

PETITIONS, MEMORIALS, COMMUNICATIONS, CERTIFICATES OF MERIT AND EXPRESSIONS OF CONDOLENCE**9:00 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF RESOLUTIONS****ORDER OF RESOLUTIONS**

Res. 137-05: Authorizes the Payment of Funds of a Later Fiscal Year and of More Than One Fiscal Year for a Multi-Year Lease (5 years) of a Copier for the Office of Aging. {The lease expired on July 31, 2005, and the Office is looking for a comparable copier with a higher capacity to meet the steady increase/demand in the Office.}

Re: Comm. 368
Intr. by: Ms. Isbell
Approve: FC-124

Res. 138-05: Authorizes the Director of Finance to Compromise Real Property Taxes Owed by the California Institute of Technology on a Parcel Identified as Tax Map Key: (3) 6-5-004-057. {The Director of the California Association for Research in Astronomy requests that the County approve the parcel's tax exempt status as of June 2001, refund the resulting overpayment in taxes for the 2001-02 to 2004-05 tax years, and adjust its property tax bill for the 2005-06 tax year.}

Re: Comm. 370
Intr. by: Ms. Isbell
Approve: FC-126

Res. 139-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$30,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Research and Development (New Industry and Industry Development, Miscellaneous Contract Services). Discretionary funds from District 7 would be used to establish a Kailua Village Business Improvement District.}

Re: Comm. 371
Intr. by: Ms. Isbell
Approve: FC-127

Res. 140-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$30,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Research and Development (New Industry and Industry Development, Miscellaneous Contract Service). Discretionary funds from District 8 would be used to establish a Kailua Village Business Improvement District. }

Re: Comm. 371.1
Intr. by: Mr. Pilago
Approve: FC-128

Res. 141-05
(Draft 2): Authorizes a Grant of Easement for Service Extension at Pepe'ekeo and Makahanaloa, District of South Hilo, County and State of Hawai'i, to Hawaii Electric Light Company, Inc. and Hawaiian Telcom, Inc.

Re: Comm. 373.1
Intr. by: Mr. Ikeda
Approve: PWIRC-16

Res. 142-05: Authorizes the Acceptance of a Donation of Real Properties From the State of Hawai'i, by Its Board of Land and Natural Resources, Tax Map Keys: (3)7-5-014:016 and 7-5-015:008, for the Māmalahoa Highway Improvements in North Kona. {Donation of real properties would be used to widen and improve sight distance on the Māmalahoa Highway in the vicinity of Waiaha Stream. }

Re: Comm. 374
Intr. by: Mr. Ikeda
Approve: PWIRC-17

Res. 143-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$3,359 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Parks and Recreation Miscellaneous Equipment Account – Recreation Division. Discretionary funds from District 2 would be used to purchase a basketball/volleyball scoreboard for the Pi'ihonua Gym. }

Re: Comm. 372
Intr. by: Mr. Ikeda
Approve: FC-129

Res. 144-05: Authorizes the Acceptance of a Donation of a Type III Engine Brush Truck to the Hawai'i County Fire Department. {Donated by the Salinas Rural Fire District, in honor of former Salinas Firefighter and past Pa'auilo resident Jack Levitz, to the Pa'auilo Volunteer Fire Company with an estimated total value of \$50,000.}

Re: Comm. 376
Intr. by: Ms. Isbell
Approve: FC-130

Res. 150-05: Authorizes the Office of the Mayor to Enter Into a Memorandum of Understanding with the State of Hawai'i Department of Budget and Finance, Pursuant to HRS 46-7, to Coordinate the Application to the Center for Medicare and Medicaid Services to Receive the Retiree Drug Subsidy. {Primary responsibility of the County would be to authorize the Hawai'i Employer-Union Health Benefits Trust Fund (EUTF) to release any and all information necessary for the State Director of Finance to timely submit the application.}

Re: Comm. 393
Intr. by: Ms. Isbell
Waived: FC

Res. 151-05: Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s). {Transfers/appropriates \$11,976 out and from Clerk-Council Services – Contingency Relief account; credits same to Aquatics Pools Salaries and Wages. Requests funding be transferred from the Contingency Relief Account into Parks and Recreation's Aquatics Division so that additional swimming lessons can be offered at the Kona Community Aquatic Center.}

Re: Comm. 394
Intr. by: Ms. Isbell
Waived: FC

Res. 152-05: Requests an Amendment to the Hawai'i State Association of Counties (HSAC) Bylaws by the HSAC Executive Committee in Order for the County of Hawai'i to Host the 2006 Annual Conference in December 2005 Instead of in June 2006.

Re: Comm. 395
Intr. by: Mr. Pilago
Waived: PWIRC

Res. 153-05: Supports Efforts to Rehear En Banc the Ninth Circuit Court of Appeals' Decision that the Admission Policy of the Kamehameha Schools is Racially Discriminatory. { Governor Lingle through Attorney General Mark J. Bennett requests the support of all four County Councils in the State of Hawai'i in its efforts to reverse the August 2, 2005, decision and judgement in Doe v. Kamehameha Schools/Bernice Pauahi Bishop Estate, C.A. No. 04-15044. }

Re: Comm. 396
Intr. by: Mr. Higa

(Note: A 2/3 vote is required to suspend the Rules of Procedure and Organization in order to consider Resolution 153-05.)

9:30 A.M.: STATEMENTS FROM THE PUBLIC ON BILLS FOR ORDINANCES (FIRST READING)

BILLS FOR ORDINANCES (FIRST READING)

Bill 124: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Increases revenues in Federal Grants – Marijuana Eradication (\$61,788); appropriates same to Marijuana Eradication. Funds would be used to compensate for overtime incurred during marijuana operations, investigations, and community meetings; purchase equipment to enhance safety issues during operations/investigations; pay for helicopters service costs; cover travel expenses for attending training workshops and seminars; and assist in marijuana investigations in conjunction with the "Weed and Seed" Program. }

Re: Comm. 367
Intr. by: Ms. Isbell
Approve: FC-123

Bill 125: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Appropriates revenues in Fund Balance from Previous Year (\$16,000); appropriates same to 'Alae Cemetery Improvements Other Current Expense. Funds would be used to repave the 'Alae Cemetery. }

Re: Comm. 369
Intr. by: Ms. Isbell
Approve: FC-125

Bill 126: Amends Chapter 9 of the Hawai'i County Code, Relating to Electricity. {The purpose of this bill is to adopt amendments to Chapter 9, Electrical Code, to address local conditions or situations. Significant amendments include: (1) updating the reference from 1993 to 2002 National Electrical Code; (2) deleting exception for temporary construction services in Section 9-9, relating to Inspections; (3) requiring supervising electrician or electrical contractor to be present on job site upon request of the administrative authority; (4) clarifying procedures regarding defective installations; (5) adding an exception that allows testing of commercial installations prior to final inspection and approval under designated circumstances; and (6) allowing the Department of Public Works to arrange for the discontinuation of electrical services of any installation in violation of the chapter.}

Re: Comm. 375
 Intr. by: Mr. Ikeda
 Approve: PWIRC-18

Bill 127: Amends Ordinance No. 05-87, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2005 to June 30, 2006. {Establishes the following program appropriations: TEA-21 Projects (Federal Aid) (\$3,350,000) and Local Road Improvements (\$3,350,000), for a total of \$6,700,000; funds to be provided from that portion of the Highway Fund designated as the Fuel Tax Increase Account No. 3104.06, and consists of the increased fuel tax revenues created pursuant to Resolution Nos. 192-97 and 241-98. Specific projects are listed on Exhibit A.}

Re: Comm. 377
 Intr. by: Ms. Isbell
 Approve: FC-131
 2/3 Vote: Section 10-6(d), Hawai'i County Charter

10:30 A.M.: STATEMENTS FROM THE PUBLIC ON ORDER OF THE DAY (SECOND OR FINAL READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

Bill 118: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Increases revenues in Contribution from Private Source (\$5,000); appropriates same to Youth Summit – Private.}

Re: Comm. 355
 Intr. by: Ms. Isbell
 1st Reading: August 3, 2005

Bill 119: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Appropriates revenues in Federal Grants – Geothermal Outreach (\$95,602); appropriates same to Geothermal Outreach.}

Re: Comm. 356
 Intr. by: Ms. Isbell
 1st Reading: August 3, 2005

Bill 120: Amends Ordinance No. 05-86, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2006. {Appropriates revenues in State Grants – Disabled Parking (\$18,420); appropriates same to Disabled Parking – State. Funds would be used towards the County's Disabled Persons Parking Placard Program.}

Re: Comm. 357
 Intr. by: Ms. Isbell
 1st Reading: August 3, 2005

Bill 128
 (Draft 2): Amends Ordinance No. 03-49 of the County of Hawai'i Adopted on March 25, 2003, as Amended by Ordinance No. 03-125 Adopted on August 27, 2003, as Amended by Ordinance No. 04-51 Adopted on May 19, 2004, Relating to the Issuance of \$36,312,650 in General Obligation Bonds. {Amends the 2003A General Obligation Bond to include references to the new Capital Improvement Program (CIP) Project, Honl's Beach Property Acquisition and to Ordinance No. 05-87, the CIP Budget for fiscal year 2005-2006.};

Re: Comm. 378.1
 Intr. by: Ms. Isbell
 1st Reading: August 3, 2005
 2/3 Vote: Section 47-5, Hawai'i Revised Statutes

and

Comm. 378.3: From Michael J. Matsukawa, Attorney at Law, dated July 28, 2005.

Bill 129: 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, as Amended by Ordinance No. 04-61 Adopted on May 27, 2004, as Amended by Ordinance No. 05-43 Adopted on April 18, 2005, Relating to the Issuance of \$30,000,000 in General Obligation Bonds for the Purpose of Financing Various Public Improvements for the County of Hawai'i. {Amends the 1999A General Obligation Bond to allow the use of remaining 1999A bond funds for capital improvement projects appropriated during FY 2005-06. Possible funding for the purchase of the Honl's Beach Park Property may come from these two bond issuances (Bill 129 and subsequent Bill 130).}

Re: Comm. 379
 Intr. by: Ms. Isbell
 1st Reading: August 3, 2005
 2/3 Vote: Section 47-5, Hawai'i Revised Statutes

Bill 130: Amends Ordinance No. 01-33 of the County of Hawai'i, Adopted on March 9, 2001, as Amended by Ordinance No. 01-72 Adopted on August 24, 2001, Relating to the Issuance of \$7,000,000 in General Obligation Bonds. {Amends the 2001A General Obligation Bond to also allow the use of remaining 2001A bond funds for capital improvements projects appropriated during FY2005-06 as well as for past fiscal years' CIP budget ordinances from FY2002-03 through FY2004-05.}

Re: Comm. 379
 Intr. by: Ms. Isbell
 1st Reading: August 3, 2005
 2/3 Vote: Section 47-5, Hawai'i Revised Statutes

REPORTS

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. 385: THOMAS G. NAUMAN VS. PAUL BUGADO, ET AL. CIVIL NO. 04-00392
DAE/LEK
 From Deputy Corporation Counsel Brandon A. K. Gonzalez, dated August 3, 2005.

OTHER BUSINESS

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

Comm. 308.1: From Mayor Harry Kim, dated August 9, 2005, returning Bills 113 and 114 for the Council's reconsideration in order to amend these bills with the correct metes and bounds descriptions; *and*

Bill 113: Amends the State Land Use Boundaries Map for the County of Hawai'i by Changing the District Classification from the Agricultural to the Rural District at Ouli, South Kohala, Hawai'i, Covered by Tax Map Key 6-2-9:26 (approx. 5.312 acres). {Tooman Family Trust; Marc R. Rice Revocable Living Trust; Patricia P. Rice Revocable Living Trust, Applicant.};

Re: Comm. 308
 Intr. by: Mr. Hoffmann and Mr. Pilago
 1st Reading: July 22, 2005
 2nd Reading: August 3, 2005

and

(Comm. 308.2 continues on the next page.)

Comm. 308.2: From Planning Director Christopher J. Yuen, dated August 9, 2005, transmitting Bill 113, Draft 2, and subsequent Bill 114, Draft 2. Draft 2 of both bills include the metes and bounds description; *and*

Bill 113 Amends the State Land Use Boundaries Map for the County of Hawai'i by
 (Draft 2): Changing the District Classification from the Agricultural to the Rural District at Ouli, South Kohala, Hawai'i, Covered by Tax Map Key 6-2-9:26 (approx. 5.312 acres). {Tooman Family Trust; Marc R. Rice Revocable Living Trust; Patricia P. Rice Revocable Living Trust, Applicant. }

Intr. by: Mr. Hoffmann and Mr. Pilago

Bill 114: Amends Section 25-8-7 (North and South Kohala District Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-5a) to Residential and Agricultural (RA-2a) at Ouli, South Kohala, Hawai'i, Covered by Tax Map Key 6-2-9:26 (approx. 5.312 acres). {Tooman Family Trust; Marc R. Rice Revocable Living Trust; Patricia P. Rice Revocable Living Trust, Applicant.};

Re: Comm. 308
 Intr. by: Mr. Hoffmann and Mr. Pilago
 1st Reading: July 22, 2005
 2nd Reading: August 3, 2005

and

Bill 114 Amends Section 25-8-7 (North and South Kohala District Zone Map),
 (Draft 2): Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-5a) to Residential and Agricultural (RA-2a) at Ouli, South Kohala, Hawai'i, Covered by Tax Map Key 6-2-9:26 (approx. 5.312 acres). {Tooman Family Trust; Marc R. Rice Revocable Living Trust; Patricia P. Rice Revocable Living Trust, Applicant. }

Intr. by: Mr. Hoffmann and Mr. Pilago

ANNOUNCEMENTS

	<u>WEDNESDAY, SEPTEMBER 7, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>THURSDAY, SEPTEMBER 8, 2005</u>	
COUNCIL	9:00 a.m.	COUNCIL ROOM
	<u>TUESDAY, SEPTEMBER 20, 2005</u>	
COMMITTEES	TBA	COUNCIL ROOM
	<u>WEDNESDAY, SEPTEMBER 21, 2005</u>	
COUNCIL	9:00 a.m.	SHERATON KEAUHOU BAY RESORT & SPA

ADJOURNMENT

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 disabilities. Persons who need special accommodations to attend this meeting should call 961-8255 by August 15, 2005. Persons using TDDs may call 961-8521.

Copies of an item listed on the agenda 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 Kona Council Members' Office at the Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona, Hawai'i 96740.

Note: Videoconference from the Kona Mayor's Office and the Pāhoā Neighborhood Facility is available for this meeting. However, if for technical reasons the video connection cannot be made and/or is disrupted, the scheduled meeting will continue.

Submitting Testimony: Those persons wishing to testify in person or by videoconference must register with the Council/Clerk's staff. Those testifying in person and submitting written testimony at the meeting in Hilo should bring **sixteen (16)** copies of the testimony for distribution at the meeting. Those testifying by videoconference from the Mayor's Office in Kailua-Kona, located at Hanama Place, 75-5706 Kuakini Hwy., Suite 103, and the Pāhoā Neighborhood Facility should bring one copy of the testimony. Those persons unable to testify in person or by videoconference may submit testimony (1) by mail to the County Clerk's Office in Hilo at the above address, (2) by facsimile to (808) 961-8912, or (3) by e-mail to *counciltestimony@co.hawaii.hi.us*. Copies will be made and distributed at the meeting when transmitted in a timely manner. In any case, both oral and written testimony will be considered public record.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, August 24, 2005, at 6 p.m.; Sunday, August 28, 2005, at 10:30 a.m.; and Wednesday, August 31, 2005, at 6 p.m.

(Hawai'i Tribune Herald – August 16, 2005)
(West Hawai'i Today – August 16, 2005)