Financing Thereof for the Fiscal Year  
 (Draft 2): July 1, 2004, to June 30, 2005. {Proposed \$91,339,000 Capital Improvements Budget for the County of Hawai'i.}

Intr. by: Mr. Chung

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

- AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.  
**NOES:** Council Member Chung – 1.  
**ABSENT & EXCUSED:** None.

Bill 247  
(Draft 2):

Amends Section 25-8-2 (North and South Kona District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-20a) to Agricultural (A-5a) at Kaloko, North Kona, Hawai'i, Covered by Tax Map Key 7-3-25:8 (approx. 23.208 acres). {Richard & Christin Grover, Applicant.}

Re:               Comm. 557.1  
Intr. by:       Mr. Elarionoff  
Approve:       PC-89

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

**AYES:**           Council Members Chung, Elarionoff, Holschuh, Safarik,  
                          Tulang, Tyler, and Chair Arakaki – 7.

**NOES:**           Council Member Jacobson – 1.

**ABSENT & EXCUSED:** Council Member Reynolds – 1.

Bill 249:

Amends Section 25-8-28 (Ka'u District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-20a) to Agricultural Project District at Palima and Paauau, Ka'u, Hawai'i, Covered by Tax Map Key 9-6-5:18 and 9-6-6:4 (approx. 171.782 acres, more or less). {Hester Farming Co., LLC, Applicant.}

Re:               Comm. 561  
Intr. by:       Mr. Elarionoff  
Approve:       PC-90

**PUBLIC HEARING TO BE HELD**

Bill 251: Amends Ordinance No. 03-90, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2003 to June 30, 2004. { Adds ENVIRONMENTAL MANAGEMENT: Puainako Sewer Improvement District Project (\$100,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or other Sources (\$100,000). Funds to be used to conduct the study pursuant to Resolution 157-04, directing the Director of Environmental Management to prepare a broad regional sewerage master plan for the Waiakea region north of South Hilo, as well as a specific and detailed implementation plan for an improvement district. }

Re: Comm. 567  
 Intr. by: Mr. Chung  
 Approve: FC-256  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

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

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 252: Amends Ordinance No. 03-90, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2003 to June 30, 2004 { Adds ENVIRONMENTAL MANAGEMENT: North Kona Sewer Improvement District Project (\$100,000); funds to be provided from General Obligation Bonds, Capital Projects Fund – Fund Balance and/or other Sources (\$100,000). Funds to be used to conduct the study pursuant to Resolution 129-03, directing the Director of Environmental Management to prepare a broad regional sewerage master plan for the region north of Kealahou, as well as a specific and detailed implementation plan for an improvement district. }

Re: Comm. 417.5  
 Intr. by: Mr. Tyler (B/R)  
 Approve: FC-255  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

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

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 261  
(Draft 2):

Amends Chapter 19, of the Hawai'i County Code 1983 (1995 Edition), by Amending Article 7, Section 19-53 Relating to Real Property Valuations; Considerations In Fixing. {Draft 2 corrects existing code language based on amendments adopted in Ordinance No. 03-103 (Native forest).}

Re: Comm. 595.1  
Intr. by: Mr. Chung  
Approve: FC-252

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

**AYES:** Council Members Chung, Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 9.

**NOES:** None.

**ABSENT & EXCUSED:** None.

Bill 262  
(Draft 2):

Amends Ordinance No. 94 99, Which Reclassified Lands from Agricultural (A-20a) to Agricultural (A-3a) at Kaauhuhu, North Kohala, Hawai'i, Covered by Tax Map Key: 5-5-02:85. {Mitchell Thompson, Applicant (Wilfred Kita, former applicant and landowner).}

Re: Comm. 598.1  
Intr. by: Mr. Elarionoff  
Negative: PC-91 (due to a vote of 4 ayes, 1 no & 4 excused)

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

**AYES:** Council Members Chung, Elarionoff, Holschuh, Jacobson, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Reynolds – 1.

Bill 263:

Amends Chapter 14, Article 10, Section 14-63, of the Hawai'i County Code (1995) Relating to Exceptional Trees. {Adds language to address incidences in which exceptional trees are substantially damaged and allows a penalty to be assessed.}

Re: Comm. 599  
Intr. by: Mr. Elarionoff  
Approve: PC-92

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

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 264: Amends Ordinance No. 03-90, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2003 to June 30, 2004. {Adds PARKS AND RECREATION: Pualani Estates Subdivision Playground Development (\$100,000); funds to be provided from Fund Balance – Designated (\$100,000). Funds to be used to support the installation of a children's playground by utilizing fair share assessment funding for this purpose.}

Re: Comm. 606  
 Intr. by: Mr. Chung  
 Approve: FC-254  
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

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

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 271: Amends Ordinance No. 03-91, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. {Appropriates revenues in Federal Grants – Citizen Corps Program (\$29,440); appropriates same to Citizen Corps Program.}

Re: Comm. 621  
 Intr. by: Mr. Chung  
 Waived: FC

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

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 272: Amends Ordinance No. 03-91, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. { Appropriates revenues in Federal Grants – Law Enforcement Terrorism Prevention Program (\$456,544); appropriates same to Law Enforcement Terrorism Prevention Program. }

Re: Comm. 622  
Intr. by: Mr. Chung  
Waived: FC

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

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 273: Amends Ordinance No. 03-91, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. { Appropriates revenues in Federal Grants – State Homeland Security Program (\$1,960,060); appropriates same to FY 2004 State Homeland Security Program. }

Re: Comm. 623  
Intr. by: Mr. Chung  
Waived: FC

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

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

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

Res. 172-04: Authorizes the Acquisition of Private Properties by Eminent Domain, being Portions of Tax Map Keys: (3)2-4-003-022, 2-4-063-120, and 2-4-063-121, Situate at Waiakea, District of South Hilo, County and State of Hawai'i, for the Kawaiiani Street Bridge Replacement.

Re: Comm. 558  
 Intr. by: Mr. Arakaki  
 1<sup>st</sup> Reading: April 21, 2004  
 Note: Second of two required readings, Section 101-13, Hawai'i Revised Statutes  
 Deferred: May 5, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 209 Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25  
 (Draft 3): (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-5a) to Single Family Residential (RS-7.5) at Puapuaa 2nd, North Kona, Hawai'i, Covered by Tax Map Key 7-5-20:71 and 72 (approx. 10.1 acres). {Lehua Lani, LLC, Applicant.};

Re: Comm. 455.23  
 Intr. by: Mr. Elarionoff  
 1<sup>st</sup> Reading: May 5, 2004

**AMENDED TO DRAFT 4 & PASSED 2<sup>nd</sup> & FINAL READING:**

**AYES:** Council Members Chung, Elarionoff, Holschuh, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** Council Member Jacobson – 1.

**ABSENT & EXCUSED:** None.

*and*

Comm. 455.22 From Josephine Keliipio, dated May 10, 2004.

Bill 250  
(Draft 2):

Amends Chapter 21, of the Hawai'i County Code 1983 (1995 Edition), Relating to Sewer Connection Requirements. {Bill, as introduced, deletes provisions that allow exceptions to the connection requirements for lots accessible to a sewer and establishes a process for requesting a variance/exemption to the connection requirements. Draft 2 amends provisions relating to time extensions and appeals.}

Re: Comm. 566.9  
Intr. by: Mr. Reynolds (B/R)  
Deferred: April 21, 2004  
1<sup>st</sup> Reading: May 5, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, and Tyler – 6.

**NOES:** Council Member Tulang and Chair Arakaki – 2.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 253  
(Draft 2):

Amends Chapter 2 and Chapter 18 of the Hawai'i County Code 1983 (1995 Edition), as Amended, Relating to Administration and to Mass Transit. {Properly identifies the departments and agencies under the direct or administrative supervision of the managing director, instead of the Mayor; replaces all references of "mass transportation" and "transportation coordinator" with "mass transit" and "mass transit administrator", respectively; and reflects the recent conversion of the mass transit administrator position from exempt to civil service and to note it now as the agency's chief administrator.}

Re: Comm. 568.1  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: May 5, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 254  
(Draft 2): Authorizes the Issuance of General Obligation Bonds of the County of Hawai'i for the Purpose of Financing Various Public Improvements of the County of Hawai'i; Fixing the Form, Denominations, and Certain Other Details of Such Bonds and Providing for their Sale to the Public; and Authorizing the Issuance and Sale of a Like Principal Amount of General Obligation Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds. {General obligation bonds not to exceed \$40 million for the purpose of financing critical and overdue highway construction and road improvement projects with an apportionment of the proceeds among the districts.};

Re: Comm. 572.4  
 Intr. by: Mr. Chung  
 1<sup>st</sup> Reading: May 5, 2004

*and*

Comm. 572.5: From Council Member Aaron Chung, dated May 6, 2004, transmitting Bill 254, Draft 3;

*and*

Bill 254  
(Draft 3): Authorizes the Issuance of General Obligation Bonds of the County of Hawai'i for the Purpose of Financing Various Public Improvements of the County of Hawai'i; Fixing the Form, Denominations, and Certain Other Details of Such Bonds and Providing for their Sale to the Public; and Authorizing the Issuance and Sale of a Like Principal Amount of General Obligation Bond Anticipation Notes in Anticipation of the Issuance and Sale of Such Bonds. {Draft 3 proposes an amendment suggested by Bond Counsel relating to Bond Insurance.}

Intr. by: Mr. Chung

**PASSED 2<sup>nd</sup> & FINAL READING:**

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 256  
(Draft 2):

Adopts a Pay Plan for Persons Employed by the County Other Than Those Whose Pay is Otherwise Provided for, Designating Payroll Periods, Pay Days, Prescribing Requirements with Respect to Official Fidelity Bonds, and Repealing Ordinance No. 03-86 and All Amendments Thereto, said Ordinance to be Known as the Salary Ordinance of 2004.

Re: Comm. 576.1  
Intr. by: Mr. Arakaki  
1<sup>st</sup> Reading: May 5, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 259:

Amends Ordinance No. 99-41 of the County of Hawai'i Adopted on April 12, 1999, as Amended by Ordinance No. 00-56 Adopted on May 17, 2000, Relating to the Issuance of General Obligation Bonds for the Purpose of Financing Various Public Improvements for the County of Hawai'i. {Amendments include: Prosecuting Attorneys Office at Aupuni Center (\$1,750,000), Scottie White Bridge Replacement (\$240,000), and Wood Valley Road Repairs (\$500,000).}

Re: Comm. 585  
Intr. by: Mr. Chung  
1<sup>st</sup> Reading: May 5, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, and Chair Arakaki – 7.

**NOES:** Council Member Tyler – 1.

**ABSENT & EXCUSED:** Council Member Chung – 1.

Bill 265: Amends Ordinance No. 03-91, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2004. {Increases revenues in Federal Grants – Workforce Investment Act 2004 (\$2,079,858); appropriates to the following: Workforce Investment Act – Administration Planning 2004/05 (\$207,985), Workforce Investment Act – Adult Program 2004-05 (\$720,450), Workforce Investment Act – Dislocated Worker Program 2004-05 (\$394,231), Workforce Investment Act – Youth Program 2004-05 (\$757,192), for a total of \$2,079,858.}

Re: Comm. 609  
 Intr. by: Mr. Safarik  
 1<sup>st</sup> Reading: May 5, 2004

**PASSED 2<sup>nd</sup> & FINAL READING:**

**AYES:** Council Members Elarionoff, Holschuh, Jacobson, Reynolds, Safarik, Tulang, Tyler, and Chair Arakaki – 8.

**NOES:** None.

**ABSENT & EXCUSED:** Council Member Chung – 1.

**REPORTS**

**FINANCIAL REPORT:** Monthly Financial Status Report from the Department of Finance for the Month Ended April 30, 2004.

**APPROVED**

PC-84 (Comm. 586): Recommends approval of the nomination of Diane Gentry (Council District 5) to the Board of Appeals.

Deferred: May 5, 2004

**APPROVED**

PC-85 (Comm. 587): Recommends approval of the nomination of Bernard M. Konanui (Council District 5) to the Water Board.

Deferred: May 5, 2004

**APPROVED**

FC-253 (Comm. 604): Recommends the acceptance of monetary donations of \$50 and \$20 by Edward Fukuda, dba Kandi's Drive Inn, Inc., and by Itsu Kitamura, Itsu's Fishing Supplies, to cover expenses of the Recreation Division's Annual Biggest Easter Egg Hunt.

**APPROVED**

**REFERRALS FOR EXECUTIVE SESSION**

(The purpose of the meeting is to consult with Corporation Counsel relating to matters involving potential County liability, as authorized by Sections 92-4 and 92-5, HRS. Note: 2/3 Vote – Pursuant to §92-4, HRS, and Rule 12 of Rules of Procedure of the County Council.)

Comm. 603: CLAIM AGAINST THE COUNTY OF HAWAI'I/EDWARD R. PAKCHONG  
From Deputy Corporation Counsel Joseph K. Kamelamela, dated April 19, 2004.

Deferred: May 5, 2004

**CONCURRED WITH THE RECOMMENDATION OF CORP. COUNSEL**

Comm. 362.1: WALTER JOHN KELLY, ET. AL. V. 1250 OCEANSIDE PARTNERS, ET. AL.  
CIVIL NO. 00-1-00192K  
From Deputy Corporation Counsel Ivan M. Torigoe, dated April 26, 2004.

Deferred: May 5, 2004;

**DEFERRED**

*and*

Comm. 362.2: From Deputy Corporation Counsel Ivan M. Torigoe, dated May 4, 2004.

Deferred: May 5, 2004

**OTHER BUSINESS**

(Including but not limited to consideration of vetoed items, if any, or reconsideration of actions on agenda items.)

**ANNOUNCEMENTS**

	<u>THURSDAY, MAY 20, 2004</u>	
COUNCIL PUBLIC HEARING RE REAL PROPERTY TAX RATES – KONA	6:00 p.m.	OHANA KEAUHOU BEACH RESORT
HEARING ON VEHICLE WEIGHT TAX	To Follow	
	<u>TUESDAY, JUNE 1, 2004</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, JUNE 2, 2004</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>MONDAY, JUNE 14, 2004</u>	
COMMITTEES	TBA	COUNCIL ROOM

COUNCIL

WEDNESDAY, JUNE 16, 2004

9:00 a.m.

OHANA KEAUHOU  
BEACH RESORT**STATEMENTS FROM THE PUBLIC/ADJOURNMENT 6:30 p.m.**

(Note: B/R, as listed next to the name of an Introducer, signifies that the Council Member has agreed to introduce legislation "By Request" and on behalf of the requesting party; however, it does not necessarily signify their support of or opposition to the proposal.)

The meeting place is accessible for persons with physical disabilities. Persons who need special accommodations to attend this meeting should call 961-8255 by May 17, 2004. Persons using TDDs may call 961-8521. Those desiring to speak on matters listed on the Order of Business must register at the County Clerk's Office prior to the convening of the meeting. Copies may be viewed at the Hawai'i County Services Office at 75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai'i 96740; at the Office of the County Clerk at 25 Aupuni Street, Hilo, Hawai'i 96720; and the County Council's Kona Branch Office at 77-6399 Nalani Street, Suite 104, Kailua-Kona, Hawai'i 96740.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, May 26, 2004, at 6 p.m.; Sunday, May 30, 2004, at 10:30 a.m.; and Wednesday, June 2, 2004, at 6 p.m.