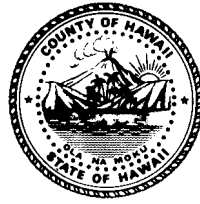


STACY K. HIGA
Chair & Presiding Officer

VIRGINIA ISBELL
Vice Chair



JAMES Y. ARAKAKI
PETE HOFFMANN
FRED C. HOLSCHUH, M.D.
DONALD IKEDA
BOB JACOBSON
K. ANGEL PILAGO
GARY SAFARIK

COUNTY COUNCIL

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

51st Session

ORDER OF BUSINESS

Hawai'i County Council
**333 Kilauea Avenue
(Ben Franklin Building)
Second Floor, Council Room
Hilo, Hawai'i**

Monday, December 4, 2006
10:00 a.m.

INVOCATION

Pastor Richard Uejo of KMC Chapel and Heritage Fellowship

CALL TO ORDER

10:08 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

(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 ORDER OF RESOLUTIONS

COMMUNICATIONS

ORDER OF RESOLUTIONS

Res. 540-06: Extends the Hawai'i County Council's Sincere Gratitude to Council Member James Y. Arakaki for His Years of Service to the County of Hawai'i.

Re: Comm. 1216
Intr. by: Mr. Higa

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 541-06: Extends the Hawai'i County Council's Sincere Gratitude to Council Member Frederick C. Holschuh, M. D., for His Years of Service to the County of Hawai'i.

Re: Comm. 1217
Intr. by: Mr. Higa

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 542-06: Extends the Hawai'i County Council's Sincere Gratitude to Council Member Virginia Isbell for Her Years of Service to the County of Hawai'i.

Re: Comm. 1218
Intr. by: Mr. Higa

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

Res. 543-06: Extends the Hawai'i County Council's Sincere Gratitude to Council Member Gary Safarik for His Years of Service to the County of Hawai'i.

Re: Comm. 1219
Intr. by: Mr. Higa

ADOPTED:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 9.

NOES: None.

ABSENT & EXCUSED:None.

BILLS FOR ORDINANCES (FIRST READING)

ORDER OF THE DAY (SECOND OR FINAL READING)

REPORTS

REFERRALS FOR EXECUTIVE SESSION

The Council anticipates convening an executive meeting regarding the following cases, pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes, as amended, for the purpose of consulting with the Corporation Counsel and/or its attorney on questions and issues pertaining to the Council's powers, duties, privileges, immunities and liabilities, including the current status of the litigation. A 2/3 vote, pursuant to HRS Section 92-4 and Rule 12 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.)

MOTION TO RECONSIDER BILLS 251, DRAFT 2, AND 309, DRAFT 4, AND TO POSTPONE THE MOTION TO RECONSIDER TO THE 12/20/06 COUNCIL MEETING

MOTION TO POSTPONE FAILED DUE TO THE FOLLOWING VOTE:

AYES: Council Members Hoffmann, Jacobson, and Pilago – 3.

NOES: Council Members Arakaki, Holschuh, Ikeda, Isbell, Safarik, and Chair Higa – 6.

ABSENT & EXCUSED:None.

MOTION TO RECONSIDER FAILED DUE TO THE FOLLOWING VOTE:

AYES: Council Members Hoffmann, Jacobson, and Pilago – 3.

NOES: Council Members Arakaki, Holschuh, Ikeda, Isbell, Safarik, and Chair Higa – 6.

ABSENT & EXCUSED:None.

ANNOUNCEMENTS

COUNCIL – NEW	<u>MONDAY, DECEMBER 4, 2006</u> 3:00 p.m.	COUNCIL ROOM – HILO 333 Kīlauea Avenue Ben Franklin Building Second Floor
COMMITTEES	<u>TUESDAY, DECEMBER 19, 2006</u> TBA	SHERATON KEAUHOU BAY RESORT & SPA
COUNCIL	<u>WEDNESDAY, DECEMBER 20, 2006</u> 9:00 a.m.	SHERATON KEAUHOU BAY RESORT & SPA

ADJOURNMENT 11:57 a.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 place is accessible for persons with disabilities. Persons who need special accommodations to attend this meeting should call 961-8255 by December 1, 2006. 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 333 Kīlauea Avenue, Hilo, Hawai'i 96720; at the Kona Council Members' Office at the Kailua Trade Center, 75-5706 Hanama Place, Suite 109, Kailua-Kona, Hawai'i 96740; and at the Waimea Council Members' Office at the Holomua Center, 64-1067 Māmalahoa Highway, Suite 5, Waimea, Hawai'i 96743.

Submitting Testimony: Those persons wishing to testify in person must register with the Council/Clerk's staff. Those testifying in person and submitting written testimony at the meeting in Hilo should bring **seventeen (17)** copies of the testimony for distribution at the meeting. Those persons unable to testify in person may submit testimony (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 a separate testimony for each item.** 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.

Notice to Lobbyists: If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist. {Article 15, Section 2-91.3(b), Hawai'i County Code} A lobbyist means “any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.” {Article 15, Section 2-91.3(a)(6), Hawai'i County Code} Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 333 Kīlauea Avenue, Hilo, Hawai'i 96720.

Government Access Television: Channel 52 (Hilo and Kona) Wednesday, December 13, 2006, at 6 p.m.; Sunday, December 17, 2006, at 10:30 a.m.; and Wednesday, December 20, 2006, at 6 p.m.

(Hawai'i Tribune Herald – December 1, 2006)

(West Hawai'i Today – December 1, 2006)