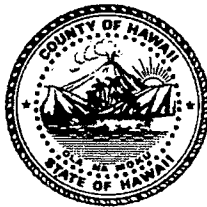


From the office of -  
Council Member  
District 3 - Hilo and Puna



Office: (808) 961-8396  
Fax: (808) 961-8912  
Email: sue.leeloy@hawaiicounty.gov

**SUSAN L.K. LEE LOY**  
25 Aupuni Street, Hilo, Hawai'i 96720

TO: Valerie T. Poindexter, Chair  
and Members of the Hawai'i County Council

FROM: Sue Lee Loy, Council Member

DATE: April 3, 2017

SUBJECT: Proposed Amendments to Resolution No. 101; Resolution Authorizing the Payment of Funds of a Later Fiscal Year and of a Multi-Fiscal Year Agreement for Furnishing Greenwaste Diversion Operations in West Hawai'i and East Hawai'i for the Department of Environmental Management

2017 APR -3 PM 3:06  
COUNTY CLERK  
COUNTY OF HAWAII

Please find attached a proposed Resolution No. 101, Draft 2, which will be introduced by way of a motion to amend Resolution No. 101 by substitution. As allowed in Robert's Rules of Order, sections of content are stricken and replaced with new content as a "convenient and time saving method for handling a poorly framed resolution."

The attached proposed amendment contains the following changes with respect to Resolution No. 101:

1. All of the amendments proposed by substitution in Communication No. 140.2;
2. Five new WHEREAS clauses, inserted as the fourth through eighth clauses; and
3. One new BE IT FURTHER RESOLVED clause.

The attached draft of Resolution No. 101, Draft 2, is submitted as a substitute for Resolution No. 101-17.

SLL/ps  
Att.

Comm. No. 140.3  
Ref. To: PICOU  
Ref. Date: APR 05 2017

**A RESOLUTION STRONGLY RECOMMENDING A MULTI-FISCAL YEAR AGREEMENT FOR FURNISHING GREENWASTE DIVERSION OPERATIONS IN WEST HAWAI'I AND EAST HAWAI'I FOR THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.**

**WHEREAS**, the County of Hawai'i's 2009 Integrated Resources and Solid Waste Management Plan identified that 54% (114,000 tons) of the waste disposed at County landfills are organic materials that could be recycled, thereby preserving valuable landfill space; and

**WHEREAS**, in 2013, the County established organics diversion operation sites referred to as the West Hawai'i Organics Facility adjacent to the West Hawai'i Sanitary Landfill and the East Hawai'i Organics Facility adjacent to the Hilo Sanitary Landfill, where greenwaste and untreated wood pallets are processed into mulch; and

**WHEREAS**, the existing organics diversion contract is a ten-year contract, which expires on June 30, 2026; and

**WHEREAS**, Appendix 2 of the existing contract identifies Tax Map Keys: (3)-2-1-013:142, 160, 161, and 163 as the proposed location of the East Hawai'i Organics Facility; and

**WHEREAS**, the Keaukaha-Pana'ewa Farmers Association opposes the proposed location of the East Hawai'i Organics Facility; and

**WHEREAS**, the Office of Hawaiian Affairs, in a letter to the Chief of the Solid Waste Division of the Department of Environmental Management dated December 12, 2016, raised objections to the proposed "Finding of No Significant Impact" for the Draft Environmental Assessment for the organics facility, "primarily due to the project's proximity to communities in which our beneficiaries live and work, and an absence of serious study of cumulative impacts and planned projects"; and

**WHEREAS**, the Department of Hawaiian Home Lands, in a letter to the Mayor dated January 23, 2017, opposes the proposed location of an East Hawai'i Organics Facility because it "poses a significant threat to the health and well-being of our Pana'ewa beneficiaries; and

**WHEREAS**, Senator Kaiali'i Kahele and Representative Chris Todd, in a letter to the Council dated March 20, 2017, write that the concerns of residents in close proximity to the facility "must be addressed and there are alternate sites in East Hawai'i" to locate the project; and

**WHEREAS**, the County has issued a notice of termination of the existing contract, dated February 16, 2017; and

**WHEREAS**, Article X, Section 10-11 of the County Charter requires that any contract, lease or other obligation requiring payment of funds from the appropriations of a later fiscal year or more than one fiscal year be approved by resolution; and

**WHEREAS**, it is in the County's best interest to contact for the operation of greenwaste diversion sites based on an initial multi-year agreement involving a minimum of five (5) years; and

**WHEREAS**, on March 21, 2017, in the Hawai'i County Council's Finance Committee meeting, Councilmembers voted unanimously to forward Resolution No. 101-17 Draft 1 to Council with a negative recommendation, now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I** that in keeping with the intention of Article X, Section 10-11 of the Hawai'i County Charter, any solicitation of a greenwaste/organics diversion program with a cumulative term of more than two (2) years, including the initial year of the contract plus any option years to extend, shall be submitted to the County Council for approval.

**BE IT FURTHER RESOLVED** that the County is urged to seek agreement with the contractor to build the East Hawai'i Organics Facility in a location other than the parcels identified in Appendix 2 of the existing contract.

**BE IT FINALLY RESOLVED** that the County Clerk shall transmit a copy of this resolution to the Mayor, the Director of Environmental Management, and the Director of Finance.