

REGULAR SESSION

HAWAI'I COUNTY COUNCIL

ELEVENTH SESSION

Hilo, Hawai'i
May 4, 2005

INVOCATION: Minister Earl Ikeda gave the morning's invocation.

CALL TO ORDER: The regular meeting of the Hawai'i County Council was called to order by Chairman and Presiding Officer Stacy K. Higa, at 9:21 a.m., in the Council Room, Hawai'i County Building.

ROLL CALL:

Present: Council Member James Y. Arakaki
Council Member Pete Hoffmann
Council Member Fred C. Holschuh, M. D.
Council Member Donald Ikeda
Council Member Virginia Isbell
Council Member Bob Jacobson
Council Member K. Angel Pilago
Council Member Gary Safarik
Council Chairman Stacy K. Higa

Also Present: Connie Kiriū, County Clerk
Alfred Robello, Executive Assistant to the Council Chair
Elroy Osorio, Jr., Assistant Chief, Police Department
Megan Mitchell, Council Leg. Asst. (via videoconference – Kona)
William Takaba, Director, Finance Dept. (came in later)
Brian Kajikawa, Bldg. Div. Chief, Public Works Dept.
Nancy Crawford, Deputy Director, Finance Dept. (came in later)
Glynis Yamada, Council Services Supervisor
Donna Lynn Leonard, Council Services Assistant II
William Smith, Deputy County Clerk
Loren Germano, Council Aide III (via videoconference – Pāhoa)
Rodney Oshiro, Leg. Analyst III, Ofc. of the Leg. Aud. (came in later)
Amy Miwa, Council Leg. Asst., Ofc. of the Leg. Aud. (came in later)
Kay Nishibayashi, Accountant IV, Police Department
Lincoln S. T. Ashida, Corporation Counsel, Ofc. of the Corp. Counsel (came in later)

PLEDGE OF
ALLEGIANCE:

The Chair directed the Council to the next order of business, Pledge of Allegiance.

(At this time, Mr. Pete Hoffmann, led the Council in the Pledge of Allegiance.)

CHR. HIGA: Thank you, Mr. Hoffmann. Before I go into the "Approval of the Minutes", I want to acknowledge that we have something new. At the request of Mr. Safarik—I think it's a great thing—we're trying to add on another teleconferencing and we have Pāhoa online. Loren, can you hear us?

MS. GERMANO: Yes, I can hear you.

CHR. HIGA: Okay. Thank you. And—

MS. GERMANO: Thank you.

CHR. HIGA: We also have Kona online. Megan?

MS. MITCHELL: Yes. Good morning, Chairman Higa.

CHR. HIGA: Good morning.

MS. MITCHELL: We're having a little trouble hearing you.

CHR. HIGA: Can you hear us better now? Is it the microphones or—

MS. MITCHELL: Appears to be a microphone with a lag.

CHR. HIGA: Okay. I think what's happening is because we have—we're stretching our videoconferencing to different lines. So I think there's going to be a slight—more of a pause in our testimonies, both—on both sides. So we'll just make do. We'll just take it nice and easy, and nice and slow—but welcome, everyone.

APPROVAL
OF MINUTES:

The Chair directed the Council to proceed to the next order of business, Approval of Minutes.

CHR. HIGA: Okay. Could I have a motion for approval of the minutes?

Ms. Isbell moved to approve the Minutes of March 16, 2005. Seconded by Mr. Holschuh.

CHR. HIGA: Okay. Any discussion?

MR. HOLSCHUH: Excellent job as always. Two small typos—corrected. Thank you.

MR. JACOBSON: I made my corrections with staff.

CHR. HIGA: Excellent. Okay. Voice vote. All those in favor of the approval of the minutes please signify by saying "aye".

The voice vote to approve the minutes, as amended, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Okay. The minutes are approved. At this time we're going to move into "Petitions, Memorials and Communications, Certificates of Merit and Expressions of Condolence". Mr. Safarik.

PETITIONS,
MEMORIALS,
COMMUNI-
CATIONS,
CERTIFICATES
OF MERIT AND
EXPRESSIONS OF
CONDOLENCE:

The Chair directed the Council to proceed to the next order of business, Petitions, Memorials, Communications, Certificates of Merit and Expressions of Condolence.

MR. SAFARIK: Thank you. Thank you, Mr. Chairman. And thank you for allowing me to—I have a couple of certificates here—one from the Hawai'i County Council and one from the Mayor's Office. And, before I go into the actual certificate which, basically, is titled, "The Freedom In Democracy Project", which Alexa von Alemann is the Director—and Alexa just happens to live in the Puna District. So I'm very familiar with all her work. And I'd like to ask Alexa to come up to the podium, if I could, please. Alexa, on behalf of the Council, I'd like to say "*Aloha*".

MS. ALEMANN: Thank you.

MR. SAFARIK: Just for the edification of my colleagues and the people viewing, Alexa von Alemann is a "political refugee", if you will. She is an American citizen now. But a little background—and I know I'm going to embarrass Alexa—but I think it's worthy for me to mention this because I think we—sometimes we take our freedoms for granted.

Alexa came to the United States—she came to New York City as a political refugee from, then, the Czech Republic called "Czechoslovakia". And the reason she's a political refugee is because she used to work for a radio station and then—in Prague—it's now called the "Czech Republic"—but then it was called "Czechoslovakia". Slovakia has now broken off and they are their own country. But, during her years on the radio station, she made some comments and proceeded to raise the ire of the powers to be—the Communist Regime—and she suffered some tyranny, some persecution, and she rose above that. And I think that it's worthy for us to recognize people like this because it's a long fight and it's an individual fight for freedom.

And so, I tell you from my heart and as a former—I mean, not as a "former" because I'm still alive, but as a—as my heritage and my countrymen. I also come from the region known as the Czech Republic. My grandparents migrated to this country via Ellis Island. And so, I'm proud to have a fellow countryman that released herself from the shackles of tyranny and oppression. And so, I will then now by—if anybody is—would just bear with me—I have a few words that I'd like to recognize.

The County of Hawai'i—"The Hawai'i County Council—hereby presents this certificate, 'The Freedom In Democracy Project' to Alexa von Alemann, Director. We the Hawai'i County Council recognize May 9, 2005, as Europe Day which celebrates the start of the European Union and marks the end of World War II in Europe.

On this day in 1950 then French Foreign Minister Robert Schuman read a Declaration calling on European countries to merge their coal and steel production—the basis for all military power. His proposal called upon countries that had almost destroyed each other in a dreadful conflict to create a supernatural European institution responsible for the management of the steel and coal industry and to make certain that no such war could ever happen again. Initially, the European Union consisted of just six countries. But since then the membership has grown to 25.

In the early years the cooperation was about trade and the economy. But now its members also deal with many other subjects of direct importance for every day life, such as citizens rights, ensuring freedom, security and justice, job creation, regional development and environmental protection. Today their ambition is to build a Europe which respects freedom and the identity of all people who live on

the Continent. This is only possible because of the foundations laid by Schuman's Declaration". And interestingly enough, as I read these words, we debate that around this table every day for the people. Thank God we have the freedom to do that.

"On behalf of the Big Island Community, the Hawai'i County Council would like to express our sincerest appreciation to Alexa von Alemann, Director of the Freedom In Democracy Project and to all who assisted her in making this year's event possible, including Connections Public Charter School, the Kolohe Folk Dancers, the Palace Theater and many others. We thank you for your collaborative efforts to enrich the people of our island with European culture and show our residents of European ancestry on this island that their heritage is also noted and respected. Best wishes for a successful celebration". And I present this to you, Alexa.

MS. ALEMANN: Thank you.

MR. SAFARIK: I also have a Proclamation from the Mayor and, "Whereas," May 25—"May 2005 marks the 60th Anniversary of the end of World War II in Europe; and whereas since the end of World War II, Europe has evolved into a Union of nations that work together for mutual prosperity and peace. Whereas, the peaceful example set by the European Union is a powerful example of how the world can achieve progress and stability. And, whereas, democracy in action, tolerance, celebration of diversity and a healthy environment are ideals that the European Union is striving for. And, whereas, the people of our island of Hawai'i share the same values of democracy in action, tolerance, celebration of diversity and a healthy environment. Now, therefore, I, Harry Kim, Mayor of the County of Hawai'i, do hereby proclaim May 9, 2005, as Europe Day."

MS. ALEMANN: Thank you. Hello. Thank you all for being here and for these wonderful letters of recognition. The words "justice"—"freedom and justice for all" are really something that I ponder deeply everyday and I'm thankful for them. And we should always remember they are not just words—that we have to protect these --and this is what I wanted to achieve. The activities—you are welcome to attend. The Connections Public School puts up a art exhibit and they put our first Geography Bee there of Europe, Geography Competition—and local businesses chip in generously with little certificates for the contestants.

And, also, there will be an exhibit with the cooperation of European Union Commission delegation. They sent us tons of stuff as well different embassies of European countries. So come check out the colorful display.

Also, the movie is shown in the Palace Theater at 4:30 and this is because it will be still daylight for the people to come to the movie and go back home, especially people who don't want to drive after dark—people who may have recollections of

the Second World War events. And this movie was made two years ago in Czech Republic. It's very beautiful. It's about friendship of pilots in the Second World War and I recommend it.

Also, later on at 6 o'clock, we will gather at Ka Huina Gallery on the corner of Mamo and Kilauea. And, if you have favorite piece of European poetry or music, bring it with you. Your instrument—we will have Kolohe Folk Dancers performing about 10 or 12 different ethnic dances in Ka Huina. It's a small place but they will manage—they adjusted. And we will have Ken Charon sharing his photo documentary of his recent visit to Europe.

So it's—you're welcome to come and have some herb tea with us and just celebrate Europe Day—60 years from the end of a dreadful war that we hope that we never have to experience again. Thank you.

MR. SAFARIK: Hold on, Alexa. Alexa, why don't you just go around and (inaudible).

Thank you, Mr. Chairman, and I beg your indulgence. I had one more announcement, if you may. And what I wanted to recognize is that Pāhoa High School just went through a two-day program called "Shattered Dreams". Shattered Dreams has been around on a National basis since the mid-90s. And I'm just going to read to you very briefly what this was all about and why it was so significant for us here on this island, especially in Pāhoa, and every other community on this island.

"Pāhoa High and Intermediate School was honored to be the first in the County of Hawai'i"—and, I might add, the first on the neighbor islands to experience this project. "Shattered Dreams is a two-day school-based program that demonstrates how irresponsible choices can end dreams. The program involves community organizations; law enforcement; emergency medical services; school Administration, faculty, and staff; students; and parents.

Our goal is to reduce the number of teen fatalities by directly facing the cause—driving while under the influence of alcohol or drugs and speeding. There have been many fatalities due to impaired driving and racing on the Big Island. The project deals with this problem by increasing positive behaviors and responsible decision-making by youth, increasing parent awareness of drugs and alcohol, as well as strengthening communication between parents and their teens." I'd like to thank everyone involved in making the project successful.

My hope is that we continue our combined efforts to unify our community and families to make us one. And this Shattered Dreams project has a whole list of people that were supportive, and that sponsored it, and I have to at least recognize some of the real important ones. One of them is the Prosecutor's Office, through

the efforts of Mitch Roth and some of his grant writing skills; various associations in the Puna community; Queen Lili'uokalani Children's Center; State Department of Transportation; Y.M.C.A.; Hawai'i County Economic Opportunity Council; Hawai'i County Police Department; Hawai'i Fire.

It was very interesting because what this, basically, was is a staged fatality. We closed one of the roads. They had all the apparatus, all the ambulances, the helicopter, and the kids were watching. It was a two-day program where the fatalities—where they actually had the parents come in and it was all videoed—and I think it made a tremendous impact—and let's see if it can save some lives. So, Mr. Chairman, thank you for your indulgence.

CHR. HIGA: Thank you, Mr. Safarik. Mr. Holschuh has a comment.

MR. HOLSCHUH: Yeah, thank you, Mr. Chairman. Mr. Safarik, thank you for bringing that up. I do know something about it and we were, actually, asked at one point to do it in the Hilo ER. But the feeling was they were so doggone busy and it was difficult to film when there were other real patients in there. So I understand this was done at Pāhoa Clinic, is that not correct?

MR. SAFARIK: Well, it had couple—Hilo Bay Clinic—and then, also, the whole roadway next to Pāhoa School was the scene of the accident.

MR. HOLSCHUH: Yeah. Very well done. And we all got copies. And if you don't have the copies, I'll be happy to get you one of the North Hawai'i Outcomes Project. As Mr. Safarik said, we are head and shoulders above everywhere in this State in per capita fatalities—most of them related to speeding and substance use of various kinds, including alcohol.

So thank you for bringing that up. And we need to look hard at these stats. and do something about it. Thank you, Mr. Chairman.

MR. SAFARIK: Thank you very much.

CHR. HIGA: Thank you, Mr. Safarik. Before we move into "Statements From the Public on Items Listed on the Agenda", I'm going to go over our protocol here for testimony. We're allowing three minutes of testimony. Oh, okay. I'm going to take an indulgence. She wanted a picture for this.

MR. SAFARIK: Oh, yeah. Thank you. You want to take a recess?

CHR. HIGA: Yes. We'll take a two-minute recess. Thank you.

RECESS: At 9:38 a.m., the Chair called for a recess.

RECONVENE: The meeting reconvened at 9:41 a.m., with all Members present.

CHR. HIGA: Because we're on the split screens with the various extra sites, I'm going to ask my colleagues if they could really try to speak into the mics. I think that will help with the sound problems in the other two sites. And, also, the public—when you come forward to make testimony, please be aware that we need to have the microphones as close to your mouth as possible when you're making your testimony. Thank you.

PERSONAL
PRIVILEGE:

MR. HOLSCHUH: Mr. Chairman, just a point of personal privilege. Could you ask each person to repeat their names into the mic. as well, when they come forward?

CHR. HIGA: Okay.

MR. HOLSCHUH: Thank you.

CHR. HIGA: Before we call for testimony, again, we're going to go through our color-coded scheme here. Three minutes of testimony—and what will happen is our staff up here will be—when you have one minute left, they'll be holding up the one-minute sign to warn you and then they'll give you the—after the one—the three minutes are up, they'll give you the "please summarize" sign. Get your summary done as fast as possible. And then, when you get the pink stop sign, we need you to end your testimony. All right. We're going to start this morning. I'm going to go—we're going to start one from Hilo, then we're going to go to Kona, then we're going to go to Pāhoa. Megan, how many do you have in Kona?

MS. MITCHELL: We have 11 testifiers so far.

CHR. HIGA: Thank you. How about you, Loren?

MS. GERMANO: Yes, Mr. Chairman. So far we have only one person testifying, but it's on the minutes of April 20th, which is not listed on the agenda.

CHR. HIGA: Okay. That's going to have to be at the end, then. It's going to be off the agenda. Okay.

MS. GERMANO: Okay.

CHR. HIGA: Thank you.

MS. GERMANO: Thank you.

CHR. HIGA: All right. Our first speaker—Megan, are you hearing us better now?

MS. MITCHELL: It's a little better but we can't see the signs. For example, when you hold up the colored signs for a minute and so forth, you're just so far away from up here, your image is really small.

CHR. HIGA: Okay. As best as you can just—"orange" is one minute. We've got colored signs, though—not too bad. We have orange and so forth, but—okay. Our first speaker this morning is—will be Cory Harden speaking on Bill 78 in support.

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

The Chair directed the Council to proceed to the next order of business, Statements from the Public on Items Listed on the Order of Business.

CORY HARDEN:

The Chair called on Ms. Cory Harden, who made the following statement regarding Bill 78 (SEE COMM. 208.59):

MS. HARDEN: Good morning.

CHR. HIGA: Good morning.

MS. HARDEN: Thanks for the chance to testify. I'm speaking in support of Bill 78 for the land preservation fund. And I just want to respond to some comments people made at the Committee meeting—concerns people had. There was talk about doing the survey for the private donors—to see about potential donors—and waiting till that survey was finished. But we may get a lot of private donors, or we may not get any, or we may get some—but, regardless, there needs to be a fund in place that is already set up and ready to take money from many sources—private, government, whatever. So that's in place and ready to go.

Another concern that people brought up is that maybe we could use existing mechanisms to get land—like zoning laws or floating bonds, but these might not be fast enough when a parcel comes up for sale. I'm trying to buy property right now and I was talking to my—a real estate agent who went out to put a sign up on a house that she was just listing. By the time she got back to the office from putting the sign up, she had two offers—one cash—so it's going fast.

Also, the County really doesn't have money to buy a significant amount of land. If there's a dedicated fund, then you pull in money from other sources—Federal, private, whatever—to increase the buying power. Another comment was that County money should only be used for infrastructure. But open spaces would include important areas like watersheds that protect water for drinking—and swimming and parks—that allow space for positive activities for youth and adults—and I would say these are part of infrastructure also.

Some people feel we should not move on this just yet, but we all know that real estate is booming and land is being sold quickly. I looked at some numbers that are, kind of, frightening. Population of the island went up 77% in about 20 years, in the past four years it went up 10%, number of people per square mile went up 36% in about the past 10 years. This is the highest rate of all the islands. A number of vacant land sales on our island went up 80% last year and in Puna it was up 114%. The record number of building permits per year was 4,900—in 2003 it was up already to 4,500. So, basically, there is a lot of pressure on the land. I think we need to act soon and I hope you will act to support the land fund. Thank you.

CHR. HIGA: Okay. Thank you. Thank you, Ms. Harden. Megan, your first speaker, please.

MS. MITCHELL: Thank you, Chairman Higa. Our first speaker is J. William Sanborn. He's representing himself. He's giving testimony on Bill 78—Public Access Preservation Fund. He supports the bill.

J. WILLIAM
SANBORN:

The Chair called on Mr. J. William Sanborn, who made the following statement regarding Bill 78:

MR. SANBORN: Chairperson Higa, and distinguished Councilpersons, my name is J. William Sanborn, I'm a resident of Waimea. I'm also a Board Member of PATH—People's Advocacy for Trails Hawai'i. I am in support of the purpose of Bill 78 for creating a permanent fund source. The County needs to be ready in this time of rapid growth to have the ability to react to the preservation of lands for public use as they become available.

My personal reason for supporting this concept is my disappointment—extreme disappointment, I may add—as a former O'ahu resident and seeing O'ahu let the old plantation railway right-of-ways virtually around the whole island disappear into private individual ownership and missing the opportunity to have a wonderful avenue for the public trails, pathways, bikeways. Now, any pathways that need to be acquired piecemeal—and would never be the effectiveness and the alignment that the old plantation railways had. And, I might add, that we have such trail ways here on the island—right-of-ways for the old railroad lost in this lack of protecting our island assets.

By having a permanent funding source, building up a reserve, possibly partnering with other governmental funding sources and private partnerships, our island—Hawai'i Island yet undiscovered—and under radar parcels that become commonsense public needs can be better addressed when they come up. I believe Councilperson Holschuh can relate in the recent lands near Mud Lane that identifies how fast these areas come up and we need to be ready to have and deal with them immediately.

In summary, I would just like to recommend that you explore heavily that we find the public—the funding source—and we also address the needs for the public before it's too late. Thank you.

CHR. HIGA: Thank you, Mr. Sanborn. Our next speaker will be Kim Tavares on Bill 78 in support.

KIM TAVARES: The Chair called on Ms. Kim Tavares, representing Hawai'i Invasive Species Management and Education Corporation, who made the following statement regarding Bill 78 (SEE COMM. 208.37):

MS. TAVARES: Good morning.

MR. PILAGO: Good morning.

MS. TAVARES: Thank you, again, for this opportunity to talk about the Bill 78.

CHR. HIGA: Would you state your name again on Dr. Holschuh's request? Thank you.

MS. TAVARES: I'm sorry. My name is Kim Tavares with HISMEC—Hawai'i Invasive Species Management and Education Corporation. And I've been following this bill through and I think it's really, really important—urgent—and it's timely to have it on the table today. Most recent real estate magazine displays why it's important. I don't know if anybody's had the opportunity to look through these magazines before but the most recent issue is a perfect example of what's going on in retail land opportunities today—but it's just a part of it.

Right now, we have the opportunity with this County funding. If it gets fully funded—this bill—we can match the funds in, at least, one-to-one matches with other sources to get bigger pieces of land or more valuable pieces of land that are smaller. But it really needs to happen. Again, like it was said before, it's a buyers and sellers market right now. It's—land is moving fast in both categories and they're moving at high prices.

Again, this magazine here is showing us average \$2 million properties are about average 20 acres in size. So I think it's really important that we fully fund the bill. Now, really looking at these figures, anything less really won't get us what we're looking for unless we hold off for a few years. And, again, we do that—we'll lose more opportunities.

It's—the urgency, due to the land increases—I mean, the land sales increases, high elevation—private lands are being sold at a rapid pace right now. One of the ones that really scares me—I mean, just look through this magazine, there's so many lands. And not all of them that I flagged here—and I did flag a lot—are conservation quality or whatever they are. But a lot of them are high elevation lands and former ranches and former sugar cane lands and whatnot—close to natural areas, close to National Parks. It's part of our watershed. If we let those go to development, our watershed will get smaller. We won't be able to retain the water.

I want to bring up the example of the big flood that we had in 2002. I think there was a lot of rain coming down and the water was just running downstream even with our forested lands. Now that the lands are getting bulldozed on a daily basis, where's the water going to go? It's just—to me, it's really scary to think that all this development is going to happen and all these lands that we could be preserving—not just for use—but to store the water. Otherwise, we could be watching it all run away—flooding people's homes, running out to sea—and then we'll have more people, more development, and less water in the end. So water's really important. But saving the land, for many reasons, is just really important. That's my feeling and I think we need to—we really need to look at the full funding on this. Thank you.

CHR. HIGA: Thank you. One moment, please. Mr. Safarik.

MR. SAFARIK: Thank you. Ms. Tavares, I think that we all agree. Everybody in this room, I would venture to say, agrees that public access, open space, the preservation of natural resources is an important goal for this government—for this County. And I'd like to see as much prudent funding go to that endeavor, personally.

But, just as a personal comment, would you tell me—based on some of the people that you talked to, based on your own circle of influence—wouldn't it be better to fund some of it opposed to walking away from the entire process because the total funding could not be recognized?

MS. TAVARES: I had a feeling you were going to ask me that question. And I think it's pretty obvious that—yes, having some money rather than no money could do something. But I did look at it since the last meeting—since I talked about it. I had the same question. Everybody told me, "We need to have that 2%.

It's really important. Get that 2%". And I said, "Yeah. We do need more money". But when I really looked at it, like I said, I looked at land prices and I know of a few different large parcels of land that I know we'd never be able to touch it—not with \$100,000 a year—500,000 a year.

It'll take time to add the money up to one big property—to one sale that we might be able to do. And if we can only do one of those every five years or something because that's all the money we have—or if we can only pick up small pieces every year because that's how much money we have—I don't think we're really accomplishing the goal.

I think what we're looking for—targeting here in these areas—are a lot of the big estates or lands that are—have been in family properties for a long, long time. And they just don't see any use for it anymore—large land tracts, *ahupua'a* size or parts of them, coastlines, and the areas that are around these coastlines. Realistically, it's not really going to—I don't think we'll push the issue over the edge by having a small pocket anymore. I think we need to have something that's comparable to this State.

And I've worked with the State and the Feds. in other issues—invasive species and whatnot—and they like to see that match. They like to see a commitment before they're going to put in. If the County doesn't have a significant match, then the State will say, "Hmmm, maybe they don't think it's that important". And I think it's really important. It's really important to do it now because we may not have a chance next year or two years from now—things are moving really, really fast.

MR. SAFARIK: Thank you for that perspective. Thank you.

MS. TAVARES: You're welcome.

CHR. HIGA: Thank you, Mr. Safarik. Mr. Jacobson.

MR. JACOBSON: Kim, I'm glad you answered that question so well. But the reality is that, perhaps, there's not enough will to actually do the right job here. But I have a question for you.

MS. TAVARES: Okay.

MR. JACOBSON: That, for some reason, if this Council's unable to exhibit the will that's needed to come up with the real money, are you willing to work on a Charter amendment with the rest of the community?

MS. TAVARES: Sure.

MR. JACOBSON: Thanks. I yield the floor.

CHR. HIGA: Thank you, Mr. Jacobson. Thank you, Ms. Tavares. Back to Megan.

MS. MITCHELL: Thank you, Chairman Higa. Our second speaker is Sammie Stanbro. She's representing Lanihau Farm. She's giving testimony on two bills—Bill 78, Public Access, Open Space; and Bill 100, for the Old Kona Airport Canoe Halau.

SAMMIE
STANBRO:

The Chair called on Ms. Sammie Stanbro, representing Lanihau Farm, who made the following statement regarding Bills 78 and 100:

MS. STANBRO: Good morning, Chairman Higa, and Honorable Council Members. I wish I could see your faces a little bit better, but it's nice just to be here and to be able to talk to you.

Obviously, this Bill 78 is a powerful, powerful tool. It's really powerful because it gives us money in the bank. I don't know of anyone that is a good planner that doesn't have a little money tucked away for a rainy day or for when something comes up that they can get their money for. It's a pretty obvious thing.

I was in touch with the Administration—Mayor Kim is really for acquiring public open spaces. The question is—how are we going to get the matching funds to do it? How are we going to put the money aside? One of the reasons why 78 is so important—and I think for those of you that are new to the Council that weren't (inaudible) last year when we had Bill 270 in front of us—is that how we're doing this is we lost opportunities—really prime opportunities—to acquire public land because the County could not scrape together any money from any place at a time when it was really poignant.

This is, just like, a little bit of money in the bank so when the Federal—when the Feds. come through or when the State comes through with funds that we can jump on the situation. It's not only Federal and State, but it's also private funds. Sometimes we have people that have their own lands that want to be able to give it to the public and they want a matching—a small matching fund for it. And the time—it's very timely how this is done. It can't be six months down the line when you get a little bit here and a little bit there from different funds, possibly scraping them together. And that's what Harry Kim—that's one of the things that—list fund things one at a time. But, in the past, what's happened is we haven't been able to come up with those funds from the County. This is a legacy to our youth.

You have had faxed to you some signatures from the high school. These are lands we're putting together for our grandkids. This has nothing to do with roads that our developers or the bad planning has left us with this problem that we're dealing now. It's like apples and oranges. Roads and infrastructure right now are a problem we're catching up with. The lands are the future. They're what we're going to make this island the best place ever. And I think that's what we all want. I just can't imagine the small—the really small amount. Every property owner I talked to on this island—and there's some people that have millions and millions of dollars—and they pay huge taxes. They are very happy to have 2% go into a fund that's going to make their property value even higher and the quality of life higher. And the high school kids see this—they need these places—they need places that they can go and have open space.

And I'm leading into the second bill that's before you—it's 100. Kealahou High School—there're kids that have such broken families that they use their canoe club as their second family. Kai O Pua is one of the best canoe clubs around, other than Kealahou, too. But the kids go there. This is another place that they can have. Their bodies have to be healthy. Their coaches stress good eating habits, not doing drugs, not drinking—to be strong for the races. It's the most beautiful thing to see kids get behind. And I think a vote for support for Bill 100—it all ties in, kind of, with 78. And this is—we're looking forward to the future of the kids.

A lot of the people that are involved in putting together this halau—and all the canoe clubs are for this. There're people here that aren't in Kai O Pua that they all see the need for the support for the kids in the future in these clubs. So I'd like for you to consider that. I'd like, too, for you to consider all the signatures that you have before you that were faxed and the people that do have jobs and weren't able to be here this morning that are concerned that you follow through with Bill 78. Thank you, Gentlemen, and Virginia. I appreciate your time.

CHR. HIGA: Thank you, Ms. Stanbro. Hang on a moment. I think Mr. Jacobson has a comment.

MR. JACOBSON: Aloha, Sammie. Thank you so much for coming in today. I just had a quick question. I think you can guess what it's going to be. Should this fail in its intent today and the thrust is watered down, are you going to be willing to work for a Charter amendment on this?

MS. STANBRO: Could you repeat the question a little bit slowly? The sound isn't coming through real clear from here. I hope my sound is clearer on your end.

MR. JACOBSON: Okay. Thank you so much. *Aloha*, Sammie. I was curious, if you would be willing to work for a Charter amendment on this to go on the ballot in 2006, if this measure is severely watered down today? Did that help?

MS. STANBRO: Yes. That does help a little bit. And I hope I'm clear on that end. One of the things—because of time—I didn't get to mention was the extensive survey that was done last year by the independent company from the Mainland. Actually, the tune of—the cost of this survey for those of you that are new to the Council was about \$12,000. It pointed out that the whole island—this is for the entire island—that 70 to 80% of the population was totally in favor of doing exactly what you just said and actually—which is more set in stone—and it was for 2%.

So, of course, if something happens to this bill which is much more controllable by the Council—which is, sort of, a no-brainer to me, I think—but having seen that survey and—Mr. Higa, I hope you and Mr. Ikeda avail yourself to that huge survey that was done—yes, for sure, I would be working towards that. Thank you.

MR. JACOBSON: Thank you so much.

CHR. HIGA: Thank you. We're going to go to Pāhoa. Pāhoa has a speaker now that signed up for some—for an item on the agenda. Loren.

MS. GERMANO: Yes. I have here Del Pranke and he wants to talk about minutes of April 20, 2005—the approval of Bill Smith.

CHR. HIGA: It's actually not an item on the agenda but I'm going to ask my colleagues here to indulge me on this one that—

MR. PRANKE: Well, it is an item on the agenda because it's carried through until you approve the minutes. That's how it gets onto the agenda next month. Because you're a month behind, your minutes carry on through. According to Robert's Rules of Order, they're—that's still an agenda item or still on the agenda until you approve it and file it.

CHR. HIGA: I already gave you—I already pretty much said we're going to indulge you. So go ahead and make your testimony. Thank you.

DEL PRANKE:

The Chair called on Mr. Del Pranke, who made the following statement regarding the Minutes of April 20, 2005:

MR. PRANKE: Last week, or two weeks ago, you folks had a Mr. Smith give you testimony concerning his involvement in a court case in 2001, which involved Wayne Carvalho lying about myself—about me—trespassing on his

neighbor's property. William Smith was the trial attorney for that case. He told you in two simple sentences two weeks ago that—concerning his involvement in the case, he said, "That was not a case that was assigned to me. I had nothing to do with that. So I can't provide you with anything more than that". That was his entire statement about the thing. Well, Mr. Smith may have forgotten that he was on this case—but he was on it. And I don't think he forgot because he didn't say he forgot. He simply said it wasn't assigned to him—it was assigned to him. He was the trial attorney.

And I give you Document Number 1, in the group of documents I've sent you, which show that he sent me—after I had to resort to going to a friend in the Prosecutor's Office to get him to release the documents to me concerning the case because I was acting pro se. Mr. Smith was reluctant to do that because I wasn't a member of the BPOE—the Benevolent and Protective Order of Esquires. Mr. Smith then proceeded to be at the trial—at the first appearance before Judge Choi on the 20th of April. And you can see his signature there on the trial docket. Mr. Smith lied to you folks. He lied to you right to your face.

As an employer, if somebody lied to me to my face, if I didn't have enough self-esteem to pull them back—and ask them, at least, why they lied to me and get the straight story out of them—then I wouldn't be an employer. And, essentially, that's what you folks are. So whatever his reasons for doing this—and I—my reason—my understanding is that it was, basically, a cover-up at the Prosecutor's Office for the ex-police chief.

You folks have put this man in a position where he now sits at the very heart of our County government. That is the—right at the Elections Division, right where the ballots are controlled. And he's a liar and he may have used his power as an attorney and as a public servant to misuse—to violate the law in the past. So I would—I think you need to take a second look at him.

CHR. HIGA: Thank you, Mr. Pranke. Mr. Jacobson.

MR. JACOBSON: Mr. Pranke, thanks for bringing this to our attention. I believe that all of us did receive copies of your correspondence that included copies of the court records. So, thank you.

MR. PRANKE: Thank you.

CHR. HIGA: Okay. Thank you. Next speaker from Hilo—Mr. Josh Stanbro—in support of Bill 78.

JOSH STANBRO: The Chair called on Mr. Josh Stanbro, representing Trust for Public Land, who made the following statement regarding Bill 78:

MR. STANBRO: *Aloha*, Chairman Higa, and Members of the Council. I should preface by saying that the opinions and views expressed by myself may not reflect the rest of my *ohana*. So I am—I rise at—my name is Josh Stanbro from the Trust for Public Land. I came in from Honolulu where our office is. I am in support of Bill 78. Rather than go through the reasons why I think it's a good idea, I just wanted to update you briefly and give you some facts that may help in your decision-making process today.

I wanted to update you on the State bill which would do, essentially, the same thing at the State level—create a fund for the protection of important lands—called the "Legacy Lands Act". That bill would provide funding for affordable housing for local residents, as well as increase funding for national areas, and for the Land Conservation Fund. I'm happy to report that that bill passed yesterday in the final vote of the session, overwhelmingly, by both the House and the Senate—and that bill now goes to the Governor for signature.

What that bill means to the County—in the bill, in the Legacy Lands Act—it is stipulated that for applications coming from nonprofit groups or from the counties, that a 25% match is required as a contribution from the counties. I think that that reinforces the need for having a land fund at the County levels as Maui and Kaua'i do. Essentially, I think the bill was crafted to put an incentive in there —give Maui and Kaua'i an advantage because they've already established a fund—and put an incentive in there for other counties to do the same.

Also, in the language—the final language of the Legacy Lands Act passed yesterday, the Farm and Ranch Land Protection Program is prioritized. The first million dollars that comes out of the State fund will be targeted for working farms and working ranches to protect the Federal funding that has gone back to D.C., now, two years in a row because there was no local match. It will be a grant program that the County or other nonprofits can utilize.

I also wanted to just say that some of the supporters on the Legacy Lands Act and this bill as well, indeed, include the Farm Bureau, farmers, Hawai'i Forest Industry Association—which recognizes that watershed protection as well as working forests—forests that you can sustainably harvest are important to the local economy—economic development groups, which they are trying to diversify the economy, and Native Hawaiian cultural groups, and conservation groups.

I also want to report that the State appropriation for Honu'apo, which we had all been talking about last—at last session, was approved in the budget yesterday. So that means that 100—or \$1 million has been approved in the budget and, again,

that goes to the Governor. So the process does work. Luckily, we were in a position with a very, very patient landowner at Honu'apo, to help put all the moving pieces together. But we won't be so fortunate with other landowners who—especially in this market right now—need to jump on opportunities immediately.

I have some other things that I can mention but I will be around later. I don't want to take up an undue amount of time. Thank you.

CHR. HIGA: One moment, please. We have some comments here. Mr. Jacobson.

MR. JACOBSON: Thanks for coming in, Josh. And I know that you and your mother—although both quite intelligent—can't always agree on everything.

I appreciated your comments about Legacy Lands passing. I think that that 25% match demonstrates, basically, what I've been saying, what you've been saying. And, actually, over the weekend I was able to speak with one of the Senators who worked on this Legacy Lands Act and he wanted me to deliver thanks to all of my colleagues for their efforts in passing the Honu'apo funding because he said, "Without our entering into this with our match—it simply would not have happened"—he put it that way. So I thank you for that.

But I think that having to come forward with real funding sources that are steady and sustainable—are part of what our State really needs to address these problems. So I appreciate your work on this.

And just one last question. For those of us who may not remember last year's discussions, how would you describe the public support for the Charter amendment that was proposed during our last session?

MR. STANBRO: There was a poll that was referred to earlier. One year ago, a professional poll was actually conducted by Q-Mark Polling in Honolulu. That had a plus or minus variance of about 4%. And what that poll showed of voters in Hawai'i County around the island that 70% supported, at first, exposure to the idea. Seventy percent supported a 2% set aside for a land fund. After the reason for the fund was explained—just reasons why it shouldn't be done and including it could take away from roads, although it won't—the way that it's structured—that the support, actually, rose to 80% by the time that the poll was concluded.

It's also interesting to note that people had more support for 2% set aside than a 1% set aside. That seems counter intuitive but we saw that in Maui, as well when we were working towards the 2002 election, where people feel so strongly about protecting lands for their kids and grandkids and future generations that they,

actually, kind of, get irritated if you lower the amount and begin to drop off their support because they want the higher number—the 2%—rather than the 1%. Obviously, they support a 1% as well at high numbers.

MR. JACOBSON: I think that that's—in my own conclusion—is that they support the higher percentage because they want to do something. They don't want to talk about doing something.

MR. STANBRO: I'm not a pollster. I don't know. But I will distribute copies of summaries of that poll from last year to all the Council Members and I apologize for not having done that beforehand—been running hectic.

MR. JACOBSON: Thanks so much, Josh. I yield the floor.

CHR. HIGA: Thank you. Mr. Ikeda.

MR. IKEDA: Josh, I want to thank you for the good job you did at Honu'apo. And I like the concept of having the community, County, State, and Federal government—and by the State passing the conveyance tax, I think that we're, kind of, going down that road.

And I can see us putting in some money—but I have a problem with putting so much money especially when we have—now that the conveyance tax has already passed, as you stated, the State is going to put in a share. So it's up to the County to have a matching fund for the State or with the Federal. And I also would like to see the community put in some money because it benefits the community as well.

And so, what I'm trying to allude to is that, no matter what, it comes back down to—we have to pass the funds through ordinance. So whether we have a fund in place, we always could pass an ordinance to match the fund—and this is what I'm trying to get at. So I feel that—I agree we do need a fund. The amount of fund that goes in depends on the Council. But even if we don't have enough fund, we could pass an ordinance, like we did at Honu'apo to match the fund—and this is what I'm trying to get at.

MR. STANBRO: I think that's a—you raise a good point, Councilman Ikeda. There's two things at work here. I want to commend Councilman Holschuh for directing some of your money towards doing a private philanthropy study. I think that's an important parallel process that should be undertaken. Our experience with TPL has been that private donations are very helpful for closing projects when they get—just a little bit—when you have a gap, close the gap. Private philanthropists tend to want to be recognized and be the donor that saves the day sort of thing. Very rarely do they want to be—they want to fund the whole thing. You need that basis—that foundation of public funding from the Federal, from the

County, from the State. And then, if there's a margin to be made up, oftentimes that's where private donors come in. And I really appreciate your efforts to try to identify those donors on the island.

The issue of the amount—I think what you're alluding to—maybe I can put it in some perspective. When us and other nonprofit groups look at the amount of Federal funding available to do different types of land conservation in Hawai'i—watershed, coastal, cultural lands, farm lands—essentially, we would need about \$9 million—eight to \$9 million from all sources of local money—State and County—to fully leverage \$15 million each year from the Feds.

The Legacy Lands Fund, as it's written right now—the State fund will provide approximately \$4 million a year. Currently, Maui and Kaua'i provide about \$2 million a year. That still leaves a gap. And so, there's still money that's going to be left on the table without other counties dedicating funding, and stepping up, and helping draw that to their own counties.

Obviously, an ordinance is just—is more of a—it sets up the fund, it sets up the process, it gives goal. It's a policy, which then helps us in the community and in the nonprofits to go to the Federal funding and say, "These guys have set out their goal for setting aside this amount of money each year. Will you commit to this project knowing that that is what they're going to set aside?" Obviously, each—I don't know exactly how the process works, perhaps, each year you set aside the exact amount, but just setting out that amount allows the funding to go towards your county rather than another one.

CHR. HIGA: Thank you, Mr. Ikeda. Mr. Hoffmann.

MR. HOFFMANN: Thank you, Mr. Chairman. Mr. Stanbro, maybe I missed it in parts of your testimony prior on this particular issue. So please forgive me if I'm asking a question that's been covered before.

But do you have any data in—that summarizes how many other counties or municipalities or states, for that matter, have set aside money for land preservation in the United States—say, in general, for this particular type of effort using the property tax as a basis for that dedicated funding?

MR. STANBRO: I don't have that information right on hand. I know that during discussions of Bill 270 last year we had some of that information generated. There's a NACo Conference coming up, I believe, in June or July—in July in Honolulu, specifically focused on conservation issues. I'm sure that there's going to be plenty discussed there about how different counties are using this tool. I know dozens and dozens of counties across the nation do utilize both bonds, property tax set asides, sales taxes.

We all recognize that counties are very limited in Hawai'i about the way that they can raise funding. You're, basically, limited to the property tax, although I saw yesterday that the GET option may be here for transportation as well. But, in terms of raising revenue, you're really limited to property tax set asides here in Hawai'i. But dozens of states, definitely, and most states use conveyance tax, as Hawai'i does, to help protect natural areas—and then counties use numbers of different mechanisms.

MR. HOFFMANN: Yes. Thank you. I'd just like to point out to my colleagues—I raised this question in Lowden County in Virginia where I was for the last couple days. And they do this—not through the property tax—but through a mixture of the sales—an allocation that they get from the State on this purpose as well as through bonds. And it was a little bit of an eye opener to me because they have, certainly, less reason, in many cases, to do that. That's a development paradise down there at the moment. But it was just interesting to note that at least in that county they did that. And I appreciate—it's just to try to get a sense for how other municipalities are doing this—that was why I asked.

MR. STANBRO: And I would add to that. There was an award recently given at the NACo Conference back East for the counties that are doing the most that they can, in terms of tools, to protect open space. And I think the county that won one of the divisions—they have a small, a medium, and a large—was Gallatin County in Montana where a lot of people figured there's no reason for it—it's rural, it's farmland. Why would they do it? And they have a website and a person that's there to coordinate grants. But the reason is—is they wanted to protect their farming economy because they started having movie stars coming up and buying large ranches and doing those sort of things. And they wanted to draw every single dollar they could to their county to pay farmers to sell their development rights, so that farmers could keep farming and families could hold on to the land rather than having it sold off in these big estate sort of thing.

So even the most rural non-impacted, at this point, counties are taking progressive steps to be preventive for the future and I think Gallatin County is one that—

MR. HOFFMANN: I just might add that, in discussion on these types of issues, that type of information might be useful at some time. I don't know how you could get it.

MR. STANBRO: I'll provide that for the Council.

MR. HOFFMANN: Thank you. Thank you, Mr. Chairman.

CHR. HIGA: Thank you. Who was next? Dr. Holschuh.

MR. HOLSCHUH: Thank you, Mr. Chairman. Good morning, Mr. Stanbro.

MR. STANBRO: Good morning.

MR. HOLSCHUH: Josh, thank you for your comments earlier and I'm hoping we will be discussing later—I'm hoping you will be able to be here for this bill and we'll also discuss the final decision on using my money to do what you've suggested.

I just wanted to mention, since you brought it up that—and, actually, Mr. Hoffmann brought it up—but I don't know where this Lowden County is exactly. But Fairfax—if you read in here—the booklet that was passed out two weeks ago—Fairfax County, Virginia, is a model for what we're talking about. So, anyway, I won't get into that now—that's for later.

MR. HOFFMANN: No. I didn't use Fairfax—and that's the adjacent county—but I used Lowden because it was more rural, and it's out next to the Shenandoah Valley, and there's huge development going on there. I thought it was an apropos—a more apropos example to where we are on that issue.

MR. HOLSCHUH: Sure. Sure. Thank you. And I can't remember where they are. It's been a lot of years since I've been in Virginia, but thank you.

The other thing I wanted to mention is that the data—about what you asked for, Mr. Hoffmann, I'll get you that because we did discuss this during the Bill 270 discussion. So I think it would be prudent to get everybody the information. It was documented—the answer to how many counties do what, including the Charter amendment. We found out there are very few that do Charter amendments—which I won't get into that whole discussion now.

The only other thing is the—Josh, how many people were actually—your mom mentioned the survey last year—how many total households or people were actually surveyed? Because, I must say, it sounded like thousands and thousands of people around the island. I don't mean to disrespect what she said but it was not a huge number, was it, as I recall?

MR. STANBRO: There was 405 Hawai'i County voters that were—

MR. HOLSCHUH: Okay.

MR. STANBRO: Completed the survey. But I wanted to reiterate, we decide presidential margins of error and everything on the same amount of voters. I mean, the stuff is a science and people utilize for nationwide stuff a thousand vote—a thousand households or thirteen hundred households to decide where

we're at with presidential elections, which turn out pretty accurate. Four hundred and five for a county of about 160,000 people is more than adequate to get a scientific sampling.

MR. HOLSCHUH: Okay. We'll debate that some other time. But the other thing I—finally, you are going to be here for the rest of the discussion of both these issues—the 2% issue as well? Because—

MR. STANBRO: Yes, if that would be helpful.

MR. HOLSCHUH: There are some amendments that are going to be forthcoming, as I understand—so, great.

MR. STANBRO: If that'd be helpful, definitely, I will.

MR. HOLSCHUH: Yeah. It would be helpful. Thank you, Josh. Thank you, Mr. Chairman.

CHR. HIGA: Thank you, Dr. Holschuh. Mr. Safarik.

MR. SAFARIK: Good morning, Josh.

MR. STANBRO: Good morning, Councilman.

MR. SAFARIK: Thank you for coming today. I guess I'm going to ask you a question that, in my mind, I have to—from your circle of influence and people that you talk to—before I start, though, you made an interesting comment. You said you're not—you don't want to be held responsible for the comments and so forth. Do you want to share with this Committee what you're at odds with your mother or is that something you want to keep confidential? No need answer.

MR. HOLSCHUH: Better take the Fifth on that one.

MR. SAFARIK: Hello, Kona. And I know your mom's probably sitting up there laughing also. And also I wanted to recognize Pāhoa. And seems like, since we got Pāhoa online, it's caused a little bit of technical difficulties. But I'm sure we'll overcome it. It's the concept that matters here. And welcome, Loren—my Aide, Loren Germano, is sitting there in Pāhoa.

My question, Josh, is I have an amendment based on my historic value of what happened to Bill 270, which I introduced last year—or last term, I should say. That bill failed—the Charter amendment test. We had "five" votes instead of "six" and that's why we couldn't move that forward. So we had talked about moving forward an ordinance, this term—which we're doing now in Bill 78 because it seemed to be the least—the path of least resistance at this stage of the

game here in this County. And, in my view, I want to get our preservation fund passed in whatever we do—however we do that. Whether it be an ordinance or Charter amendment, it's important to me to see us move forward with this. And I think that the majority of us sitting around this table feel that way.

But my question is, I have an amendment here that was going to be a compromise type of an amendment that would reduce the commitment of 2%. And I won't go into what the amendment is, but it would reduce that down to a level that would be, maybe, 25 to 30% of that 2%—\$3 million value, which is based on our current revenue stream of about 149,000,000 in property taxes. So my question is, if you were going to make the call yourself and being—and the reason I'm asking you this like a professional or I should—a professional witness—somebody that would be able to provide testimony that has credibility. If you were going to make the call and we were going to reduce that 2% down to whatever, but the idea that the fund would be established, do you think that notion would be supported by yourself? Would you make that kind of a call based on the idea that we may not get anything?

There may be not enough votes to override any kind of mayoral veto, which he has indicated that he would like—that he was thinking about doing for several different reasons. So my question is—because I don't know if I'm going to bring this amendment forward or not. I'm a little conflicted with it and with the statements that you made that people became concerned when the legislative body tried to reduce that 2% down to whatever it may be. Do you think it's better for us to pass something today that may be reduced but, yet, because it's an ordinance, could also be increased as time goes on depending on the debate? What was your—

POINT OF ORDER: MS. ISBELL: Mr. Chair, I'd like to call a point of order. State your point.

CHR. HIGA: I think Mr. Safarik was just about ready to get an answer so—

MS. ISBELL: I feel that the questioning is not appropriate or germane to the type of—this is just from testimony (inaudible) people. If he would like to do that when he brings up an amendment that would be more appropriate, but it is not appropriate right now. I'd like to have a vote on it.

CHR. HIGA: Thank you, Ms. Isbell. I think I'm going to let this just finish up already because I think he's at the end of his statement—so Josh is here and I think we need to move on. But I think he already said he'd be here—but Mr. Safarik is right there at the end—from my understanding.

MR. SAFARIK: Well, I am at the end. And I think that what I'm trying to achieve is a public debate here. Whether you feel that it's appropriate or not, I think it's germane to this discussion and I would appreciate if I could finish. Anyway, I ask that question, what is your—I would be completed with my statement based on what your response is.

MR. STANBRO: My answer to that is that, thankfully, I am not an elected official and that is not my call to make. There's—I can tell you from our point of view and, specifically, I mean, I'm in a pretty safe crowd here. And I can say that I have family on the Big Island, I really want the best for the Big Island, I want to see the Big Island be able to leverage as much as it can and draw the resources that it can here. Obviously, the more that's set aside to do that, the more that can happen on this island. And I work for a nonprofit that conserves land for people.

So my answer is going to be, in terms of what I would love to see, would be the maximum amount of funding given to what I think is a really important public purpose. What my advice is, is it's really in all your court to decide and weigh. I don't have to make decisions about sewers and transit and all those kind of things that you do and you need to weigh those and do what you think is prudent.

MR. SAFARIK: Thank you. And, Mr. Chairman, I do appreciate the latitude here. This is all about public testimony. This is all about getting the word out to everybody that's sitting here. So, Ms. Isbell, maybe you got to just relax a bit.

CHR. HIGA: Thank you. Thank you, Mr. Safarik. We have a couple of more comments. Mr. Pilago.

MR. PILAGO: Thank you, Mr. Chair. Good morning, Mr. Stanbro.

MR. STANBRO: Good morning.

MR. PILAGO: The last statement presupposes that 2% is not going to pass. I disagree with that. I strongly support Bill 78 and I think this is a good initiative. I would like for you to reiterate—in one sentence, very short—why you recommend this Council stay the course at 2%.

MR. STANBRO: I think, if you look at it from a monetary view, \$3 million in the markets that we're experiencing right now can leverage at least 3,000,000 more dollars from the Federal government, probably, and the State with the Legacy Lands Fund, which enables you to do significant work each year in different communities around the island. Obviously, this is something that is important to different districts. And there's going to be favorite *pukas* all around the island that people do want to protect. It may give more latitude to do different projects around the island, if you have a higher level of funding—that's just the reality.

MR. PILAGO: We're nearing a paragraph. Thank you. I would like to see if we're on track. Square for me, please—does 2% square with Hawai'i counties and does 2% square with national municipalities?

MR. STANBRO: I would have to do some research on the national—I don't know. As a proportion of County budget, I'm not sure what other jurisdictions do, so I can try to do some research on that and get that back to you. I can tell you that Maui is at 1%, Kaua'i is at .5%—Kaua'i has not been able to do any projects yet. Maui has been able to contribute to one project a year—about a million dollars. Although, obviously, there was projects that went wanting as well.

MR. PILAGO: Thank you. It shows us that if we lower from 2% to one or point five, that we would actually diminish the effectiveness of this program. If we really have attitude and will and drive to make this succeed, we should hold at 2%. Is that what you're saying? That's what my understanding is.

MR. STANBRO: I would just reiterate that the more serious the County is about protecting land, the better chance you have of drawing those funds. Obviously, matching funds go where the matching funds are. So your chances in competition with other jurisdictions—not only in Hawai'i but around the nation—are increased with the amount that you deem fit to send towards this.

MR. PILAGO: Thank you. There was part of your presentation where you mentioned there would be some spin-off—in that this fund would help protect agricultural lands. Clarify, please.

MR. STANBRO: There's a Federal program called the Farm and Ranch Land Protection Program by the U.S.D.A. Our congressional delegation has been very successful at getting some of that U.S.D.A. money assigned to Hawai'i each year. Our local funding mechanisms have been less successful of keeping it here because it does require, at minimum, a 25% match and up to 50% match. For two years the money has sat in Honolulu at the U.S.D.A. Office and then gone back to D.C.—and those are Federal tax dollars that Hawai'i citizens paid into.

The— if I could cite just a quick example I think it might be helpful. On Molokai you might have read, about a month ago, there was an auction by a software tycoon—Mr. McAfee—who bought an entire *ahupua'a* of land on Molokai—found out that the zoning didn't fit the footprint of the mansion he wanted to build there, I think—and then promptly advertised in the Washington Post—I think, the New York Times—and some other places back East that he was going to do a land auction of imminently developable real estate on Molokai. There was protests. There was 250 community members that came out to protest the live

auction. It did get sold even though the community put in a bid, but they didn't have enough money—they only had a couple hundred thousand dollars. It wound up going for over three million to a Mainland buyer.

The property just down the road is now applying for a Farm and Ranch Land Protection easement. The Maui County fund is going to help fund that, I believe. It's—we're working in that direction. It's a potential. And what that allows the old *kama'āina* family there—Kip Dunbar, an old farming family—is get a payment to guarantee that that land will never be developed except for another house that he wants to put on it for his daughter—I think, is how it's working out.

And that means that if he ever sells it, that land will remain farm land and ranch land for cattle and for grazing no matter who owns it from then on out. It will be restricted with an agricultural easement and the property owner will be paid in market value to give up those rights, which avoids litigation and avoids a lot of strain in the community—like they saw over the auction with—on Molokai.

MR. PILAGO: So, by dedicating this fund, we could lever it to reconnect with that Federal subsidy—tax subsidies to help farmers and farm programs—ag programs here on this island. Correct?

MR. STANBRO: It's, actually, better than a tax subsidy. It's a cash payment for a property right. So there's 2,000,000—\$2.2 million has been assigned to Hawai'i this year. When matched with the local funding—whether from the Legacy Lands Act of the State or the Maui fund—that could be as much as \$4 million in direct cash payments to farmers and ranchers, who say that they sign away their legal rights to do a subdivision and development, but keep that land at a lower property tax value for their families and to future generations.

MR. PILAGO: Thank you very much. I think we should factor those economic development aspects into the whole program because there's a lot of confusion in that people think we're only talking of conservation and preservation. The other side of the coin is we're looking at appropriate economic development and how is it—this municipality diversify our efforts. And if we protect our farmers and if we protect our agricultural lands, we will actually help the economic picture of our island. Thank you very much. I think we should market that. Thank you. Thank you, Mr. Chair.

CHR. HIGA: Thank you, Mr. Pilago. Before I call on Mr. Jacobson and Mr. Holschuh, I'm going to ask that—I, kind of, agreed that—Mr. Stanbro—he already said he will be here when we take up this bill. So I'm going to ask the indulgence of my colleagues. We need to move on and I think, if there's any more input or advice that Mr. Stanbro may give this body, he could probably do it

best when we're taking up the bill—in the essence of time. So I'm going to ask—Mr. Jacobson, you had your light on. Would you like to make a quick comment? But I really want to have this done when we're debating the bill.

MR. JACOBSON: I will be brief.

CHR. HIGA: Thank you.

MR. JACOBSON: I just—there was some comment as to quality of the survey you did. Would you hire those surveyors again to do the same work?

MR. STANBRO: They're one of the only organizations in town—there's only a couple that do that type of survey.

MR. JACOBSON: Okay. And just to verify their results, I seem to recall last year, during some of the testimony, you used some of the same survey techniques on Maui.

MR. STANBRO: It was the same—yeah, it was the same methodology.

MR. JACOBSON: And when they voted on their Charter amendment, did the survey at all resemble the voting results?

MR. STANBRO: It was actually a slight up-tick. I think it was a 71% approval in the survey and then in the actual election it was 73%.

MR. JACOBSON: I just wanted to lay that to rest right away. Thank you so much, Mr. Chairman.

CHR. HIGA: Thank you. Thank you. Mr. Holschuh (inaudible)—

MR. HOLSCHUH: Yeah. I was going to ask for a point of information that I think we should "defer" all this discussion. If I'm the last light, it's a moot point because, honestly, if Josh is going to be here, if we get to this two hours from now, I want to hear this again and there's no sense repeating it, quite honestly. I think Mr. Pilago's questions were good ones but we may forget by the time we get there. Let's move on.

CHR. HIGA: Thank you.

MR. STANBRO: I appreciate it. Thank you for that.

CHR. HIGA: Thank you, Mr. Stanbro. Megan, your next speaker, please.

MS. MITCHELL: Chairman Higa, our next speaker is Kyle Datta. He is going to be speaking on Bill 78 public access, open space. He is representing the Rocky Mountain Institute.

KYLE DATTA: The Chair called on Mr. Kyle Datta, representing Rocky Mountain Institute, who made the following statement regarding Bill 78:

MR. DATTA: Good morning, Chairman Higa, and distinguished Council Members. I'm the Managing Director of the Rocky Mountain Institute, an international (inaudible) organization. We're here testifying for Bill 78, the natural resource preservation fund.

The preservation of open space is critical for future generations, for our cultural heritage, for the protection of natural resources, for the welfare of our community and, ultimately, for economic well being. The fund to (inaudible) bill reinforces the fundamental principles of smart growth that are so necessarily needed for this island. It's how we are able to reinvest in our natural—and also in our human capital—which we'll find are the most important assets that we have. It provides the means to maintain the environmental amenities that attract tourists to our island, provide quality of life, and also enhance the real estate values from whence this fund comes.

The 2% percentage of the real property tax proposal is actually quite modest compared to the increased values the bill ultimately creates. And they—quite likely (inaudible) in the long term, as Mr. Stanbro mentioned, there are several matching funds that are likely to be available and are available through the County. Take the first step.

I think there's also the issue of time that we have to consider. We are developing so rapidly on this island that we can no longer afford to delay action. I think the opportunity costs are becoming quite high and the time to act is now before precious open space is lost forever. The fund has broad and deep popular support and I believe will be one of the most important legacies that you, the Council, can provide for this term.

So, with that, in summary, let me, again, say that we very much support Bill 78—move it forward. We hope the Council has the strength to act on it in this term. Thank you very much.

CHR. HIGA: Thank you, sir. Loren, do you have another speaker there?

MS. GERMANO: Yes, Mr. Chairman. I have here, Lon Brown. He represents Pāhoa Weed & Seed and he will be giving testimony on Resolution 89-05 and Bill 102, both regarding Pāhoa Skate Park Fund.

LON BROWN: The Chair called on Mr. Lon Brown, representing Pāhoa Weed and Seed, who made the following statement regarding Resolution 89-05 and Bill 102:

CHR. HIGA: Thank you.

MS. GERMANO: Thank you.

MR. BROWN: Good morning, Mr. Chairman. Good morning, Councilmen.

CHR. HIGA: Good morning.

MR. BROWN: The Pāhoa Skate Park is a very high priority initiative here in Pāhoa. We have a real dearth of legitimate activities for the youth in this community. And having not just a skate park, but many more activities that are organized and safe for the youth in this community, will probably make a strong impact on the tenor in the town, juvenile crime in the town, and a lot of the goals that Weed & Seed has setting before it.

Main Street Pāhoa has been working to get a skate park designed. The drawings, I believe, are in progress now. And the Weed & Seed Youth Development Committee is working with Main Street Pāhoa on the project and we feel it would be a really productive use of the funds to have this skate park here in town and give our youth something to do besides hang out and make trouble. Thank you.

CHR. HIGA: Thank you very much. Hang on a moment. We have a comment from Mr. Safarik.

MR. SAFARIK: Thank you, Mr. Chairman. Good morning, Mr. Brown.

MR. BROWN: Good morning.

MR. SAFARIK: And you mentioned that you are the Coordinator for the Weed & Seed initiative—that Weed & Seed initiative has a Youth Development Committee. Is that correct?

MR. BROWN: That's correct.

MR. SAFARIK: And it's the—would you be able to speak for that Committee and Graham Ellis—in the support of this skate park?

MR. BROWN: I can't speak for the Committee but the skate park has been one of our priority discussion topics at the Steering Committee meetings and in the Youth Committee meetings. The President of the Steering Committee will be submitting her written testimony by facsimile and the community policing officer out here is also working on submitting testimony for the skate park.

MR. SAFARIK: Okay. Thank you. Thank you.

MR. BROWN: The town and the organization are really behind this skate park.

MR. SAFARIK: Thank you, Lon. Thank you.

CHR. HIGA: Thank you very much.

MR. BROWN: Thank you.

CHR. HIGA: Okay. Our next speaker will be—I'm going to get this right. Yeah, I think it's Jocelyn Garovoy? And she's speaking on Bill 78 in support.

JOCELYN
GAROVOY:

The Chair called on Ms. Jocelyn Garovoy, who made the following statement regarding Bill 78 (SEE COMMS. 208.17 AND 208.62):

MS. GAROVOY: Good morning and thank you for the opportunity to testify. My name is Jocelyn Garovoy. I am an attorney in Kona and also a Board Member of the Hawai'i Island Land Trust, which was formerly known as the Kona Land Trust. We're a 501(c)(3) nonprofit organization and work to protect lands and hold lands in conservation easements and with fee simple purchases.

I wanted to share a success story. I'm here to testify, obviously, in support of Bill 78. And I spent a summer in law school working with the Maui Coastal Land Trust after Maui County had passed a similar fund to the one we're looking at here today. And what happened there was that \$811,000 from the County Land Fund went towards a purchase that the Maui Coastal Land Trust—was then able to attract private funds and receive several Federal grants to, ultimately, purchase 277-plus acres of coastal wetland habitat on the northwest shore of Maui—an area called Waihe'e. And the purchase price there, ultimately, was \$4.8 million. So \$811,000 of the county fund—\$4.8 million purchase. So it's—it really does work. And right now that land is being used by school groups and there's community clean-ups going on out there and it's just really turned out to be a positive thing over there. So that's just a success story I wanted to share with the Council. And I think that Hawai'i Island has even more to gain from this kind of a fund, given our incredibly diverse ecological resources, and rich cultural resources, and the comparatively rapid pace of changing land use patterns here.

I did ask my colleagues over on Maui, in preparation to testify today, how their land fund is administered. And I brought a copy with me of that section of the Code (SEE PREVIOUS COMM. 208.17). I only have one copy but I would be happy to provide it to the Chair.

And, essentially, the way it works over there is through a grant approval process, where nonprofit organizations—and also the county—can apply for grants from the land fund. And the applications go through the Finance Department and are sent around for review by other departments—and the State as well—before they're approved.

So I just wanted to add that there are groups here, such as the Hawai'i Island Land Trust and other organizations, that can help and collaborate with the County in protecting and stewarding and holding any lands that would be acquired by the fund. And we'd be happy to answer questions or talk more with my Board about that. Thank you.

CHR. HIGA: Thank you. One moment. Mr. Jacobson has a comment.

MR. JACOBSON: I'm sorry. I came in a bit late. What's your name again?

MS. GAROVOY: My name is Jocelyn Garovoy.

MR. JACOBSON: Jocelyn Garoy.

MS. GAROVOY: An attorney in Kona.

MR. JACOBSON: And you—so you live on this island?

MS. GAROVOY: I do.

MR. JACOBSON: And I guess the question is, if this thing gets all watered down today, are you going to be willing to work on a real Charter amendment to make sure this is solid?

MS. GAROVOY: Yeah. It's not my favorite question, but I will stay the course.

MR. JACOBSON: Okay. Thank you so much.

CHR. HIGA: Thank you, Ms. Garovoy.

MR. HOLSCHUH: Mr. Chairman, point of—could we ask her to—

CHR. HIGA: Make a copy?

MR. HOLSCHUH: Give a copy of that to staff and so we can have a copy (SEE PREVIOUS COMM. 208.17)?

MS. GAROVOY: I will be happy to.

MR. HOLSCHUH: Thank you very much.

CHR. HIGA: Thank you. Okay, Megan.

MS. MITCHELL: Thank you, Chairman Higa. Our next speaker is Cindy Armer. She represents herself. She will be giving testimony supporting Bill 78 and Bill 100—78 is the Open Space Preservation Fund and 100 is the Old Airport Canoe Halau.

CINDY ARMER: The Chair called on Ms. Cindy Armer, who made the following statement regarding Bills 78 and 100:

MS. ARMER: Thank you. Good morning, Chairman Higa, and the rest of our distinguished Council. I want to thank you for all you do for us. And I want to thank you for giving me the opportunity to speak to you today from Kailua-Kona. My name is Cindy Armer and I'm going to speak first on behalf of Bill 78.

I believe Bill 78 is both smart and important. I think it's smart because of the way it establishes a permanent funding source for the purchase of important land. And I think it's very important because, without this type of visionary thinking, some very important and beautiful and historical land will be purchased by private individuals and then will, therefore, be unavailable to the rest of us. So I encourage you to look seriously at Bill 78 and do something to help us in a very smart way to accomplish something very important.

I also would like to take a moment to speak on behalf of Bill 100. Bill 100 is a new one to me. I have often walked on the old airport and wondered what those concrete structures were all about and found out they were about nothing. They were started at a time when people knew that paddling was very important and—to our culture here on the island—and then it was not finished. And I think it would be very wise of us to finish that because, as Sammie said, paddling is an important part of our culture, both for the adults and for the children.

I thank you, again, for this time to address you and I thank you for what you're doing for us today and what you're doing for the future of the people on the Big Island.

CHR. HIGA: Thank you, Ms. Armer. Hang on a moment. We have a comment from Member Isbell.

MS. ISBELL: Thank you very much, Ms. Armer, for your testimony. I'm especially interested in your observation of the cement things that stand up at the old airport—they've been there for several years, as you know, and are two slabs—each one is for a canoe *halau*. The—one important part about getting the *halau* at the old airport is to get the canoes out of the County building, which is

nearby, and to give the County back needed area. It also gives, of course, the canoes a wonderful place to finally have a—one of their own. So I just wanted to let you know that it has a purpose and I thank you very much for testifying. Are you a canoe paddler? Are you there?

MS. ARMER: Yes. I'm learning all the time. Thank you—to one of my mentors—

MS. ISBELL: Thank you.

MS. ARMER: Virginia Isbell.

MS. ISBELL: I paddle with Cindy.

MS. ARMER: Yeah. You were my—

MS. ISBELL: I just wanted—

MS. ARMER: You were my very first—

MS. ISBELL: Thank you very much.

MS. ARMER: Virginia Isbell was my very first paddling teacher. So thank you.

MS. ISBELL: *Aloha*.

MS. ARMER: *Aloha*.

CHR. HIGA: Thank you for that loaded question there, Member Isbell.

MR. JACOBSON: Is it too late—

MS. ISBELL: It's probably out of order.

CHR. HIGA: Mr. Jacobson.

MR. JACOBSON: Sorry to be slow on the draw here. It's just a typical question here. If you really believe in Bill 78, and it gets watered down today, are you willing to work for a Charter change? This is for Cindy.

MS. MITCHELL: Sorry. We're having a difficulty hearing you.

MS. ARMER: I'm sorry.

MR. JACOBSON: Would you be willing to—should we need to make a Charter change, would you be willing to work for it?

MS. ARMER: I heard the part "work for it", but I didn't understand what—work for what?

CHR. HIGA: Wait, Bob. Wait. Okay, now go.

MR. JACOBSON: So, now, I would like to ask you if you would work for a Charter change to provide for 2% funding for open space should this not pass today.

MS. ARMER: Yes, I would.

MR. JACOBSON: Thank you so much. I look forward to that.

MS. ARMER: Okay. Thank you.

CHR. HIGA: Thank you, Mr. Jacobson. Our next speaker will be Charles Stanton speaking on Bill 78 in support.

CHARLES
STANTON:

The Chair called on Mr. Charles Stanton, representing the Sierra Club's Moku Loa Group, who made the following statement regarding Bill 78 (SEE COMM. 208.67):

MR. STANTON: Honorable Chair, and Honorable Council, my name is Charles Stanton and I live in Pāhoa and I represent the Sierra Club's Moku Loa Group. We, the Council, present—we would like to present you with a petition (SEE PREVIOUS COMM. 208.67), which I couldn't run on a copier—that strongly endorses Bill 78 at 2%. The signatures on it represent a half-day gathering effort. We have no objection to the County pursuing other means of acquiring land. However, we strongly feel the County needs a consistent source of income to preserve our island's rich heritage for future generations.

And, since I know we're all pressed for time, I'm going to say thank you very much. And I would also urge Councilman Safarik—I would urge you to withdraw any—with any lessening of the money because I've seen in Leilani Estates the prices double in the past year. And all that does is, in effect—if it would have passed at last year at 2%, it would now be 1% because that's just the way it works. So thank you very much.

CHR. HIGA: One moment, Mr. Stanton. Mr. Hoffmann.

MR. HOFFMANN: Thank you. Thank you for appearing this morning. Just another comment, please, on perhaps another alternative. If the money is there for a particular period of time, but a designated period of time, would you have a problem with that type of an amendment?

MR. STANTON: I would not, personally, have a problem but I can't speak for the Club on that.

MR. HOFFMANN: Thank you.

MR. STANTON: You know why?

MR. HOFFMANN: No.

MR. STANTON: Yeah.

MR. HOFFMANN: I understand the reason for having a specific amount of money that's large enough to make a difference.

MR. STANTON: Yes.

MR. HOFFMANN: What I'd also like to, perhaps, look at—is the fact that the way the ordinance is drawn up at the moment, there's no time limit on that. It becomes a perpetual fund. And maybe we need to revisit that by putting a time frame on it that allows future Councils to take a look into whether—as to whether this program is effective or not. Personally, you have no problem with that?

MR. STANTON: I really can't say because I have some differences with other Members of my Board of Directors and that's all I'm going to say.

MR. HOFFMANN: Thank you very much, sir.

MR. STANTON: Thank you.

MR. HOFFMANN: Thank you, Mr. Chairman.

CHR. HIGA: Thank you, Mr. Hoffmann. Thank you, Mr. Stanton. Megan, how many more do you have on your side?

MS. MITCHELL: For Kona?

CHR. HIGA: Yes.

MS. MITCHELL: We have five more speakers.

CHR. HIGA: Okay. Well, we're going to expedite. You do the next two from your side, okay?

MS. MITCHELL: Okay. Thank you, Chairman Higa. Our next speaker is Rebekah Lussiaá and she's going to be giving testimony on Bill 78, open space Land Preservation Fund; and Bill 100, the canoe halau at the old airport pavilion. She's representing the Kai O'pua Canoe Club.

CHR. HIGA: Thank you.

REBEKAH
LUSSIAÁ:

The Chair called on Ms. Rebekah Lussiaá, representing Kai O'pua Canoe Club, who made the following statement regarding Bills 78 and 100:

MS. LUSSIAÁ: *Aloha ka kou.* My name is Rebekah Lussiaá and I am a Member of the Kai O'pua Canoe Club—and I'm here to support Bill Number 78 and also 100.

I'll begin with a basic reason why I support Bill Number 78. The main reason is the preservation of our land is what makes Hawai'i what it is, and over-development would just turn us into another city—and that's why most of us live here—is to get away from cities. So I highly recommend that we put as much funding as possible to make the biggest difference possible. And I think it's a solution to so many problems that we have rather than causing more problems. I think over-development is what's causing most of our problems here. So I'll leave that at that.

And my second is for Bill Number 100. Currently, I'm an athletic trainer at the Kealekehe High School and I work directly one-on-one with the youth. And I see that there is so much—so many problems that are caused because there's lack of things available for the youth all day—and I have a heart for the youth and I know that it's such a vital age for us to offer them other opportunities. And one reason why I think that the canoe halau is so important to be built is that it does provide them with another opportunity to get involved in a healthy activity, will build a foundation for their future that will allow them to make better choices and better citizens to our County.

So I just completed my first grant proposal to OHA to help get funding for that halau—and I'm so thankful to Angel Pilago and Virginia Isbell for their support. They are two representatives that really truly speak the voice of this community in Kona and we're so grateful and thankful to them.

I wanted to read a small portion of the summary of my grant proposal, if I have some time—and it just gives you a basic of what—how it's so important to have that canoe halau built. The primary purpose of this canoe club, which is Kai O'pua, is to educate its paddling members in the lore of Hawaiian culture,

namely, Hawaiian outrigger canoe racing and it's related activities—carving up canoe hulls, paddles, yaks and *amas*, rigging outrigger canoe sections, and any other areas of interest pertaining to the adaptations of ancient methods to the modern canoe activities of the era. We strive to bring together the *keikis* all the way up to the *kupunas* in a common and healthy sport that represents our culture.

Outrigger canoe paddling is unique in the fact that it is a sport that allows the entire *ohana* to get involved. Our secondary purpose is to promote and foster sports with the emphasis on aquatic/athletic peculiar to Hawai'i and traditional Hawaiian culture. This mission will stimulate interest in Hawaiian outrigger canoeing, swimming, and surfboarding. It will also further the development of native Hawai'i in the Kona area. And we, of the club, will help provide qualified instructors for them.

Furthermore, Kai O'pua diligently works to offer a positive outlet for so many young people that need something to do that makes them feel valuable. Through paddling, not only will the youth gain knowledge of their cultural heritage but, more importantly, personal values. Besides running the canoe club, the building of the canoe halau would answer many of these problems.

CHR. HIGA: Thank you, Ms. Lussiaá. Hang on a moment. Mr. Jacobson.

MR. JACOBSON: Rebecca, thank you for coming in today. I have the same question I had for other supporters—will you be willing to work for a Charter amendment, should this be weakened or failed today, on Bill 78?

MS. LUSSIAÁ: Yes. I'm willing to do whatever it takes.

MR. JACOBSON: Thank you very much.

CHR. HIGA: Thank you. Go ahead, Megan.

MS. MITCHELL: Our next speaker is Bill Armer. He is supporting Bill 100 for the old airport canoe halau as well as Bill 78 for the public access open space. He's representing himself.

BILL ARMER: The Chair called on Mr. Bill Armer, who made the following statement regarding Bills 78 and 100:

MR. ARMER: Good morning, Chairman Higa, Members of—respected Members of the Council. My name is Bill Armer. I am here to support Bill 78 and Bill 100 as they sit before you on the agenda. Bill 78—as other speakers have noted—provides a minimum—a baseline of 2% funding. And it—and I

would support not watering it down or reducing it in any fashion but treating it as a minimum baseline. I would make it clear that it is a clear, unequivocal statement on your part as Council Members representing your constituency.

My own experience and my wife—Jefferson County, Colorado, is the incredible impact that open space acquisition makes—not only for the current generation but for future generations. And, as you look at models and opportunities, pay close attention to that county because the opportunities are for private landowners—as well as partnering with State and Federal sources is incredible.

Bill 100—strongly support the development of the canoe halau and the advantages for—from children to seniors, from *keiki* to *kupuna nui*—speaks for itself. It also solves an eyesore for the Kailua-Kona community in the old airport pavilion area. Thank you very much. Would appreciate your support on both of those agenda items.

CHR. HIGA: Hang on, Mr. Armer. We have a comment from Council Member Hoffmann.

MR. HOFFMANN: Thank you, Mr. Chairman. Can I understand, Mr. Armer, in Jefferson County, Colorado, how they go about funding for land preservation?

MR. ARMER: I don't remember the details as to how they do it. What I can tell you is that 720 square miles and several thousands of acres are currently in Open Space designation for the enjoyment of people now as well as into the future. The other experience that we found in Jefferson County is numerous private landowners would prefer to have their lands preserved for public access in the future. And, as long as they get a fair price for their land, they aren't interested in development. They are interested in the future of their lands as a community resource.

I would be more than willing to do some research and find out how they fund that and the level at which they fund it, but it's an incredible model. And I will get that information to Virginia Isbell—make sure that she has it for your next Council meeting.

MR. HOFFMANN: Thank you very much, Mr. Armer, for coming and testifying. And I, certainly, agree with the tenor and purpose of Jefferson's County effort, which I hope is replicated here. I was just interested in how they go about it. Thank you, though.

MR. ARMER: Yeah. I will have that to Virginia Isbell before your next meeting.

CHR. HIGA: Thank you, Mr. Hoffmann.

MR. JACOBSON: His wife will make him do it.

CHR. HIGA: I just wanted to check—maybe your light wasn't working there, Mr. Jacobson, but thank you for clarifying that. Loren, you have a speaker?

MS. GERMANO: Yes. I have here, Virginia Aste. She's representing Puna Friends of the Park and Main Street Pāhoa. She will be giving testimony on Resolution 89-05 and Bill 102—both regarding Puna Neighborhood Skate Park—and also Bill 78—the Open Space Preservation Fund. And she's in support of all three.

VIRGINIA ASTE: The Chair called on Ms. Virginia Aste, representing Puna Friends of the Park and Mainstreet Pāhoa, who made the following statement regarding Resolution 89-05, Bill 78, and Bill 102:

MS. ASTE: Good morning. Thank you for the opportunity to present testimony from the sterling Pāhoa Neighborhood Center. This is the first time that this has been available and I'm very, very grateful not to have to drive 65 or 75 miles round-trip.

First I'll just deal with Bill 78. I sent written testimony as to the necessity of preserving open land. I support the 2%. I urge the Council not to go below that and I would be willing to support any Charter change or any other legislation that's necessary to make this happen.

Now, as to the skate park, the skate park in Waimea is very close to the area that we wish to recreate here or create here behind the Pāhoa Neighborhood Center. The budget for that skate park was around \$350,000. With a great deal of prayer we put together a preliminary budget the other day for about 60,000—figuring that's what we had available and we would do what we could with what we have. Now it looks like—thanks to Council person Safarik—we have an additional chunk of money. And for that I'm very grateful.

We have Bill 102 which will give us CIP funds of 90,000 and we have 89-05 which, I believe, will transfer 40,000 more in. That looks much more like the figure we are going to need to complete a skate park. I want to tell you that the designer for the Cayman Island Skate Park, which is so huge—ours looks like a postage stamp if it's set down in the middle of it—and the people who helped build the Waimea Skate Park are on board here as our designer—Jeff, Ryan, and Brian. And we are meeting regularly with the kids in Pāhoa and anyone else who wishes to give input as to the design. So we're ready to go. Please support these and give us the money. Thank you.

CHR. HIGA: Thank you, Ms. Aste. Our next speaker will be David Vance speaking on Bill 78 in support.

DAVID VANCE: The Chair called on Mr. David Vance, who made the following statement regarding Bills 53 and 78:

MR. VANCE: Good morning, Chairman Higa, Members of the Council. First of all, I would like to thank you so much for your support of Bill 53. This truly gives me hope that we can save some of this incredible island. I know I can't begin to comprehend the challenges that it takes to financially keep everything running in the County. I'm challenged keeping my checkbook together. But I do know that if you don't save these kinds of spaces now, I think that the testimony, the surveys, really point to the fact that the majority really wants to save this beautiful open space, open shoreline. Again, I know that it's challenging working with the financial aspect of things but, if they're not saved now, they won't be in the future. If they're developed, we're not going to get them back and the future generations will suffer. So I implore the Council to do whatever it takes to make this work. Please do what you can. Vote "yes". Thank you.

And the 2%—it seems like that's really what we have to aim for. I hope that you will get the 2% needed—but I'll be on board for whatever. Thank you.

CHR. HIGA: Thank you, Mr. Vance. Okay, Megan.

MS. MITCHELL: Thank you, Chairman Higa. We do have four more people now to testify—but our next speaker is Vonnie Maron and she's going to be giving testimony on Bill 78, Open Space Preservation Fund, and she's representing herself.

VONNIE MARON: The Chair called on Ms. Vonnie Maron, who made the following statement regarding Bills 78 and 100:

MS. MARON: Thank you. Good morning, Chairman Higa, and Members of the Council. I'll just be very brief. I just want to give you my support for both—for Bill 78 and Bill 100, realizing the importance of these open spaces for not only the people now, but people of the future.

Living at Lake Tahoe I see what's happened between the dividing line between California/Nevada. California was a very strong program, which sets aside our land for gift development and the mountain and the lake to preserve it for our future generations. And then, Nevada side of the lake—they have not had these same programs in place. Thus, you see the buildings, over population, and the casino development.

So, seeing this firsthand, what can happen to beautiful properties and beautiful lands, I urge you to very strongly support these measures to save our—to save these lands. Thank you.

CHR. HIGA: Megan, go ahead on the next speaker on your side.

MS. MITCHELL: Okay. Our next speaker is Nancy Callins. She is representing herself. She'd like to give testimony on Bill 78, Open Space Preservation Fund, and she supports this bill.

NANCY CALLINS: The Chair called on Ms. Nancy Callins, who made the following statement regarding Bills 78 and 100:

MS. CALLINS: I do. And thank you for letting me speak briefly. I'm a homeowner here and I support Bill 78 and also 100—and think that we should do something very soon on 78 and also 100, and I think that it should be kept at nothing less than 2%.

CHR. HIGA: Okay. Thank you. Our next speaker from this side will be Gail Byrne speaking in support of Bill 78.

GAIL BYRNE: The Chair called on Ms. Gail Byrne, who made the following statement regarding Bill 78 (SEE COMM. 208.46):

MS. BYRNE: Good morning. My name is Gail Byrne and I'm from Kohala—drove over this morning with my parents who are here also because we think Bill 78—in supporting Bill 78—is critical to the future of this island. And I'm here to emphasize two points—this bill makes economic sense and there's a lot of people here, as you've seen today, that support this bill. And, maybe to preempt Bob, I will support whatever measures come out of the County. But I wish that question doesn't have to be—or would not be asked because, hopefully, this bill will move forward. Also Kohala *kupuna* Fleur Weymouth, who some of you may know as Aunty Pua, wanted to be here today and sends her regards and said she urges you to support this bill as well.

This Bill 78 makes sound economic sense. The data from around the country show that putting money aside for open space provides a good financial return on investment. And some of the economic summaries that I'm going to be speaking about here are provided in a written testimony that I think you guys already have there. Those communities that have actively preserved open space have robust economies and greater long-term economic stability and, importantly, this economic strength is directly related to the higher quality of life that open spaces provide for every community member.

The economic benefits of preserving and conserving open space—intact—are especially true for Hawai'i Island because our greatest income sources are directly related to our intact open spaces and the beauty of the Island. And, of course, that being tourism and another one being scientific and educational programs. It's

widely understood by our tourism organizations and agencies in the State that what differentiates Hawai'i from other tourist destinations is our open space, is our environment, and our host culture. Bill 78 will provide an important tool for protecting these invaluable assets.

There may be some question about whether we can afford Bill 78—and, really, we can't afford not to fund or to pass this bill. If we do not proactively set aside funds to invest in and protect—intact—these assets that are a basis for our major economic activities, we will, indeed, kill the goose that is laying the golden egg. As the poll—that you've been hearing about this morning—showed last year, a lot of folks on Hawai'i Island support this type of measure—and similarly in Kohala there's a long well documented history of public support for these types of measures. On a similar occasion, 5,700 signatures were collected to support a similar effort. And, as folks have already mentioned, a significant handicap has been in terms of moving forward on these types of local priorities and local funding source that we could match with Federal funds.

Bill 78 provides a win-win solution for many of the growth pains we're facing—landowners win, the public wins—and it makes the most long-term economic sense. Maui and Kaua'i have already done this. It's time for us to do this. Please pass it at 2%. Anything less—as you've already heard from countless folks—would be much less effective. And I know Pete had a question—or, excuse me, Council Member Hoffmann had a question earlier today about the number of states and counties around the country that may have done this and the types of mechanisms that people are using to fund open space initiatives. I don't have an exact number but I know, in reviewing a bulk of that data, that most of the states and many numerous counties have done this using a variety of mechanisms. So, anyway, it's proven itself well around the country. Thank you for the opportunity to speak this morning. I appreciate it.

CHR. HIGA: Thank you, Ms. Byrne. Thank you. Go ahead, Megan.

MS. MITCHELL: Thank you, Chairman Higa. Our next speaker is Lunakanawai Hauanio. He is representing the South Kona Community Emergency Response Team. He supports Bill 74 which is the microwave relocation and system renovations bill.

LUNAKANAWAI
HAUANIO:

The Chair called on Mr. Lunakanawai Hauanio, representing South Kona Community Emergency Response Team, Inc., who made the following statement regarding Bill 74:

MR. HAUANIO: Aloha, Council Members, and thank you, again, for giving me the opportunity to speak in support of this bill. There's two things that we have concerns about and I know—I talked with the—Les Matsumoto. He's the technician for the County of Hawai'i Police Radio Shop. And the concern was the frequency used and the—what kind of equipment that'll be used.

At our recent Kona International Airport Mass Destruction Workshop, the NTSB—that's the National Transportation Safety Board—investigator gave representation about their concerns relating to communication breakdowns between the various first-responders and the communication systems that are being used. One of the other presenters—I'm not sure what the name is—but he indicated that, if the County is considering the 800 mhz system, we should talk with the other agencies first before accepting that idea.

The—I'm going to make a copy—have a copy available of a survival factor investigation checklist and outline that has some of the outlines of the concerns that were discussed at this workshop. So—and I didn't realize there was these other two bills—78 and 100. I'm not sure what it's all about but I'm in support of anything for the kids. I was interested, particularly, in the halau. I was wondering if a communication system can also be set up there if the halau will be accessed as an emergency shelter in the event of disasters.

There's two announcements I'd like to make. One is for the Big Island Drug Court. We have our Tenth Commencement Ceremony as kids that are—well, people that have graduated successfully in the Drug Court. It's going to be on the 24th of May at 9:30—up at the Circuit Court. Another announcement is an incident that happened Monday morning. One of our children waiting for the bus—there was an attempted abduction. So I want to let everybody know, if they see any suspicious vehicles lurking—any suspicious activities—please take the vital information and contact your local police. *Mahalo*.

CHR. HIGA: Thank you. One moment. You have a comment from Council Member Isbell.

MS. ISBELL: I have a question for you. You mentioned the 800 mhz—the microwave system that the Police Department is planning to put in. Would you elaborate on that? And do you recall who it was that said anything at that emergency response meeting that you had?

MR. HAUANIO: Yes. I'm going to track down his name. It's one of the trainers of—for the Department—the Police Department. But he elaborated at that training that the 800 mhz system—there's been some problems with distances. And they should—the County should work with the other agencies. I think, from my understanding, Les Matsumoto was elaborating the 700 mhz series.

MS. ISBELL: Okay. I'll have to find our more from you, I guess, later or from the people that were putting on that demonstration at the Old Kona Airport. But that is on our agenda today. And I'm very—as you noticed, you're speaking on it—but I'm just interested more in who has had experience with it and what their problems were with it. He didn't go into any elaboration, right?

MR. HAUANIO: From the NTSB's point of view, there were communication problems that she elaborated. Her name is Nicole Shannon. She's the Air Safety Investigator for NTSB. Her number is 423-6393 and she's over on O'ahu.

MS. ISBELL: Thank you very much. I'll give her a call.

MR. HAUANIO: Okay, aunty.

MS. ISBELL: Thank you.

CHR. HIGA: Thank you.

CHR. HIGA: One moment, please. Council Member Safarik.

MR. SAFARIK: Thank you and *aloha* to you and thank you for bringing this forward. I want to just clarify that, right now, that this initiative that we're talking about is not the 800 mhz or 700 mhz initiative. What we're talking about right now in this upcoming bill is the implementation of the link system—the microwave at 200 or at 2.0 Gigahertz. So I think that what we need to do is understand what's germane to the bill and what's not. This County is looking at implementing either a 700 or 800 Megahertz—depending on what the FCC's recommendation as well as the State of Hawai'i Emergency Response Team recommendations are.

The issues that this gentleman brought up as far as the problems with the 800 Megahertz—it wasn't so much that the frequency band had a problem. It was the way it was implemented on O'ahu that had some difficulties, which they are trying to work through now. But it would be prudent for us, and in this County, to understand the ramifications of choosing either a 700 Megahertz backbone system or an 800. But let's make sure that we're talking about apples and not oranges here.

So this bill really only implements the microwave system. It is not going to be the backbone system or the end user system that we're looking at implementing. And let me tell you that—when we start to talk about that, that's going to be a 30 to \$40 million big budget item. So, anyway, Mr. Chairman, I just wanted to clarify.

CHR. HIGA: Thank you, Mr. Safarik. Thank you.

MR. HAUANIO: Thank you.

CHR. HIGA: Okay. Our last speaker on this side will be—is Jacqui Hoover on—speaking on Bill 78—but it's going to be a commentary.

JACQUI HOOVER: The Chair called on Ms. Jacqui Hoover, representing Hawai'i Leeward Planning Conference, who made the following statement regarding Bills 75, 78, and 100:

MS. HOOVER: A brief one.

CHR. HIGA: Thank you.

MS. HOOVER: My name is Jacqui Hoover. And, Chairman Higa, Vice Chair Isbell, Members of the Council, staff, and fellow citizens, I represent and am President of the Hawai'i Leeward Planning Conference—an organization whose members are committed to sound planning, wise use of resources, and good government process.

As residents of Hawai'i County, we all understand and support the intent and concept of Bill 78. However, I also support and understand Mayor Kim's and other peoples' positions regarding the many needs and priorities the County has, including and not limited to, housing and infrastructure. And these compel all of us to look at alternative approaches to funding. And, in particular, what I would ask this Council and my fellow citizens to do is to rise to the challenge of embracing public-private partnerships so that these become standard operating procedure rather than just stop-gap measures. I've heard previous speakers today discuss their concerns that private financing would delay processes and so forth. But I would ask that we look at other models in other states where private-public partnership, in fact, are standard operating procedures and provide us alternative means of financing in a sustainable manner. And I didn't sign up to say this but I would also like to ask your support for Bills 75 and 100 as well. Thank you.

CHR. HIGA: Thank you, Ms. Hoover. One moment. Mr. Jacobson.

MR. JACOBSON: Jacqui, thanks so much for coming in here today. I was just curious. Last year it was my understanding the Leeward Planning Conference supported the Charter change.

MS. HOOVER: Yes, we do.

MR. JACOBSON: Have you changed your position on this at all? Has there been any official change in policy?

MS. HOOVER: No. And that's why I was saying—I was just adding the comments today to support private partnership as standard operating procedure.

MR. JACOBSON: I think that's really sensible. We've got to find help wherever we can get it. If people are generous enough to try and help us, we've got to accept it. So thanks so much for coming in.

MS. HOOVER: Thank you. And I would also like to add that our members did pay for and developed a "Property Tax Revenues from Premium Resort-Residential Homes and Condominiums in West Hawai'i Survey". We have made a decision, as of our April 29th Board meeting, to update this report and we will share it with the Council. But it does, of course, provide us the basis by which we can determine what those tax revenues are for those high-end incomes or high-end properties in West Hawai'i.

MR. JACOBSON: Thank you. Thank you, Mr. Chairman.

CHR. HIGA: Thank you. Let's see. Dr. Holschuh.

MR. HOLSCHUH: Yeah. Thank you, Mr. Chairman. Hi, good morning.

MS. HOOVER: Hi.

MR. HOLSCHUH: Yes. Good morning. Thank you for coming over, Ms. Hoover. Did you submit written testimony on your comments earlier?

MS. HOOVER: We sent it via e-mail and my secretary called me right before I came in the room and said that the e-mail server went down. So we will provide that.

MR. HOLSCHUH: Would you—

MS. HOOVER: To all of you.

MR. HOLSCHUH: Okay—you would provide. I may have missed something. My take on your initial comments of supporting or at least considering—it sounded like you were supporting the Mayor's position of to hold up on this. How —where are you at? Because you just told Mr. Jacobson that you would support the Charter amendment. The Charter amendment was for 2% of real property tax revenues to go into this fund. This particular Bill 78—I don't believe you mentioned it by bill number—is to place 2% by ordinance in—of real property taxes.

MS. HOOVER: I think what I was saying is that we supported the position he had with respect to asking that everyone also consider the other needs such as housing and infrastructure. And I coupled that with saying that, because we have so many priorities in this County, that we should, in fact, look at private-public partnership as alternate financing sources for all of those priorities that we have.

MR. HOLSCHUH: Okay. It's interesting what Josh Stanbro said before about being glad he wasn't here—sometimes we all feel that way. If you had to make this—maybe this is unfair—will you be here later when we discuss this? I—

MS. HOOVER: I will be here and I think, perhaps, Dr. Holschuh, you were referring to testimony I submitted previously where, prior to some of the discussions on process, I did say that, to quote Thomas Jefferson, "There are, in fact, times where delay is preferable to error". And I think that's what you may be recalling as my previous testimony.

MR. HOLSCHUH: Okay. Well, thank you for saying that. No, I'll defer to later because I would like to ask you to come up and this—you guys are a powerful organization, obviously, on the other side. So thank you. We'll defer this to later. Thank you (inaudible).

MS. HOOVER: Thank you.

CHR. HIGA: Thank you, Dr. Holschuh. Mr. Pilago.

MR. PILAGO: Thank you, Mr. Chair. Good morning, Ms. Hoover.

MS. HOOVER: Good morning.

MR. PILAGO: Thank you very much for your support towards Bill 78 and for recommending and advising us to look into new and innovative ways to create these partnerships. I am very grateful for that advice. What I would like is that tax comment from the Planning Conference in respect to taxes in West Hawai'i. If you could give to staff so they could disburse.

MS. HOOVER: I will be happy to. I, unfortunately, brought only one copy. But I'll be happy to provide this for copies. And, as I mentioned, we will also provide you with the update as soon as it's completed.

MR. PILAGO: Thank you. Thank you for your testimony. Thank you, Mr. Chair.

CHR. HIGA: Thank you, Mr. Pilago. Mr. Safarik.

MR. SAFARIK: Good morning, Ms. Hoover. Thank you for coming. I want to clarify because I'm—and no disrespect to you—I'm hearing a couple of things. Right now, there's been some talk that, if we pass this at 2%, that the Mayor will veto it. So my question would be, would you—would the Leeward Planning Conference support the Mayor's veto at that 2—because of the 2%?

MS. HOOVER: I can't respond to that only because we've not had discussions. So I couldn't represent honestly what their position is and I apologize for that—that is something I should have asked my membership.

MR. SAFARIK: Okay. That's all I wanted to find out. Thank you.

CHR. HIGA: Thank you, Mr. Safarik. Thank you, Ms. Hoover. Thank you.

MS. HOOVER: Thank you.

CHR. HIGA: Megan, do you have one more speaker?

MS. MITCHELL: Yes. Thank you, Chairman Higa. We have one more speaker—Marni Herkes—who's representing herself—would like to give testimony on Bill 78.

CHR. HIGA: Thank you.

MARNI HERKES: The Chair called on Ms. Marni Herkes, who made the following statement regarding Bill 78:

MS. HERKES: Good morning. (Transmission problems – inaudible) Higa. This is not (inaudible) and I'm still in favor of it. But I want to make very clear to you that I'm not testifying in favor of this bill as a (inaudible). I think free open space is an act (inaudible) development. It's an asset to our local community. It (inaudible) need to balance out the development. It is not going to be a determinate of "no more development" but it will be an asset so that the development will be in the correct places and we will have the open space that we need to breathe while we do the infrastructure infill that's so necessary.

You asked about the—somebody mentioned Colorado—Boulder, Colorado, bought the land in between the Denver City limits and Boulder City limits. It's ranch land. It's rolling hills. They bought it about 50 years ago when it was cheap. And they won't let anybody get (inaudible). And they have fought off, every year, about 20 proposals and from very high (inaudible) lawyers that (inaudible). That's open space because Boulder (inaudible) to get anywhere near Denver. It is very important that we have that open space, that we have those separations, that our communities are finite, developed, and we can go to open spaces between them.

I think that the return on financial investment is the biggest issue here. That this is not a—it's not a taking away from our tax revenue—it's going to add to our tax revenue. It will help with our community. We'll be a much more attractive community—and you're probably shuddering in your boots while I say that. I think that there is a lot of interest and a lot of support for these kinds of efforts in our community.

This weekend a nonprofit raised over \$400,000 in three-and-a-half hours in an auction. It was a very—it was an eye opener for all of us. Needless to say, I didn't bid, but I think that there's a lot of activity. I'm sorry that Dr. Holschuh felt that \$27,000 was needed to find out whether there was money that could be spent for that. But I am very encouraged that this bill is getting such wide support. It is getting heard again.

And, Mr. Jacobson, I have been on the Charter Commission and I can't say that I will support any Charter amendment until I see what it says. I would be in favor of having a Charter amendment, but I won't support it until I know what's in it. Thank you.

CHR. HIGA: Thank you, Marni. Hang on a second. Mr. Jacobson.

MR. JACOBSON: Good morning, Marni. Thank you very much for coming in today. Of course, I would not ask you to support something you haven't read, but I have a hunch that, if necessary, the language will be very pleasing to you also. So I look forward to working with you on this, if we need to. Thank you.

MS. HERKES: If the language is pleasing, I'll support it.

CHR. HIGA: Thank you.

MS. HERKES: Thank you.

CHR. HIGA: Wait—one more. Dr. Holschuh.

MR. HOLSCHUH: Thank you, Mr. Chairman. I just wanted to know if Ms. Herkes—Marni, do you have something in writing over there? I missed a good deal of your first half a dozen sentences because of the—not you—it was the transmission. Do you have something that could be faxed over to us?

MS. HERKES: I will send you something. I have something in writing, Dr. Holschuh, but you couldn't read it. I will send you something.

MR. HOLSCHUH: Okay. It would be good to get it in the next half hour, if we could. Anyway—even the one that we can't read.

MS. HERKES: I have a Kona Crime Prevention luncheon to go to.

MR. HOLSCHUH: Okay.

MS. HERKES: I can do it right after that.

MR. HOLSCHUH: Okay.

MS. HERKES: But the first part of it, Dr. Holschuh, said that I am not testifying as a victim of development. I am testifying as this measure is a good investment in our economic future.

MR. HOLSCHUH: Okay.

MS. HERKES: It is necessary to keep the investment climate well and healthy on this island.

MR. HOLSCHUH: Okay. Thank you. I don't think you need to send it because—unless you want to later on—I understand now what you said because it came through clearly.

MS. HERKES: Okay.

MR. HOLSCHUH: I just want to say that I'm sorry you were disappointed that I wanted to do the philanthropic survey. I still think it's a good idea but we can discuss that some other time and—

MS. HERKES: Okay.

MR. HOLSCHUH: Anyway, thanks, Marni. Bye bye.

MS. HERKES: Thank you.

CHR. HIGA: Thank you, Ms. Herkes. So, Megan, you have no more testifiers, correct?

MS. MITCHELL: We have no more testifiers, Chairman Higa.

CHR. HIGA: Okay. Thank you. Loren?

MS. GERMANO: We also have no more testifiers.

CHR. HIGA: Thank you.

MS. GERMANO: Thank you, Chairman Higa.

CHR. HIGA: Thank you. Okay. We're done with public testimony. By request, we going take a five-minute recess.

RECESS: At 11:37 a.m., the Chair called for a recess.

RECONVENE: The meeting reconvened at 11:50 a.m., with all Members present.

CHR. HIGA: Madam Clerk, I'm going to ask that we—I'm going ask my colleagues to indulge me. I'm going to be taking some things "out of order" today, since we have a lot of testimony and people are here on Bill 78. I—if I can have the indulgence and the agreement of this Council that we take Bill 78 first and let's move along with that. And then, depending how long that takes, I have some other bills that I might want to move out of order so I can get some of our County workers back to work.

MS. ISBELL: Mr. Chair, I just have a suggestion that I would like to ask for your consideration. Since we now know how long it takes—it's almost three hours since we were supposed to start and we still haven't even started on the agenda—the basic bills—that we think about consideration of changing the way we do business. And rather having all the people testifying early and then waiting until we get to the bill—and testifying again if they want to—but it just seems to me like it's not a very—fundamentally, it's flawed the way it is. So I—it's not a motion or anything. It's just asking for your consideration that we change the way the agenda is set up.

CHR. HIGA: Thank you. Thank you, Ms. Isbell. I do concur and I think I—our County Clerk will back me up—that I just spoke to her and I said I think we need to look at fixing our system here a little bit. I think we can have some improvement. So I agree with you. I think in the next few weeks, we'll have some motions coming up to change some of the rules. Yes, Mr. Jacobson?

MR. JACOBSON: I would politely disagree with Virginia. I think it's nice to be able to hear what people have to say and to have it up front. I remember back in the old days when we used to take testimony after all the votes were taken and I don't want to go anywhere near that. I like this up front. Thank you.

CHR. HIGA: Thank you. Thank you, Mr. Jacobson. I, again—I'll make sure all the Council Members—I have—anything that we're going to propose—any changes—everyone will have input and dialogue. Mr. Safarik.

MR. SAFARIK: I apologize. I was on that long distance phone call. What was the statement?

CHR. HIGA: No. Basically, what—Member Isbell was, basically, making a comment—was that she felt the way we do business or conduct business about public testimony all coming forth at the beginning—she was, basically, alluding or questioning or asking if it's possible maybe we could make it so that the testimony could take place before each agendized item. In other words, try to spread it out—organize it a little better. Again, I think it's going to be food for thought—everything is here—all it is is just, basically, a comment and everyone has their opinions and I think I welcome everyone's comments. So, I—-that's where it, basically, was—and nothing's going to change. It's just a comment. Thank you.

So with the—do I have the agreement that we can move some things out of order? Everybody's okay with that? I'm thinking about moving Bill 78. Let's take care of that right now since we have—the majority of the testimony was done this morning. Okay. Everybody all right with that? All right, Madam Clerk, Bill 78, please.

CONSENT ITEM –
CHANGE ORDER
OF BUSINESS:

By general consent, the following items were taken out of order, as requested by Chairman Higa and with no objections from the Council Members.

ORDINANCE
BILL NO. 78
(FC-86)
(COMM. 208):

Amends Chapter 2 of the Hawai'i County Code, as Amended, Relating to Public Access, Open Space, and Natural Resources Preservation Fund. {Creates a permanent funding source, which would be used for acquiring lands or property entitlements for: public outdoor recreation and education, including access to beaches and mountains; preservation of historical or culturally important land areas and sites; protection of natural resources, including buffer zones; preservation of forests, beaches, coastal areas and agricultural lands; protection of watershed lands to preserve water quality and water supply; and public access to, and enjoyment of public lands and open space.} (Introduced by Mr. Jacobson); *and*

COMM. 208.45:

From Council Member Donald Ikeda, dated May 4, 2005, transmitting a proposal to amend Section 2-225(c); *and*

COMM. 208.49:

From Allie Atkins, Lehua Lena Nursery, dated April 25, 2005; *and*

COMM. 208.54:

From Rebecca Shute, dated April 21, 2005; *and*

COMM. 208.56:

From Josephine Keliipio, dated April 25, 2005; *and*

COMM. 208.57:

From Tlaloc Tokuda, dated April 25, 2005.

Mr. Jacobson moved for the passage of Bill 78 on first reading and to adopt Finance Committee Report 86.
Seconded by Mr. Hoffmann.

CHR. HIGA: Okay. We have a motion moved and seconded. Any discussion? Mr. Ikeda.

AMENDMENT: MR. IKEDA: Yes, Mr. Chairman. I'd like to—I move to amend the proposed Section 2-225(c) as follows: "In adopting each fiscal year's budget and capital budget, the Council shall appropriate to the Public Access, Open Space, and Natural Resources Preservation Fund, a minimum of \$100,000 to a maximum of \$1,000,000 per year until the fund has accumulated \$5,000,000." (SEE COMM. 208.45.)

MR. HOLSCHUH: I'll second that for discussion.

CHR. HIGA: Okay. Do we have any discussion on the amendment?

MR. IKEDA: Yes.

CHR. HIGA: Mr. Ikeda first.

MR. IKEDA: Yes. The reason for this amendment is that I want to create the mechanism for a funding source for the County, whereby, if the community is really serious about open space, they can make contribution to this fund. And, also, I believe this would be acceptable for the Administration, whereby, we will have a funding source in place. Thank you.

CHR. HIGA: Thank you, Mr. Ikeda. Mr. Jacobson.

MR. JACOBSON: Well, I would take issue with some of your comments—maybe you were just talking about all the Council Members in your letter (SEE PREVIOUS COMM. 208.45), I notice? The Council Members this and that and then you go on to say, "We all hate budgeting by government mandates". I think that some of us hate budgeting by "unfunded" government mandates, but I don't know that I can agree with you when you say that, "We all hate budgeting by government mandates" because I brought this forward and I don't particularly hate myself. So I think that I don't agree with this. Also, you refer to this as this somehow being a "**slam dunk**"—what you're—if I—want me to read your—

MR. IKEDA: Yes.

MR. JACOBSON: Okay. You talked to something—"...the majority of the voters of the Big Island want the County to purchase land, then the philanthropic fundraiser should be a '**slam dunk**'." I think that it would be nice to get some philanthropic fundraisers going. I always like people to give. It's a nice thing. But I think that if we're going to rely on the slam dunk, I just refer this as the big jolt because we can't rely on slam dunks or sports analogies. I think that we can only rely upon our own personal decisions, our own personal integrity, and honoring our own vocal commitments to—if we want to preserve land and we want to talk about preserving land, I think that we really need to make that very difficult commitment. I'm not asking something easy here. If this was easy, we

wouldn't have nine of us here discussing it. We wouldn't have people who are hardened professionals coming in saying that, "No, it's up to you". This is a tough decision. So, unfortunately, I completely oppose this amendment and any attempts to weaken this. So thank you.

CHR. HIGA: Mr. Ikeda, you want to respond?

MR. IKEDA: Yes. With all the testimony that came up in support, if the people are really serious about the open space, they shouldn't have any problem contributing to this fund. And, like Marni Herkes said, they accumulated, what—four hundred and somewhat thousand dollars—and this all could be added to the fund—and this is all I'm alluding to. Thank you.

CHR. HIGA: Thank you, Mr. Ikeda. Dr. Holschuh.

MR. HOLSCHUH: Thank you, Mr. Chairman. I would support this. I'm, actually, going to just make a comment that, if I am not mistaken, I think staff has just printed up a letter that I submitted last year with Bill 270 (SEE COMM. 620.40). And I'm sorry—I thought I had it and was going to do it earlier and I did not. So this has a few of the points about this whole concept of a set aside of 2% of real property taxes. In that case, it was the Charter Amendment.

Here's what I want to say about this and one of the reasons—I don't necessarily agree with all of Mr. Ikeda's comments in his communication—let me say that up front. I haven't had a chance to see it until this morning. But I do agree with him about the specific amendment to Section 2-225(c). And I believe, if I read the Mayor's letter correctly—and I haven't seen another letter and, perhaps, we can ask Mr. Takaba to—if you wouldn't mind, sir, just come forward. I'm putting you on the spot here, Bill. If you could just come sit at the microphone for just one second. I don't—did you see this? Do you have a copy of this (SEE PREVIOUS COMM. 208.45)?

(At this time, Mr. William Takaba, Director, Finance Department, came forward to address the Council Members.)

MR. TAKABA: The one that was just passed out?

MR. HOLSCHUH: I wonder if we could show Mr. Ikeda a copy of the—what I'm referring to is—Mr. Ikeda, excuse me—Mr. Takaba, I'm getting you guys mixed up. If you look at Mr. Ikeda's amendment, which we are discussing right now—"I move to amend...". Do you see that small paragraph there? If I'm not mistaken, that's pretty much in conformity to what the recommendation of Mayor Kim was on his April 27th letter. Correct?

MR. TAKABA: Yeah. He hasn't changed from that stance.

MR. HOLSCHUH: He has not changed from that stance. In other words, there's nothing that says this has to be 100,000. It says it can be 100 up to 1,000,000 with—if I understand Mr. Ikeda's amendment correctly—with a max of 5,000,000 to be kept in there at any given time.

And the reason I like this—and I hope Mr. Stanbro is wrong about—sorry, Josh, I don't mean—I hope you're wrong—in that sense. You know that I like you but, I mean, I hope you're wrong in what you said about most philanthropic giving of land occurs, sort of, at the end of the process, 'cause that's exactly what I want with the money. And it's, kind of, out of score here because that's coming up on the agenda. It was going to be before this. But, later on, we're going to be discussing the final vote on my \$27,000 to ask a consultant who's a very respected consultant to go into the community—I won't repeat all that—and, basically, ask the question, how would people feel about, sort of, what Mr. Ikeda's alluding to—how do people feel about giving money to this fund? So, if we create a fund—no problem with creating a fund—let's go out in the community and do this. She'll have the results back in a few months and then we'll know. And if everybody says, "Take a hike. We don't want to do this"—fine. But, if there's a tremendous amount of support, it would be a very interesting thing, and so, I would vote for this. We can always come back.

Let's say that this individual goes out in the community and gets, kind of, brushed off by everybody she talks to. There's no reason at all, if this amendment passes, in lieu of the 2%—there's no reason at all we can't come back and change this. This is an ordinance. This isn't a Charter. We can come back and change this in four, five, six months or two months after we get her report or two days after we get her report—any time. And I'm not going to discuss, 'cause it's not agendized, the bond float thing that we did yesterday but same-same for that. I mean, these are premature things and I realize where everybody's coming from.

We did Honu'apo in one way that, hopefully, we'll hear from you that the Federal dollars will come shortly. But Honu'apo was done in a certain way that makes some sense. I just don't like the idea of allocating 2% in law of this very precious dollars right now when we have all—and I won't reiterate all these other crises we have. And I think this is a very good approach. The fund can be created—some money—granted it's just seed money if you do \$100,000. The Mayor will not object to that, according to the letter he wrote to us suggesting that, as a matter of fact, and let's go forward with this and let's see what the philanthropic assessment says at the end of that time.

So I would speak very strongly and urge everyone to support this and to not support the 2%—with all due respect to Mr. Jacobson. I know how he feels about this and I know he was lobbying like heck for a Charter amendment today. I say

that with—in good faith, Bob, but I know how you feel about this. I disagree with that. And if you look at the letter that was just passed around (SEE PREVIOUS COMM. 620.40) and, obviously, we won't have a chance to do it now, this is what I was talking about, Mr. Hoffmann—this letter has a ton of information about what other jurisdictions have done as does the booklet that I submitted two weeks ago. And, in fact, Charter amendments are not high on the list. There was, at the time of this writing, only six of them in the whole country, as I recall, that had done it, and two of them are here in this State. So I would urge support for his amendment. Thank you very much, Mr. Chairman.

CHR. HIGA: Thank you, Dr. Holschuh. Do you have any comments, Mr. Takaba?

MR. TAKABA: No.

CHR. HIGA: Okay. Thank you.

MR. HOLSCHUH: Oh, I'm sorry Bill, I—thank you.

CHR. HIGA: Thank you. Ms. Isbell.

MS. ISBELL: I would be voting against this bill because it does not send out a clear, strong commitment from the County. It does not send a message that we are committed to preserving lands and open space. If a crisis should occur, after we pass—if we pass the 2%—and there should be a tremendous crisis on our island or in our State, there is nothing to stop the Council from repealing the law. Why do we feel like it's in "forever"? Nothing is forever. Laws are made to be amended and changed, if necessary, and that's why we have people that meet here. We've been amending laws all right and left here. So, if it should come to that, we have the authority and others after us to do that.

So I will not be supporting this. Although I think it's commendable that we're trying to come up with alternatives, I do not believe this is the one I would choose.

CHR. HIGA: Thank you, Ms. Isbell. Mr. Hoffmann.

MR. HOFFMANN: Thank you, Mr. Chairman. First of all, I certainly agree with Mr. Holschuh's letter that we talked about here (SEE PREVIOUS COMM. 620.40). As he points out, his foremost concern is one of constitutional—and I don't go for a Charter amendment as far as this particular effort is concerned. I do, certainly, look at the ordinance as being a more appropriate way of looking at this.

Let me see if I get this right. I—from what I'm hearing, almost everyone, even Mr. Ikeda, the maker of this particular amendment—agrees that we need some type of fund established. The only thing we're arguing about here is the commitment that the County is making at any particular time and the source of that funding.

And I suggest to you that if, on the first issue, that amount of money that we're looking at—\$100,000 is not going to do the job. It's very clear from the statements and the testimony that we've received, regardless, of what we find from a philanthropic survey that 100,000 simply doesn't do it—and Maui's 900,000 or 1,000,000 doesn't do it. We need a larger amount of money, at least, as a—to start. That was the purpose of the, I think, the 2% that we were looking at. So that's Number one. We're not disagreeing, as I understand my colleagues, with the idea of the fund. We're—we have a problem with how much money goes in.

Number two, we do seem to have some question as to how to go about finding the funds for this. I would be willing, for instance, to do one of two things. I propose an—I would have proposed an amendment, which I won't do at the moment as long as this one's on the floor—that puts a time limit on the 2% that we were talking about. My idea here, obviously, is to force us as—and future Councils—not only to re-look the effectiveness of this particular effort in a very specific timeframe—say five years—but also to make sure that we do that accounting and that accountability on a regular basis—every year, perhaps. I think that's one way to make sure that we're doing the job properly in the appropriate amount of money we need.

Mr. Ikeda's amendment also says that there's a fund limit. I can go with a fund limit as we can—as we look at that. I would suggest that—I wouldn't be voting to approve this particular amendment because the funding limit, itself, is not high enough. I like the funding cap that you're placing on the fund—that's one thing we can consider. And I would also, however, take a look at whether we shouldn't look at a timeframe for the specific way that we approach this. But that would be an amendment, Mr. Ikeda, that I would look at after we decide—up and down—on this particular measure. Thank you, Mr. Chairman.

CHR. HIGA: Thank you, Mr. Hoffmann. Mr. Ikeda.

MR. IKEDA: Yes. The reason I'm concerned about 2% is it's like what we talked about in our Housing Committee that we also want to—how shall I say—appropriate or mandate 3% of our real property tax for five years. And, if you take the 2% and another 3%—that's 5%—you'll be taking quite a bit out of our real property tax and I think you'll, kind of, cripple the County.

MR. HOFFMANN: Mr. Chairman, may I ask Mr. Ikeda a question? Would you be willing, then, in place of your specific amounts of money that's shown here, indicate a much higher amount of money for, say, a specific period of time?

MR. IKEDA: Yes, I would. But, like I said, the reason 100,000 was chosen was because it was acceptable to the Mayor and I wanted to set a funding in place or have some kind of funding in place. I was willing to go up to 500,000 but I just wanted to put a figure that would be acceptable to the Administration where they would, at least, consider the ordinance.

MR. HOFFMANN: Thank you. May I—just one more—just as a comment. I understand the reluctance to disagree on this particular issue with the Administration and I know this is precedent setting, but I would remark that the needs of the County and this particular issue, perhaps, outweigh that. And we should not be reluctant, if we consider it, that a specified funding level higher than what the Mayor suggested in his letter is appropriate in this specific case in order to start this program. It's a comment, Don. It's not a critique. Thank you, Mr. Chair.

CHR. HIGA: Thank you. You still have the floor.

MR. IKEDA: No. I yield the floor.

CHR. HIGA: Thank you. Mr. Jacobson.

MR. JACOBSON: Just—I'll keep this very briefly. I think that I'd just like to remind the public and my fellow Council Members that it's not really the Mayor that sets the policy in this County. It's you and I—the nine of us here in this room today. It's nice when the Mayor and us agree on policy decisions—and there's been times that we'll disagree—and I respect his position. But it's our responsibility to set policy. It shouldn't be our responsibility to sit and wait while somebody else does so. The Charter is very clear about who sets policy—and it's you and I and the rest of us.

CHR. HIGA: Thank you, Mr. Jacobson. Mr. Holschuh.

MR. HOLSCHUH: Thank you, Mr. Chairman. I wouldn't be against elevating this amount to 500 or something like that but, on the other hand, that probably isn't necessary right now. 'Cause, let's face it—\$100,000 to start this fund off is just a good faith effort to start the fund off. I mean, you're not going to go suddenly buy coastal land for \$100,000—I mean, we all know that. If, on the other hand, we have the fund and if, when—God willing—my colleagues will pass the resolution that allows for me to go ahead and get started on this philanthropic assessment—if that gets started and, in fact, some pretty significant

contributions are on the horizon to add to this 100,000—we can always raise this. We can always—if you find something that must be purchased—float a bond. I mean, there's all sorts of things that can be done.

We can do— I happen to know about Helena, Montana. I was going to mention it earlier but since it was public testimony and I had—reason is I go there, periodically, for a Board meeting of a Board I'm on—and Helena, Montana, wanted a walking trail around the City. And what they did is they cast an increased tax for five years or something—raised the \$6 million they needed, bought the thing, paid for it in fee simple—*pau*. It's all done. And it wasn't an on—and I think I mentioned this last year during the discussion about Bill 270—if you did the 2%, you're going to raise \$3 million. The next year you'll raise \$3 million. The next year you'll raise \$3 million. Well, if you have the fund intact, plus private contributions and along comes a \$10 million purchase—granted if you have 3,000,000 in there—that's probably better than 100,000—but there's no reason you can't add more money to that at any given time for a given purchase—a site-specific purchase. I think that's what the Mayor's getting at.

And I presume we're not going to fall on incredibly lean times where suddenly we're going to not be able to pay for basic services but, clearly, basic safety and services and—I hate to say it, but if we ever have to have any cutbacks or if we ever just can't increase basic safety services, people are going to wish we held onto a little of this ability to do so. Let me put it that way.

So I would really—I still think this is a perfectly reasonable amendment to create the fund, get started—let's wait till the philanthropic assessment comes back. And you know what? If I'm wrong and if it's a bust and nobody wants to do a damn thing, we can revisit this in six months or whatever it takes to get it back. So thank you, Mr. Chairman.

CHR. HIGA: Thank you, Dr. Holschuh. Mr. Pilago.

MR. PILAGO: Thank you, Mr. Chair. I speak against this amendment. I think if we tweak it any further we severely cripple the effectiveness of Bill 78. I do agree with Dr. Holschuh that we continually need to review and revise and improve our program work, but I'm on the more optimistic side of the line in that we should go ahead and pass Bill 78, as it stands, and we continually review. And, at every deliberation step, we see if we should improve or change course or adjust. I do like what Councilman Hoffmann has suggested—that we consider a timeline on it and we put a time cap on it, but that's another matter.

Back to the amendment, I speak again, against the amendment as I see it severely crippling the effectiveness of Bill 78. Thank you.

CHR. HIGA: Thank you. No more discussion on the amendment on the floor—which is Mr. Ikeda's amendment—call for the question. We're going to do a hand vote on this. All those in favor of Mr. Ikeda's amendment please signify by raising your right hand.

The vote, by raise of hands, to amend Bill 78, was as follows:

AYES: Council Members Arakaki, Holschuh, Ikeda, and
Chair Higa -- 4.

NOES: Council Members Hoffmann, Isbell, Jacobson, Pilago,
and Safarik -- 5.

ABSENT & EXCUSED: None.

CHR. HIGA: Motion—amendment fails. Okay. Back onto the main motion. Any discussion on the main motion? Two guys buzzed in first round—Mr. Jacobson.

MR. JACOBSON: I guess that, at this point, I think Virginia summed it up quite well that—in terms of the limitations of how long this will be in effect. What Mr. Holschuh and also what Mr. Hoffmann said raised some questions in my mind. What Virginia explained, quite clearly, was that five people are required to change this. It doesn't have a tenure time or five years or ten years or one year. It's just—we can change this. I would hope that we would not change it within a year's period of time. But I guess the idea of Mr. Hoffmann's ideas caused me—a little light bulb to go off in my own mind. And it may not have been what he was thinking at all.

But I'm wondering if, in trying to limit this to five years, that we would not make any changes for five years or that we would be able to change this in five years or—because, right now, we can change it, pretty much, any time we want. We have an enormous amount of flexibility with this bill as it stands.

That's, in part, why I actually always favored the Charter amendment because that flexibility is not what makes funders happy—that when funders know that there's a guaranteed source of income coming in, they tend to be a little bit more excited about wanting to give when we've made a permanent commitment. The voters—if they were to be working on a Charter amendment like this, I think that's what they would be voting on. Right now, we can change it within a year's time and I think it's tremendously flexible, in fact, perhaps, a little bit too flexible. But I yield the floor.

CHR. HIGA: Thank you, Mr. Jacobson. Mr. Hoffmann.

MR. HOFFMANN: Thank you, Mr. Chairman. My suggestion was that, by putting a specific timeframe on the 2%, that we run this particular effort since we're back to the main motion. We cause ourselves or future Councils and the Administration to really take a look at the effectiveness of what we're doing within that timeline. We're giving this bill only that amount of latitude. The way it's written now, we have a permanent 2% from the property taxes, theoretically, going out. And my only intent here was to try to make certain that we exercise the exact type of appropriation authority and responsibility you cite and others here—like Dr. Holschuh—has cited in being able to do that within the specific timeframe. I grant that it doesn't necessarily restrict us from anything that we do one year from now or three years from now, but it does provide a limit as to where we're going with this, before we have to look again, as to whether we're doing this effectively or not. I—and the only reason I mentioned that was, in the way of a compromise in trying to make sure that we do what Mr. Ikeda was looking at and what Dr. Holschuh had also said, we want to make sure that we have enough money to begin the effort and to do it right. We also want to make sure that we provide ourselves with a timeframe in which no further efforts would be made until we effectively review where we are. Now I'm not certain how Mayor Kim would look at this or the Administration would look at this but, again, I'm in favor of at least, if the percentage isn't acceptable, at least that amount of money that comes or closely approximates what that percentage would be on a yearly basis up to a specific time. Under any circumstances this bill, in my opinion, must move forward. And I want to make sure it moves forward with the type of funding that we feel is necessary and which most of the people, anyway, who have testified here today and with the written testimony we've received before, believe is required. However we get there from here, I leave to more learned members of the Council than I. Thank you.

CHR. HIGA: Thank you, Mr. Hoffmann. Mr. Safarik.

MR. SAFARIK: Thank you, Mr. Chairman. I think we have some excellent debate going around today about this issue. And I had intended—as a matter of compromise because I think we're all stuck with the notion that the Mayor may veto and we may not have enough votes to override that veto, if we don't do some type of compromise on this bill. And I was going to bring forward an amendment that—now that I'm looking back at this with some of the hindsight of the public testimony and some of the letters and phone calls that I've received, I was going to bring forward an amendment that would identify a 1% appropriation of which 900,000—which we do already—would go to the nonprofits and any overage from our property tax revenue stream of about 150 million—that overage would account for approximately 500 or 600,000. And I thought that might be a good compromise and that maybe the Mayor wouldn't veto it.

But I've changed my mind. I'm not going to bring forth that amendment. I'm going to support the full 2% and, if the Mayor vetoes it, than so be it. But I think we need to stand up and, once and for all, commit to this notion of land preservation. And, regardless, of what the dangers may be, I think that we need to have the resolve and move forward. I appreciate the timeframe compromise that Mr. Hoffmann's talking about that you, Mr. Higa, have talked about.

But I think that time for compromise is come to an end because I don't think that whatever we do, the Mayor is going to like it, and I respect his rationale on that. But, from my perspective, I think we need to move forward. We need to move forward with a 2% tax stream or I should say, coming from our property tax stream which, incidentally, for the edification of the public, is about a \$3 million a year initiative. And I think that if we do have a problem, if we do run into some rough spots as far as our economy is concerned, because this is an ordinance, we can always revisit this and we could adjust it up or down depending on the circumstances. So I'm not afraid of that. And I think that it's time that we all stand up and be heard, one way or the other, however we come down on whatever side of this initiative. So with that, Mr. Chairman, I'm going to yield the floor.

CHR. HIGA: Thank you, Mr. Safarik. Mr. Pilago.

MR. PILAGO: Thank you, Mr. Chair. I support passage of Bill 78—weight of public testimony. And the need for this Council to move forward in a very assertive and strong fashion is very important for us to do at this point in time—reminding ourselves that this has gone to previous Council discussion and deliberation and it's gone through lengthy deliberations with the present Council. I agree with Councilman Safarik and others on this Council that we should move forward. And we should not let the threat of a veto dissuade us in any way. The veto powers of the Administration and the Mayor is a very powerful privilege. But I do believe that the weight of public testimony will make him reconsider his thoughts and his tenor. But should he veto, at that point in time, it becomes something we must cross—at that point in time. For now, it's this Council's purview and prerogative to move this forward—get this bill passed—for the simple fact and matter is because it's the correct thing for this Council to do. Thank you.

CHR. HIGA: Thank you, Mr. Pilago. No more discussion. I'm going to make a comment that I feel this bill is very worthy. I think open space is very important. The problem that I'm having is I'm hearing from my constituents and my *mana 'o*, inside my gut, tells me that we have so many things out there—I mean—like land preservation is one of the balls that we're juggling. It's up there with sewers, with roads, with affordable housing, and all the many things that are important to this County. So, for me, I'm conflicted. I think it's very important. I think—I would have hoped —Mr. Jacobson was making his next step plans in case, like Mr. Pilago says, the Mayor's going to veto this—go for the Charter amendment.

I'm always hearing that saying, "If that's the will of this County"—that they want to go and fund open space via the Charter—then let the people speak. And I would support that. That's what—the people out there are saying is, "We want open space land and we will dedicate our real property taxes for that purpose", then I think that's the way to go.

But, until that time, part of being leaders is we need to be responsible how we're going to juggle all these balls—all these needs—from all the different sectors that are calling us. Everyone's wanting attention. So it is a priority to me. And I think it is a priority to this Council. The question is how we're going to fund it. And I hear my colleagues. I understand what they're saying. Unfortunately, I'm going to have to let this thing play out in my mind. What I'm going to be doing—I'm conflicted. I'm going to "kānalua" but I'm probably going to go "kānalua-no". So I'm going to vote with reservations. I just want to let that statement be known. Thank you. Mr. Jacobson.

MR. JACOBSON: I don't want to point out too many differences between your district and mine but they are manifold. And when I look at what my own constituents from Kurtistown all the way to Kealahou Bay, which is my district—when they talk to me about open space, they say, "Fine. We need it". And the people in Hilo are unlikely to support it because they have plenty of public parks. They have plenty of open space. They have plenty of beaches. They have a very well developed park system in Hilo, unlike my district. So I'm listening to the people of my district very loudly and clearly.

And I would hope that those of you who may have had some mixed feelings paid a little bit of attention to those people who came in today as to what they had to say. People from as far away—in terms of philosophies—as Marnie Herkes who—and I—she and I are poles apart in many of our philosophies—being able to work together and agree on some things. This is a really major statement. The fact that Leeward Planning Commission came in the past and supported this and even Mayor Kim himself supported the Charter amendment last time, gives me hope that he will listen to the people just as I have. So thank you.

CHR. HIGA: Thank you, Mr. Jacobson. I'm going to respond to you real quickly, 'cause I hear—and I'm going to tell you I listened to all the people that came before us today and I listened to people in Kona. And in my heart I honestly believe what they're saying about preserving open land or open space is right on. The only difference I have is how we're going to fund this. And that's the bottom line about this—is the idea about open space—right on. I think it's a priority but it's the funding mechanism that I'm worried about. And that's what I want to get across to you folks.

It's not that I'm against open space—it's about all the other needs that we have in this County. And I'll allude to this in your discussion—my people said, "Why is it tied to the real property tax?". Okay? This is from my constituents now. They're telling me, "Why is it tied to the real property tax?". If we want to do this for the entire island, maybe we should make it an initiative that people out there pay for open space. Okay? Not—because, again, I don't know how many people testified today own real property, are paying taxes, or at what levels. Okay? Because there's a tremendous difference between minimum packs and the luxury homes that are out there. There's a tremendous difference in the amount of tax that people are paying. So, in my district, they're asking questions, 'cause majority of the people, who are my constituents, own property here and they're saying, "Why we're taking it out of that? We need to fix the roads. We need—we got to get off these cesspools that we're on". So I have to be aware of what my constituents are telling me.

But, again, they also want open space but they're just saying that's not the way they want to pay for it. They're willing to cough up some money. So I think Dr. Holschuh's idea has some merit and I hope we see what happens when that happens. But that's my only response to you, Mr. Jacobson. But, again, I support in what you're trying to do. I just—again, the funding mechanism, sir. Mr. Arakaki.

MR. ARAKAKI: Thank you, Mr. Chairman. Well, I stand by my past statements about property tax money. I think, as Dr. Holschuh said, I consider it very sacred money. It's the only source of revenue that's allowed to us by the State government except for fees and it should be used very wisely. And I think what we need to do is provide the services for the people. Public safety is the primary thing that we should do. Also we should fix our infrastructure. We have a lot of deficits—and I'm just looking at Kona.

If you were to build an interchange in Kona to relieve some of the congestion over there, it takes \$25 million to build an interchange. And that's at today's money. It used to cost 15,000,000 maybe five/ten years ago. And Kona needs probably two/three interchanges to relieve some of the traffic problems. I would rather spend that money there because that's infrastructure things that we need to do on a County level. And when I saw that 48% of our County lands on this island is in conservation; 47% is designated agriculture; only 4% is urban. So I said, "Eh, wait a minute. It's only a small part and .02% is in rural". So, if you look at those numbers, we are not being concreted over as some people tend to think we are.

I'm looking at the Legislature and thinking that maybe we should put a lot of efforts with the Legislature in determining what is Important Ag Land. I think that should be our major thrust. Once we determine that, then we can talk about open space and if we need to spend money on conservation to buy lands—but not

at this moment. These monies that we're collecting, to me, should go to provide services. That has been my position. It'll be my position for a long time to come. Well, next year I'm out of here. So—but it'll be till next year anyway. Thank you, Mr. Chairman.

CHR. HIGA: Thank you, Mr. Arakaki. Dr. Holschuh.

MR. HOLSCHUH: Thank you, Mr. Chairman. One last comment. It seems like the sentiment around the table is to pass Bill 78 and I regret that in a way—well, I regret it in a lot of ways. I think that the previous two speakers have, kind of, summed it. And I want to just tell you a quick story. Mr. Jacobson said, "Listen to the people in your district". Well there's a very outspoken person in my district who is mad as a dickens at me for my stance on Bill 270. He's hounded me about this ever since last May when that letter (SEE PREVIOUS COMM. 620.40)—which you now have was written—"How could you do this? We should have amended the Charter"—and on and on. I just saw him last week and I talked to him about this philanthropic assessment. And I didn't put a lot of pressure on him but he said, "Whoa. That's an interesting idea". And that's all I'm saying—is why don't we let this interesting idea pan out. What's the big deal of not passing this today and waiting three months or four months and seeing what happens? You could always pass this in three or four months. That's my only plea. I'm not going to make a motion to postpone it because that'll get, presumably, defeated. And I'm not going to play around with public hearings or that kind of stuff—there's probably enough votes for that, but let's don't do that. I would just beg my colleagues to think about this before we cast this final vote for the reasons that were mentioned. And it's going to look like, "Oh, I'm one of these East side guys that don't care about public land". Quite untrue. I mean, nobody wants to preserve *mauka-makai* access and public land more than me—believe me. Or a few people do more than me. But I think this—we have other ways to fund this, as Mr. Higa said and Mr. Arakaki and Mr. Ikeda.

And there's nothing wrong with—we've already voted down the amendment that would have created the fund with a small amount of money. I'm going to vote against this and it's not a vote against public land acquisition. I just think there's another way we could do this and there's a very powerful way we can start this off and see what happens. And I don't see any urgency to pass this forward today. End of story. I'm not going to say anymore about this. Thank you.

CHR. HIGA: Thank you, Mr. Holschuh. Mr. Jacobson.

MR. JACOBSON: I appreciate Mr. Arakaki's comments that, certainly, it would be nice to get some work done on Important Ag Lands. But I think those of you who are aware a little about Important Ag Lands, we've been working on this since 1978 and, certainly, things have changed here since 1978. And, yet, despite—I spent a lot of time last year in terms of trying to get some of the proper

legislation that our Constitution requires us to do in working with the Ag Committee, the Legislature, our own Planning Director—and a lot of people worked really hard from all works of life. Unfortunately, we're not very much closer to getting those definitions of what Important Ag Lands are. And I would encourage you not to wait until we do that because it may be another—oh, 27, 30 or so odd years. And I believe that voting for this is voting for open space acquisition and preservation—and you can come up with your own ideas of what it means when you vote against this. Thank you.

CHR. HIGA: Mr. Safarik.

MR. SAFARIK: Thank you, Mr. Chairman. I wanted to, at least, share with this body and also with the public—just a real brief story, if you would allow me, and just some of the personal feelings that I felt and why I think this is so important for us to pass. A few weeks ago I was on O'ahu and I took my grandchildren—I've got a four-year-old and a six-year-old—to Moanalua Gardens, which is a Damon Estate—about a 20-acre parcel—right in the middle of two major freeways. And, if anybody doesn't know where that is, it's by the Honolulu International Airport turnoff on Paiea Street, as you come out of Aiea, going towards downtown Honolulu or Kalihi. And here's in the middle of this urban craziness, as I call it, because of the traffic and the congestion and high commerce area, all things that require—that are required for us to have the type of lifestyle we have in Hawai'i—because a lot of times those businesses pay the tariff in property taxes and other various fees and taxes.

But my point is, Mr. Chairman, is that as I was walking around this parcel, I had my six year-old granddaughter with me and we were just talking about things. There's a koi pond and looked like an old Hongwanji and some other buildings. But they have all the different indigenous trees and plants from Mamane, to Koa, to Monkeypod. And it struck me that, in the middle of all of this urbanization of O'ahu—and I'm born and raised on O'ahu—and I go back home and I cannot recognize the place, when I was a kid growing up and—a few years ago. So, as I was walking around, I decided that the real value of this type of a park, this type of an open space, is the peace that one feels and the calm within their own self when they're there for an hour or there for a picnic or whatever that case may be. And I recognized that the value is not only measured in how we feel internally, but it's also a monetary value. That—it's a place where people can go to for free as long as they abide by the rules of the park—no drinking and various activities like that—go with their family and have a place that they can actually recharge and rejuvenate, even if it's for a short time. And I decided that that type of feeling that we can give our citizens, and our children, and our grandchildren is the absolute right thing for us to do today. And that was my appeal to the people that are sitting around this table that may have some reservations on the funding

source, that the value that we will receive goes way beyond that 2% that we're going to be receiving from our tax revenue stream. It goes way beyond that. And so, with that appeal, I'll yield the floor and just hope for the best.

CHR. HIGA: Thank you, Mr. Safarik. No more discussion. Madam Clerk.

The roll call vote on Bill 78, was as follows:

AYES: Council Members Hoffmann, Isbell, Jacobson, Pilago, and Safarik – 5.

NOES: Council Members Arakaki, Holschuh, Ikeda, and Chair Higa – 4.

ABSENT & EXCUSED: None.

(For informational purposes, Chair Higa voted "kānalua" and "no".)

CHR. HIGA: Bill 78 passes first reading. Correct?

MS. ISBELL: Mr. Chair, I wonder if I could ask for a recess so we can go get something to eat.

MR. SAFARIK: I second the motion.

MR. HOFFMANN: I second that.

CHR. HIGA: By request—

MR. JACOBSON: I'll agree with that.

MR. SAFARIK: I agree with the request.

CHR. HIGA: Okay.

MR. SAFARIK: I don't agree with Ms. Isbell all the time but I agree with that one.

CHR. HIGA: All right. What we're going to do is we're going to recess and let's reconvene. And I'm going to try to—let's see—12:30—let's reconvene at 1:30 because we still have a heavy agenda. So let's go through lunch real quick. Reconvene at 1:30.

RECESS: At 12:40 p.m., the Chair called for a recess.

RECONVENE: The meeting reconvened at 1:40 p.m., with all Members present, with the exception of Mr. Arakaki.

CHR. HIGA: Reconvene, please. Okay. Where did we leave off, Madam Clerk? 'Cause—oh, I think we got through one bill this morning.

MS. KIRIU: One bill.

CHR. HIGA: One bill.

MS. ISBELL: On the first page.

CHR. HIGA: All right. Why don't we do Mr. Osorio real quick. Bill No. 74.

MR. HOLSCHUH: What page is it?

MR. IKEDA: What page is it?

MR. HOFFMANN: Four. Page 4.

ORDINANCE
BILL NO. 74
(FC-78)
(COMM. 194): Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004 to June 30, 2005. {Adds POLICE: Microwave Relocation and System Renovation (\$1,183,805); funds to be provided from General Fund and/or Other Sources (\$1,183,805).} (Introduced by Ms. Isbell, by request; Postponed on April 20, 2005); *and*
COMM. 194.1: From County Clerk Constance R. Kiriu, dated April 22, 2005; *and*
COMM. 194.2: From Police Chief Lawrence Mahuna, dated April 26, 2005.

Ms. Isbell moved for the passage of Bill 74 on first reading and to adopt Finance Committee Report 78. Seconded by Mr. Ikeda.

CHR. HIGA: Any discussion? Ms. Isbell.

MS. ISBELL: Yeah. I just want to assure you that we support this microwave program. But I would like to have an approximate amount that you're going to be needing to finish it—because this is only the first phase, really, getting in that part—to get into your database. Because, I think, eventually, that's what you'll need to have to be up with the high technology and the needs of the whole island. So, if you would have that for us as soon as you can get it, then we can get it into the budget as well, 'cause that's coming up, as you know.

(At this time, Mr. Elroy Osorio, Jr., Assistant Police Chief, Police Department, came forward to address the Council Members.)

MR. OSORIO: I think I can provide, by the next reading, a rough estimate of what the cost would be to utilize the system to transmit data, but we don't actually have any project moving forward in that direction. I want to make that clear.

MS. ISBELL: And that's what concerns me. I think it should be.

MR. OSORIO: Well, we have to take one step at a—

MS. ISBELL: Yeah.

MR. OSORIO: You guys had admonished us—we've got to prioritize, and the first priority is—

MS. ISBELL: Okay.

MR. OSORIO: Voice communication is essential.

MS. ISBELL: Right. But I also feel that the expansion of it is also very important for this island especially in a time of calamity.

MR. OSORIO: I understand.

MS. ISBELL: So, if you would get that for us, I'd appreciate it.

MR. OSORIO: All right.

MS. ISBELL: Thank you very much.

CHR. HIGA: Thank you, Ms. Isbell. Mr. Hoffmann.

MR. HOFFMANN: Thank you, Mr. Chairman. It's a comment more than a statement. In the—at the last meeting, at the Committee meeting, I made a point that, while I would agree with the voting for this particular ordinance at this time, I would not want to see us continue to use the vacancies as a source of funding in the future years. That means you have to prioritize your improvement projects, your capital projects, and the budget for the next fiscal year and make sure that, if you need those funds, it's there—and not rely on the vacancies that exist in the payroll.

I would make a note that that comment was not made on the Finance Committee Report and I would appreciate it if that were made in order to make certain that when we revisit this issue next year that it's very clear that, at least, I, for the public record, anyway, will never vote again for a project that uses vacancies as a means to go around the capital improvement project or the investment projects that we have in the budget. And so, again, it's not a—it's simply a restatement. That's not a reflection on my vote. But it is a statement that I want to make sure is reflected in the Finance Committee Report. Thank you, Mr. Chairman.

CHR. HIGA: So noted. Thank you, Mr. Hoffmann. Mr. Jacobson.

MR. JACOBSON: Thank you so much. Thanks for coming in and working on this with us. I support this entirely although I will offer the same caveats that Mr. Hoffmann offered that this is not the best way to finance it—from vacant positions. I'd much rather we spend all that money and hire the best cops we can and get them on board and get them doing the work that so badly needs to be done, so our friends in blue can have a much safer and better life—and their families won't be suffering from mass overtime.

But I also would agree—the reason I'm voting for this without any reservations at this point is because the police deserve the best systems, so they can do their job, especially when we're short as this, we need to have the best data transmission systems available. The voice is very important, but we need to move ahead with the data part, too, just because our policemen deserve the very best tools. Thank you.

CHR. HIGA: Thank you, Mr. Jacobson. Mr. Holschuh.

MR. HOLSCHUH: Yeah. Thank you, Mr. Chairman. Good afternoon, folks. I can't imagine ever me admonishing the police about anything but I, kind of, got a laugh when you used that word—my head on backwards. Is this what you asked for, Ms. Isbell, the last time? This is it, here? This sheet of the anticipated project cost? What are—just in a nutshell—like, if you look at Hilo Baseyard, that's 80-some thousand more. What is that kind of expenditure for—is this for equipment or towers or something?

MR. OSORIO: Actually, at Hilo Baseyard all that represents—the additional cost is—that was one of the sites that we were supposed to co-develop with PACMERS. When PACMERS fell through, we had to pick up the slack.

MR. HOLSCHUH: Oh. Okay. So this is whatever you use for this kind of stuff but—some towers or some equipment or something. And they're saying there was another one in here that was 400,000 higher. I can't read across the line here. Is it—

MR. OSORIO: Kulani Cone.

MR. HOLSCHUH: Kulani Cone?

MR. OSORIO: Yeah.

MR. HOLSCHUH: Same-same?

MR. OSORIO: Same thing.

MR. HOLSCHUH: Okay.

MR. OSORIO: Those are the two sites.

MR. HOLSCHUH: Okay. So that's what that's about. All right. Thanks very much. Thank you, Mr. Chairman.

CHR. HIGA: Thank you, Dr. Holschuh. Mr. Safarik

MR. SAFARIK: Thank you, Mr. Chairman. And good afternoon, Assistant Chief. The systems completion will—in order to do the beta test on that would require a cut over?

MR. OSORIO: Yes, sir.

MR. SAFARIK: So you don't have to have two systems operating at the same time—

MR. OSORIO: Exactly.

MR. SAFARIK: For a period of time.

MR. OSORIO: Hopefully.

MR. SAFARIK: Hopefully, yeah.

MR. OSORIO: Yes, sir.

MR. SAFARIK: What is the estimated time that you are looking at?

MR. OSORIO: I think the plan for the cut over testing would be six months, if I'm not mistaken. That's what it was going to run for.

MR. SAFARIK: And then—so, if we were to estimate, we'd look at probably by the end—some time by the end of the year—hopefully.

MR. OSORIO: I was asked that question earlier by Nancy Crawford. And, if everything goes well, we expect to have the present system completed by November. But that would still be an additional six months before we would actually abandon the old system and cut over completely.

MR. SAFARIK: Which is the path we're using right now.

MR. OSORIO: That's correct.

MR. SAFARIK: That's the system

MR. OSORIO: That's correct.

MR. SAFARIK: And, just for the edification of our panel or our Council here, the Police Department didn't do this voluntarily. This was a mandatory relocation by the Federal government because they sold these frequencies that we used to use to the commercial wireless carriers and forced us to go into this six Gig. Is that right?

MR. OSORIO: That's correct.

MR. SAFARIK: We're in six Gig. now. Chief, the last question is, when we complete all of the microwave links and everything is working properly, when is—what timeframe is anticipated to go into the discussion of the backbone system? In other words, our repeater system—whether it's going to be up to 700 Meg. trunking environment or it's going to be 800—whatever we're going to do, we're going to transition out of the present VHF system—go into that trunking system. What is your estimated timeframe to begin the discussion?

MR. OSORIO: Honestly, I don't—we're not projecting that far ahead. And, again, we're being chastised for being shortsighted on this—but trying to get this project completed and make sure we have a stable system up and running—because I was tempted to bring one of the support straps from one of the existing towers to show you just how bad these towers are right now.

Looking at what funding will be required to migrate to a completely different system—I think I heard you comment earlier this morning—\$30 to \$40 million. We feel that's probably a realistic appraisal, and we just don't see the County coming up with that kind of money. We've been trying to find whatever source of funds we can—whether through Federal grants or other programs—and nothing has been forthcoming. So, unless we can confirm that we can have a source of funding, that's not something we're looking into aggressively.

MR. SAFARIK: Oh, I see. Okay. Just because of the size of the appropriation.

MR. OSORIO: Yes. I mean, just to get a consultant—

MR. SAFARIK: Yeah.

MR. OSORIO: We don't even have money for that—to take a look at existing system, and what the cost will be, and how we would go about doing it.

MR. SAFARIK: And in all fairness to this body, there's—only because I've been in the business for 20 plus years do I understand it—but, for the most part, it's difficult to understand. It's the type of technology. So, when my colleagues look at the expense that we're making here for \$11 million, that's only the beginning.

MR. OSORIO: Correct.

MR. SAFARIK: That only allows us to talk from one site to another.

MR. OSORIO: Correct.

MR. SAFARIK: So that the officer may travel from, one—Point A to Point B—and he may travel through three or four different towers or sites. So it is going to be a daunting task for us to try and discover where the monies are going to come from. And I think that everybody—I think you heard it very clearly that we don't want to use—we don't want to jeopardize manpower for technology or vice versa. But I think that they go hand-in-hand. And the data part of the quotient—where we can actually do a mobile data transfer terminal—would require us to upgrade into that seven or 800 Megs. that's going to cost us 30 or 40 million, where now we're not—we won't be able to do data transfer. It'll be strictly voice.

MR. OSORIO: Correct.

MR. SAFARIK: Okay. Thank you, Mr. Chairman.

CHR. HIGA: Thank you, Mr. Safarik. Mr. Pilago.

MR. PILAGO: Thank you, Mr. Chair. Good afternoon, Assistant Chief. Good afternoon, staff. Thank you very much for bringing the numbers up before us that we asked for last time. As you know, this Council strongly supports your initiatives for technological upgrades and we'll do everything we can to help you continually to keep our communities and our families safe and secure.

I would like to move to a next subject. It's alongside of the technological advances. We must have people on the ground. We must have your staff. And I must have your assurance that you, and Chief Mahuna, doing everything you can to ensure that we have people hired on the ground working to keep up with this

technological advances. And, also, if we're appropriating salaries and wages, we wish that monies to go toward salaries and wages—and we'll find some other types of designation to appropriate your technological advances. Just your reassurance, sir, that you will do everything you can and—Department, too—to put people on the ground.

MR. OSORIO: At this point, let me tell you that what we're trying—what we propose to do with our present training schedule is to have at least two—we have one class that's still in training now. We just started another one—so we've got two going concurrently.

MR. PILAGO: Congratulations.

MR. OSORIO: We may conceivably see, before the end of the year, three classes in session overlapping. We've been doing everything we can to attract quality candidates. And that's really the key. If you take a look at what's been happening with the Department in terms of discipline, most of our disciplinary issues involve hiring people who really don't want to be police officers. They're looking for a job. And there's a big difference between the commitment that's required to do this job and just someone looking for a paycheck. And so, we've run into that problem for years and years and years. And we try to do a thorough job of screening applicants to reduce that problem.

The class that we just started—we just hired 15—three have already resigned because they realize that this job is not for them. So all of the work and effort that went into recruiting them—background checks, all of that—we have to start again. Now we're down to 12. We're hoping we'll be able to graduate 12 from that class, but it's not an easy process. But it is one that requires complete focus on our part to make sure that we're only hiring qualified candidates that's going to serve this County the best way possible.

MR. PILAGO: Thank you. Thank you for that reassurance. I know it's diligent and the attrition levels are very high. Over the last couple of weeks I watched two interesting programs—"Maui Police Department"—and I'm here in Kona—and I'm watching Maui Police Department marketing themselves. I do hope the Department begins to look at initiatives like that and do the—even if you don't get qualified applicants or any applicants, at least the community knows that you folks care and you have compassion and you have due diligence.

MR. OSORIO: Yes.

MR. PILAGO: Thank you, sir.

MR. OSORIO: Thank you.

CHR. HIGA: Mr. Jacobson.

MR. JACOBSON: I'm going to pick on Nancy Crawford right now.

(At this time, Ms. Nancy Crawford, Deputy Director, Finance Department, came forward to address the Council Members.)

MR. JACOBSON: I'm sorry—to come up—I didn't get a chance to ask you this before. But our Assistant Police Chief brought up the idea that we are looking at some really substantial amount of monies—30 to \$40,000, if we're going to bring this system up to a data system and complete some of the portions that, I think, all of us feel need to be done. So are you—you're aware of some of these high costs, right, that are projected?

MS. CRAWFORD: I'm aware that the conversion to that system carries a very high price tag and the Police Department has worked very hard at attempting to get State funds for that or looking for other sources of funds. And, as you can see, it's not in our Capital Improvement Budget at this time. And I'm not familiar with what timeframe we're looking at, actually. But it's, kind of, like, we know that's out there on the horizon and it's big. But I think we're, definitely, going to be looking for some other financing sources to go with that.

MR. JACOBSON: Well, I'm glad you're looking at those things. And it's not going to be super hard questions but, because you said it is on your radar, you're aware of what's going on. Do you have any other ideas in terms of where we can go or what proactive ideas the Council might want to pursue in order to come up with this large quantity of money or any other—it's not an easy—

MS. CRAWFORD: On the spot, I don't have any more creative ideas, but I think it's appropriate you bring it up and we should start putting some more activity into finding that and figuring out exactly what timeframe we're on. Because that is not currently on our—as we're looking at bond funding for projects, the County has more pending projects than we can prudently borrow and fund. And this is just, yet, another on top of that—and we're going to have to do some prioritizing and looking for other sources.

MR. JACOBSON: I know you take the long view of things and I appreciate your willingness to try to plan and try to bring this home to the Mayor, if he doesn't have a—I'm sure he understands this pretty well. But I'm glad that you were in there being able to work and support our Police Chief and our police with this, 'cause I think your thinking is going to be very, very important in this in the long haul.

MS. CRAWFORD: We'll try and—

MR. JACOBSON: So that wasn't too hard, now, was it?

MS. CRAWFORD: That wasn't too hard.

MR. JACOBSON: Thanks a lot.

MS. CRAWFORD: And we'll try and start—initiate some discussions here beyond what's taking place so far.

MR. JACOBSON: That's my message to you. Thank you.

CHR. HIGA: Ms. Isbell.

MS. ISBELL: I'd just like to put in a plug for the Police Cadet Program because I think that, if you start them in high school and they get used to the idea of being a policeman, that you won't have that same problem. They know what they're getting into because they'll be mentored. They'll be practicing and doing all the kinds of things that need to be done. But I'm looking forward to getting some kind of a budget on how you would start that and how much you're going to need. I did ask for that already, but I want to urge you to get it to me as soon as you can. Thank you very much.

CHR. HIGA: Dr. Holschuh.

MR. HOLSCHUH: No. I was just going to tell—say that—I don't want to embarrass Mr. Jacobson, but he said 30 to \$40,000 and I'm sure everybody said, "Ho. Fantastic. We'll do it tomorrow". You meant "million", obviously. I was just going to make a joke that, when Nancy came running in the door, I thought maybe she heard him say, "Oh, yeah. We need \$35 million" or something—that brought her down the hall. Anyway, that's enough levity. But I know Mr. Jacobson meant "million". Thank you.

CHR. HIGA: Thank you, Dr. Holschuh. No more discussion. Madam Clerk.

The roll call vote on Bill 74, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Bill 74 passes first reading.

MR. OSORIO: Thank you.

CHR. HIGA: Okay. I'm going to take out of order—let's see—Mr. Fuke is here—Bill 60 and 367.

MS. ISBELL: What page?

CHR. HIGA: Madam Clerk—Page 8, I believe.

ORDINANCE
BILL NO. 60
(COMM. 172):

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 Family Agricultural 3-Acre (FA-3a) at Kahua 1st, North Kohala, Hawai'i, Covered by Tax Map Key 5-9-6:5 (approx. 7.740 acres). {Kimi Cook-Walls and Robert Walls, Applicant.} (Introduced by Mr. Pilago and Mr. Hoffmann; passed First Reading on April 20, 2005.)

Mr. Hoffmann moved for the passage of Bill 60 on second and final reading. Seconded by Mr. Pilago.

CHR. HIGA: Okay. Any discussion? Mr. Jacobson.

MR. JACOBSON: As I voted in the last time—I cannot support this. This is one of my classic "death by a thousand cuts". So I cannot be voting for this, but thank you.

CHR. HIGA: Thank you. Any more discussion? No discussion. Madam Clerk.

The roll call vote on Bill 60, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Pilago, Safarik, and Chair Higa – 8.

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 60 passes second and final reading. Bill 367, please, Madam Clerk. Page 8, too, I guess.

MR. HOFFMANN: Page 11.

MS. KIRIU: On Page 11.

CHR. HIGA: Page 11?

ORDINANCE
BILL NO. 367
(DRAFT 4)
(2002-2004)
(COMM. 100.3):

Amends Section 25-8-3 (North Kona Zone Map), Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code, by Changing the District Classification from Agricultural (A-1a) and Resort-Hotel (V-1.25) to Multiple Family Residential (RM-2.5) at Auhaukeae 1st, North Kona, Hawai'i, Covered by Tax Map Key 7-5-9:67 and Portion of 54 (Parcel "A" approx. 169,792 square feet; and Parcel "B" approx. 103,751 square feet). {Kona Hale Ali'i, LLC, Applicant. Draft 4 amends Condition M to include native plants as part of the landscaping plan, as well as correcting some minor typographical errors.} (Introduced by Mr. Hoffmann and Mr. Pilago; deferred December 21, 2004; passed First Reading on April 20, 2005.); *and*

COMM. 100.6:

From Council Member Donald Ikeda, dated May 4, 2005, transmitting a proposed amendment to Bill 367, Draft 4, relating to Condition Q.

Mr. Hoffmann moved for the passage of Bill 367, Draft 4, on second and final reading. Seconded by Mr. Pilago.

CHR. HIGA: Any discussion? Mr. Ikeda.

AMENDMENT:

MR. IKEDA: Yes. I'd like to make a friendly amendment. I'd like to—I move to amend the proposed Section 25-8-3, Condition "Q". And I spoke to Mr. Fuke—and I believe this is Mr. Fuke's wording that it changes Condition Q and states this, quote, "As represented by the applicant, the applicant shall include appropriate restrictive covenants in the deeds of all proposed units within the subject property so as to minimize enforcement by public agencies of any violation of any applicable State and County ordinance or rules and regulations relating to land use and noise", unquote. And existing Condition "Q"—change the Condition "Q" through "U" with—by renumbering "R" through "V" (SEE COMM. 100.6).

MR. HOLSCHUH: I'll second that for discussion.

CHR. HIGA: Okay. Discussion on that motion? May I have discussion on the—Mr. Pilago, I going turn you off for now until we go back to the main motion.

MR. IKEDA: Do I still have the floor?

MR. PILAGO: Thank you.

CHR. HIGA: You still have the floor. Go ahead.

MR. IKEDA: Okay. Reason for the amendment is—the motion is to alleviate much of the complaints that we are receiving right now—like barking dogs, roosters, and chickens—too many animals on small lots. And, although I haven't talked to Mr. Fuke on this one, in one of the subdivisions in my area, they're keeping big rigs in the subdivision—and it's not overnight. They leave it for weeks and so forth and I believe there is an ordinance where you cannot keep rigs longer than 24 hours—something like—but they are keeping the rigs there—and other noises and nuisance complaints—that's the reason.

CHR. HIGA: Thank you, Mr. Ikeda. Mr. Safarik.

MR. SAFARIK: Mr. Fuke, could you come up to the—may I address Mr. Ikeda?

CHR. HIGA: Sure.

(At this time, Mr. Sidney Fuke, representative of the applicant, and Robert Saunders, applicant, came forward to address the Council Members.)

MR. SAFARIK: The rationale—just so it's clear in my mind—is to have the applicants or have the homeowner's and the applicant's application to enforce barking dog laws or any kind of animal control type issues, plus having a covenant that there's no farm animals and those types of things—is that what I'm—

MR. IKEDA: That is correct.

MR. SAFARIK: Why would it be—why—

MR. IKEDA: The reason for this, it's—this is a residential area. It's not a farm.

MR. SAFARIK: Okay. You took—I'm sorry. I was, kind of, stumped 'cause I'm trying to figure out why we would do that just for this one—

CHR. HIGA: Mr. Ikeda, may I help you with this? Mr. Safarik, at the last meeting Mr. Ikeda was trying to amend Bill 367 with all these specific rules. And, instead of having us go through and try to have all this barking dogs stuff put in as an amendment, what the agreement was, at the last meeting, was that they would try to work something out with the developer—to make sure that the same concerns that Mr. Ikeda had that he was trying to do through an amendment process could be addressed through a covenants. I mean, basically, he's trying to do it with binding covenants among the people who are going to live there.

MR. IKEDA: Right.

CHR. HIGA: That's my take. If I'm wrong, please, someone, correct me but that was, sort of, like, how it was in my mind.

MR. SAFARIK: And this is going to be 92 units?

MR. FUKU: That is correct.

MR. IKEDA: Yes. That is correct.

MR. SAUNDERS: It'll be a condominium—

MR. FUKU: Condominium, yeah.

MR. SAUNDERS: Subject to a "Condominium Association Covenants".

MR. SAFARIK: Okay. And—

MR. FUKU: If I can just, kind of, like, maybe help answer that question. For example, you have—the State regulates noise, for example. And there may be—like in the Zoning Code it says, like, "No agricultural use in a residential zone". And so, I think what Councilman Ikeda was trying to get at is that you may have situations where, absent these kind of covenants, like, people exceed the noise level or they have—they raise agricultural activity in a place that's not supposed to be zoned and then—so the only recourse is that the neighbor would have to call the Planning Department or have to call the Department of Health to come help regulate. So you don't want to unfairly burden government to, kind of, like, regulate—do these kind of regulations. So, by mandating, which the applicant has agreed—to have these kind of covenants—then what it does is that it provides, like, an internal policing mechanism of these kinds of nuisance. And so, it's something that, I think, the developer was already going to do subject to the approval of this ordinance that—anyway. So I think that what this does is pretty much, like, reflects an expression on the part of the Council to make sure that it's going to create some—it could create some issues. But, if it's going to create some issues that may have some fall-out where government is going to have to, kind of, intervene then as much as possible, you try to do your own policing. And I think this is what it's designed to do. We have no objection.

MR. SAFARIK: Okay. I appreciate the explanation. I feel, personally, that the government shouldn't get involved in such issues that would typically be between private parties. And I understand where you're coming from, Mr. Ikeda. But this is a personal feeling that, when we start to legislate these types of things, I wonder if the developer—and then the people that are actually moving in there wouldn't be best served if they worked those issues out themselves rather than the government getting in between. Because, I think, ultimately, it's still going to be the government's responsibility.

If somebody brings in a barking dog or a chicken or something that makes noise that may not be traditionally in a residential area, the police are still going to be called. We're still going to be involved in that investigation, one way or the other, whether it be the Humane Society or the police or the Planning Director or his enforcement people. And I'm wondering if we're not operating out of the scope of what we should be. When we look at having impact fees and affordable housing issues and so forth, that impacts a greater community where we're really only talking about the people that are going to buy into this subdivision.

I feel a little bit "kānalua" about imposing—even though it's probably a good thing, ultimately, because now you're not going to be able to have farm animals. But I think that would be built in internally, anyway, as long as we approve the project. So I don't know how I'm going to—if I'm going to support or not—but I do appreciate what you are trying to achieve.

CHR. HIGA: You may respond.

MR. IKEDA: Well the reason, also, is that I wanted to give the Planning Department a little more clout in enforcement. Right now, Planning Department is enforcing all these chickens and so forth—crowing. How shall I say it—rooster crowing, pigs, and so forth. And I think something like this would give them a little more enforcement power.

CHR. HIGA: Thank you, Mr. Ikeda. Ms. Isbell.

MS. ISBELL: We have a note from Lillian Fox that I believe everybody has that—came in by e-mail (SEE COMM. 100.5). And her concern was that we make sure that the archaeological sites that are very sensitive are taken care of. It means—I'll read for—what she said. It "...means that the 92 unit condo would be built on less than 3 acres when you factor in roads, parking, and grounds". And there—"Tha (sic) appears to be very dense". But they also are very concerned about—because of this archaeological sites—"...that three of the 6.9 acres are archaeologically sensitive" which means that you'd be putting the 92 units on a smaller density. Could you respond to that?

MR. FUKU: Sure. I think that's a very germane question and I think that it's giving us an opportunity to help clarify some of that issue. It's not—the 92 units going to go on three acres, plus or minus, but it's the 99 units going to go on, like, 6.3 acre of area. And in addition to that there would be approximately three acres of area that would be exclusively set aside for this archaeological preserve. So you're talking about this whole project, essentially, encompassing about a nine-acre area.

MS. ISBELL: Okay. As long as we have the Planning Committee pretty much in favor of this, it appears that they've taken care of these questions. Thank you very much.

CHR. HIGA: Thank you, Ms. Isbell. We're still—I want to remind Members we're still discussing Mr. Ikeda's amendment. So let's—next one up was Dr. Holschuh.

MR. HOLSCHUH: Thank you, Mr. Chairman. I understand where Mr. Ikeda's coming with this and I—when I first read this I was having visions of this—and we've seen the schematics and stuff. And I was picturing chicken coops and pigs and stuff and maybe somebody bring a cow or—we, kind of, made a joke about this—but, I mean, there's no question that animals are a nuisance. Let's get real. And they keep me awake and I don't like it. And I think you're right on with the concept.

But I guess what bothers me, honestly, is this seems like such a broad thing and we're picking one—as Mr. Safarik said—one project—and you folks are not in apparent disagreement with this—but we're picking one project out of the lots and lots and lots of projects. I mean, is this something we're going to do every time now? Suggest to people that do a development or do a project that they have this kind of a covenant in it? I mean, I don't mind doing that, if that's what the intent is, but I think we're setting a precedent that's—strikes me as being a little spooky.

And then, specifically, what I—when I first read this, at first thought, when you talk about minimize enforcement by public agencies, I started thinking about drug selling. Well, then, if I read on it—sort of, says, "...relating to land use and noise". Noise relates to boom boxes. Does that mean you have a covenant in there that somebody can't carry a boom box? I can see not having a chicken in this development or a crowing rooster, but does that mean you're going to have specific covenants about things like loud radios? I just don't know, honestly. I'm not saying it's a bad thing. I think it's interesting but I'll just throw that out. I'm not quite sure how I feel about it. I think Mr. Safarik raised some interesting points. But, thank you.

CHR. HIGA: Thank you. Mr. Pilago, you're next.

MR. PILAGO: Thank you, Mr. Chair. Thank you, Mr. Fuke. I'm going to speak in support of Councilman Ikeda's amendment. And later, when we go back to the main motion—367, Draft 4, or as amended—then I'll talk on Condition "L" regarding the letter about archaeological sites.

But, specific to the amendment, when I first saw the memo this morning I, sort of, smiled because we were working together with all different types and different degrees of conditions and agreements from very major ones—regarding concurrency, infrastructure, all of those things, too—to a mitigation plan for archaeological sites.

And then, here comes one about crowing chickens and barking dogs. And so, I'm forced to smile about that until I realized how profound an amendment it was—part of our problem is, sometimes, our police get called—and issues that are mundane and nuisance calls where you can encourage people to interface and work together and hash out your problems. And, if you do that, then you may not need to call the police and take them away from some other work, some of which may be emergency or important. When I looked at it that way, I found the power of this amendment in that it encourages people within a community to resolve issues that are manageable and immediate within their community. And in that I saw that Councilman Ikeda had insight in that he tapped into a very important issue. We need to stop bothering our police with nuisance and mundane calls when people should be encouraged to interface and work out their problems, should one or both, have crowing chickens or barking dogs. But I think that was the intent—and in that vein I'm going to support this amendment.

CHR. HIGA: Thank you, Mr. Pilago. Mr. Jacobson.

MR. JACOBSON: Thank you for bringing this amendment forward. I tend to be supportive of it. I have to admit that, if it doesn't pass, I'd still give the advice to go in and put your covenants immediately in before this project begins because you don't need our permission. You don't need us telling us to do that. And I think many developers would be well advised to bring these things in right away because it's a marketing tool. It's also going to avoid some problems in the long haul. Hopefully, our police won't be called so much. And we have to be reminded, though, that when you insert these types of covenants in—that the association, itself, is going to be responsible for policing them—and I like that part of it. As long as you're empowered enough, I think that the association can enforce many of these things. But, whether we pass this here or not today, I would still strongly encourage you to put these types of protections in for your buyers. So thank you. Thank you, Donald.

CHR. HIGA: Thank you, Mr. Jacobson. Mr. Arakaki.

MR. ARAKAKI: Yeah. I, too, will support this. I think this is a good amendment, especially with the voluntary permission of the developer—the owner. And I think this is a little different from most projects, too, because you—it's a condominium project, and you do have an association, and you have an enforcement agency within the association. I think any place that has an association, people like to have a good place to live. It's nice to have a covenant

like this in. And going in saying that the government is behind something like this, I think, helps the police—our Police Department out. So I'll be supporting it. Thank you.

CHR. HIGA: Thank you, Mr. Arakaki. Mr. Hoffmann.

MR. HOFFMANN: Thank you, Mr. Chairman. For just, practically, the same reason that Mr. Arakaki just said this, I'll be supporting the amendment. At first I didn't, as Mr. Pilago said—I, sort of, giggled a little. But I recognize that there is probably some effort that needs to be done, occasionally, in issues like this—where we're in an urban area to make sure that we remind people of that. And while I don't intend that we'll see cows on the second floor of the condo at any time soon, I think it's just another idea that the developer has pursued and is willing to go along.

I may also point out to everybody, if you're not sure where this particular development happens to be, it's across the street from the Hualalai Assisted Living Complex in Kailua-Kona. So, there's probably a little more reasoning and rationale behind making sure, at least in this one instance, that we remind people and ourselves that this is happening. But I, certainly, agree with what Mr. Safarik and Mr. Holschuh had said. We don't need to do this, perhaps, every time. In any case, I'll be supporting the amendment. Thank you.

CHR. HIGA: Thank you, Mr. Hoffmann. Mr. Safarik.

MR. SAFARIK: Thank you for allowing me to speak again. Like I say, I think that the intent is worthwhile, but I'm going to give you another story, okay? Real short one this time—and I won't use monkey pods as indigenous trees like I did before because I think I was incorrect, but you got the gist of my message.

There's a—there was a subdivision in—on O'ahu called Haiku Plantation. And that was a—on agricultural land but, nevertheless, they had a high-end subdivision—and it's gated, by the way—and they have covenants in there about things like this. Well, there was one incident that happened that there was a landowner or lot owner that had a goat. And that goat made a lot of goat type noises, especially, at the most inappropriate times. And they tried—because the covenants—to quiet that animal—and they sent the landowner notices and they were going to do all these different things. But, ultimately, what happened was they had to call the police for the noise ordinance because this was a real problem that they were—that all the neighbors were experiencing.

Same subdivision—another issue was people were raising show dogs. And show dogs would bark a lot—and they had that same problem but they, ultimately, had to call the police and the Humane Society. So I'm wondering if Mr. Fuke and his applicant, if they're going to have some kind of internal policing capability that—

because the rationale to do this is that we don't want to burden our Police Department or burden our local government. But I think that, ultimately, unless they have some kind of police that are in there—private police—how are they going to enforce this thing? Because they're going to, ultimately, have to call our people. Mr. Fuke, do you have any comment on that?

MR. FUKU: I don't own a condominium. I've never lived in one, so I really wouldn't have the answer to the question but, perhaps, Mr. Saunders could.

MR. SAFARIK: Yeah. Mr. Saunders.

MR. SAUNDERS: I've lived in condominiums. And I've read CC&R's. I've put them together from a developer's standpoint. I think, candidly, there's no language we can come up here that is going to preclude somebody from calling the police at two in the morning, if we have a problem in our project. I think the language we're going to put in our CC&R's will reflect a lot of the concerns that Mr. Ikeda had. I mean, people living closer together, they want to be neighborly. They want to be respectful of one another. We're going to try and reflect that in the CC&R's. But, at the end of the day, the language that we come up with—whether this amendment is passed or not—is probably going to be similar. But it is going to be addressing many of the concerns that you all talked about.

MR. SAFARIK: Okay. I think, out of consideration to Mr. Ikeda, I'll probably support it just for the fact that we'll see how it works out.

CHR. HIGA: Thank you, Mr. Safarik. Dr. Holschuh.

MR. HOLSCHUH: Yeah. Thank you. I, actually, was feeling like I wasn't going to support this, but I think Mr. Safarik and the others who have spoken, including the comment Mr. Arakaki made—maybe it is about time we took a stand and did something like this. It's not a bad thing. I was thinking back in the non-support side to when we did the smoking bill and there was some—I don't think it was a project you did, Mr. Fuke, but it was a project on the other side and they had modular living quarters. And I just made a, kind of, a crack—"Hey, how about making one of them no smoking?" And the developer thought, "Ho, great idea". And so, the next thing you know they agreed to do that. And one of those buildings—one or two—were made "no smoking" buildings and that seemed like a neat voluntary thing. I was sitting here, kind of, smiling again thinking of walking into this project, seeing a big round circle with a chicken picture with a big mark through it. But I think I agree. I think we ought to—or at least I will support this. And, like Mr. Safarik says, let's see what happens. See how it goes. It, maybe, does in fact give your condominium ownership or whoever does these CC&R's more clout. Thank you. Thank you, Mr. Chairman.

CHR. HIGA: Thank you. No more discussion. All those in favor of Mr. Ikeda's amendment please signify by raising your right hand.

The vote, by raise of hands to amend Bill 367, Draft 4, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Okay. Amendment. Back on to the main motion. Mr. Pilago, you were on the main motion first.

MR. PILAGO: Thank you, sir. Do we move to adopt this? No? We just speak to it?

MR. HOFFMANN: Discussion on that.

CHR. HIGA: We speaking on the main motion.

MR. PILAGO: Thank you very much. So we're going to be discussing Bill 367, as amended.

CHR. HIGA: Yes.

MR. PILAGO: Thank you very much. I'd like to respond to Ms. Lillian Fox that Councilwoman Isbell brought up in that concern regarding archaeological sites.

In respect to the definitions and designations of those archaeologically sensitive areas, we've been working with the applicant and their consultant. In Condition "L." we've already stated that the approximately four acres of archaeologically sensitive areas will be, by discretion of this Council, conveyed to an identified Native Hawaiian group. I think that's a very important condition that is put in, in respect to the treatment and rehabilitation and restoration of these sensitive areas.

To support that, also, we moved the impact assessment fee from out of Parks and Rec., which totals at around \$37,000 plus/minus as a subsidy to help move this project through. These are very innovative steps, in that this Council has taken moves to apply concurrency in respect to infrastructure, in respect to archaeological sites, and to begin to adjusting the funding stream so we can move impact fees/assessments to support projects and community work. What's also important for us is—we've bargained in that the occupancy will not happen until

the improvements to Kuakini Highway are completed. So we've had some positive interface and interaction with consultant and applicant in this respect and then—show that the model for interface and concurrency can work. So I urge support of Bill 367, as amended. Thank you, Mr. Chair.

CHR. HIGA: Thank you, Mr. Pilago. Mr. Hoffmann.

MR. HOFFMANN: Thank you, Mr. Chairman. Mr. Pilago mentioned every one of the comments I was going to make. Clearly, the developers have worked and tried to work with us in every instance regarding concurrency, affordable housing, and our concerns regarding the archaeological preserves. It does stand, I think, as a precedent that I'd like to see other developers be much more pro-active as these have in this instance. I think we would be able to do an awful lot of work toward the betterment of a healthy community, if this were the model that we could use in this case. So I'm, certainly, going to support this particular development. Thank you, Mr. Chair.

CHR. HIGA: Thank you, Mr. Hoffmann. Any more discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 367, Draft 5, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Bill 367—was that Draft 4 or—

MS. KIRIU: Draft 4, as amended.

CHR. HIGA: Draft 4, as amended, passes second and final reading.

MR. PILAGO: Thank you.

MR. FUKU: Thank you very much.

MR. SAUNDERS: Thank you very much.

CHR. HIGA: Okay. Madam Clerk, let's go on to—I have Mr.—the Building Department here and he's been very patient. So let's do Resolution 77-05.

RESOLUTION
NO. 77-05
(FC-84)
(COMM. 205):

Creates One Building Permit Clerk Position, One Building Inspector, One Electrical Inspector, Two Building Plans Examiner Positions for the Department of Public Works Building Division. {These five new positions would help meet the public's demand with building permits being issued faster and inspections completed sooner.} (Introduced by Ms. Isbell.)

Ms. Isbell moved for the adoption of Resolution 77-05 and Finance Committee Report 84. Seconded by Mr. Hoffmann.

CHR. HIGA: Okay. Any discussion? Hearing none, Madam Clerk.

The roll call vote on Resolution 77-05, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Ikeda – 1.

CHR. HIGA: Resolution 77-05 is adopted. Move on to Bill 77, Page 5.

ORDINANCE
BILL NO. 77
(FC-85)
(COMM. 205):

Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Building Permits (\$44,124); appropriates to Building Design and Engineering Salaries and Wages (\$18,420) and Building Inspection Salaries and Wages (\$25,704), for a total of \$44,124.} (Introduced by Ms. Isbell.)

Ms. Isbell moved for the passage of Bill 77 on first reading and to adopt Finance Committee Report 85. Seconded by Mr. Pilago.

CHR. HIGA: Any discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 77, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Ikeda – 1.

CHR. HIGA: Bill 77 passes first reading. We're going to move on to Bill 65, Page 9.

MS. KIRIU: Bill 65 on Page 9—the bottom of—oh, was it—

CHR. HIGA: Wait. Is that the—Alfred, is that the one? Mr. Kajikawa, is that Bill 65?

MR. HOFFMANN: Page 9

CHR. HIGA: Okay.

MS. KIRIU: At the bottom of the page?

CHR. HIGA: Yeah. Bill 65.

ORDINANCE
BILL NO. 65
(COMM. 177):
COMM. 177.1:

Amends Chapter 2, Article 27, Section 2-153 of the Hawai'i County Code, Relating to Revisions of the County Code. (Introduced by Mr. Jacobson; passed First Reading on April 20, 2005.); *and* From County Clerk Constance R. Kiriu, dated May 2, 2005, transmitting a proposed amendment to Bill 65 relating to the preparation and distribution of supplements to be performed semi-annually, rather than quarterly.

Mr. Jacobson moved for the passage of Bill 65 on second and final reading. Seconded by Mr. Holschuh.

CHR. HIGA: Okay. Discussion? Mr. Jacobson.

AMENDMENT:

MR. JACOBSON: I'd like to—given some discussions I've had with Connie—I'd like to move to modify Bill—to amend Bill 65. Under Section "(a)", I think we have the written amendment in front of us—it's Correspondence 177.1. And the amendment would, basically, be to—instead of asking for "quarterly" updates of the Hawai'i County Code, Ms. Kiriu has convincingly explained that the standard of the industry would be to do it "semi-annually" rather than "quarterly". I would, actually, encourage Ms. Kiriu to expand upon that—if I'm able to get a second for this.

MR. HOLSCHUH: I'll second that for discussion.

CHR. HIGA: Okay. On the—discussion on the amendment.

MR. JACOBSON: Ms. Kiriu would you feel—

MS. KIRIU: Certainly. In our review of the Code fees and—we've contracted a person to handle, actually, doing the entire Code republication. She was looking at the Code fees and the amount of times we were going to be providing supplements. And, in her review of everything, she actually found that Maui and City and County of Honolulu do quarter—semi-annual supplements. Kaua'i does it only once a year. She recommended that we put out semi-annual supplements instead of quarterly supplements. And Mr. Smith, our Deputy, also agreed.

It creates a lot of paper work, not only from our end, but for those people who have to handle it on the other end and to make those replacement pages. She used the word "industry standard"—that a semi-annual supplement is more of an industry standard. For that reason I am recommending a semi-annual supplement. The possible trade off for that, as far as we're concerned, is that our website will be updated as soon as we are able to get these ordinances in and put up. So it is almost "real time". So, I think, at least on the website, we'll have it up-to-date.

MR. JACOBSON: So, I was—

CHR. HIGA: Mr. Jacobson, you still have the floor. Mr. Jacobson.

MR. JACOBSON: I was seeking not to make this too onerous. And, at first, I thought, "Oh, quarterly". I wanted to be very demanding about it, but Connie was reasonable in her arguments and I think it's only fair to follow through with this suggestion. Because the main thing is, I believe, that all of us just want to have an updated County Code that's available to all of us. Semi-annually, I think that it will work. So I support this completely and I, actually, thank Connie for bringing this forward.

MS. KIRIU: Thank you. Actually—

MR. JACOBSON: I yield the floor.

MS. KIRIU: Yeah. It was my idea that it should be quarterly, 'cause I thought that it's something that we would be doing anyway. But, given their recommendations, I understand. Thank you.

CHR. HIGA: Thank you, Mr. Jacobson. Ms. Isbell.

MS. ISBELL: I, wholeheartedly, support this except—that I'd like to see it go a step further and that we just use CD's and have it on the website. Because, I think, eventually, you'll only need a few copies of paper because most people are literate now for computers. Do you see any time in the near future when we might be able to just put it on a CD and forget that big—actually, it's good strength use—do your weight lifting while you're lifting. It must weigh about 20 pounds.

MS. KIRIU: That's a pretty good idea. We already have it on a CD—and the plan is to put it on a CD and to charge for it. There are those attorneys and people—some people who like the hard paper—and so, we're just going to go forward with that. At this time it looks like we'll have to print 200 Codes up though.

MS. ISBELL: Is that how many?

MS. KIRIU: For those people who do.

MS. ISBELL: Two hundred, you'll have to do every semi-annually to the updates?

MS. KIRIU: Yes.

MS. ISBELL: I'd still like a CD.

MS. KIRIU: You'll get one.

CHR. HIGA: Thank you, Ms. Isbell. Dr. Holschuh.

MR. HOLSCHUH: When you discuss computer literacy—Mr. Hoffmann, kind of, looked at me and gave me that grin. So I would still like a printed, hard, 20-pound copy. Thank you very much. Semi-annual is twice a year, I presume, right?

MS. KIRIU: That's correct.

MR. HOLSCHUH: Is there any idea—I mean, I know this sounds dumb but when would this be done? You have any thoughts about—

MS. KIRIU: You mean—

MR. HOLSCHUH: Beginning of the year? Midway through or—

MS. KIRIU: It would probably—you mean the supplements themselves—

MR. HOLSCHUH: Yeah.

MS. KIRIU: Be released shortly after December, 'cause December 31st would be one year—

MR. HOLSCHUH: Okay.

MS. KIRIU: And after June 30th.

MR. HOLSCHUH: So I—yeah. Okay. That's what I was wondering about. Good. Okay. Thank you.

CHR. HIGA: Mr. Jacobson.

MR. JACOBSON: But we are talking about getting this revised Code before December. Correct?

MS. KIRIU: We're going to get it on June 30th or July 1st.

MR. JACOBSON: Thank you.

CHR. HIGA: Thank you for that clarification. So we all—any more discussion on Mr. Jacobson's amendment? If not—just by voice vote—all those in favor of Mr. Jacobson's amendment signify by saying "aye".

The voice vote to amend Bill 65, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Isbell,
Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Ikeda – 1.

CHR. HIGA: Okay. Amendment is carried. Back on to the main motion. Any more discussion? If none, Madam Clerk.

The roll call vote on Bill 65, Draft 2, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Isbell,
Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Ikeda – 1.

CHR. HIGA: Thank you. Bill 65 passes—what was this? First reading?

MS. KIRIU: No.

CHR. HIGA: Okay.

MS. KIRIU: This is second reading.

CHR. HIGA: Second reading. Okay. Bill 65 passes second and final reading. Sorry. We're jumping all over the place. I'm losing my place here. Okay. I think that—now we can—I think we took care of every one. Right down, Madam Clerk.

MS. KIRIU: Right from the top?

CHR. HIGA: Yeah. Right from the top.

RETURN TO
ORDER OF
BUSINESS:

The Chair directed the Council to return to the regular order of business.

ORDER OF
RESOLUTIONS:

The Chair directed the Council to proceed to the next order of business, Order of Resolutions.

RESOLUTION
NO. 68-05
(DRAFT 2)
(PC-18)
(COMM. 189.18):

Requests the Preparation of an Environmental Impact Statement for the Proposed Statewide Hawai'i Superferry Project (Introduced by Mr. Higa);
and

COMM. 189.23:

From P. Coochie Cayan, Account Executive, Communications Pacific, dated April 26, 2005.

Mr. Hoffmann moved for the adoption of Resolution 68-05, Draft 2, and Planning Committee Report 18. Seconded by Ms. Isbell.

CHR. HIGA: Any discussion? Dr. Holschuh.

MR. HOLSCHUH: Yeah. Well, I know we—I think we all voted for this or some—except for one voted for this before. I—a couple of things concern me. I was going to say, "Why do we need to do this?" because I heard the funding was pulled—but I heard, I think, this morning on the radio—it's funded again. Right? So the funding is there.

Second thing is—may I address Mr. Jacobson? We have a letter here from somebody that was written to you—Jerry B R A G D O N (SEE COMM. 208.63). Bob, did you see it?

MR. JACOBSON: Today's—

MR. HOLSCHUH: Questioning why we're doing this. Because why "...is this ship can be any different than the ships that dock 4 to five times a week"—was his exact language. I just wondered if anybody had contacted you with the other side of this?

MR. JACOBSON: Well, no. Actually, I don't know that I've seen this. Perhaps, I've just failed to read it. But I didn't author this. But I think that the author of the suggestion might be better suited in terms of explaining it than I am. Although I—my own concerns about this—and I'll keep this very short—is that I think that this is not exactly like the other ships that are docking here. This is considerably different in approach because it wouldn't be four or five times a week. It would be daily. And the types of—hopefully, tourists are not rolling off vehicles that might contain coqui frogs or ferrets or snakes or mongooses. So I consider it to be—although I didn't author this—I consider it would be considerably different. But, no, I haven't contacted him. I'm sorry.

MR. HOLSCHUH: Okay. No, I was just curious, if that individual had talked to you about that. The only—I don't know, I'm—as others have said—conflicted a bit about this. To me it seems like, with the exception, perhaps, of stowaway critters that might get in cars—but the truth is, they're going to get in packaging and they're going to get in pallets and all that kind of stuff anyway. I mean, you get every known creature around. If they are on the wharfs in Honolulu, they are going to be over here. So that, I don't think, is a major issue.

The only thing I can conceivably think of—and I wondered if an EIS is—I'm just throwing this out—is necessary. A full EIS is really the traffic issue. I mean, cars—because, otherwise, what really is the difference between this and a number of ships? Big ships that come into the port and they disgorge all kinds of tourists on both sides of the island, who go all over the place to see the island—thank heavens. The only thing I could see that's different, really, with this is pulling into Kawaihae or wherever it's going to dock and a whole pile of cars getting off and the traffic issue. And maybe something as simple as an environmental assessment of the traffic problem is where we ought to be going with this. A full EIS just seems a bit extreme to me. Thank you.

CHR. HIGA: Thank you. Mr. Hoffmann.

MR. HOFFMANN: Thank you, Mr. Higa. Let me try to help Councilman Holschuh with a couple of ideas referencing this. Clearly, the traffic is one of the problems that we have but, clearly, the Environmental Impact Statement that would be applicable for the Kailua-Kona Pier, where tourists do not disgorge directly from the ship but from boats coming off the ship and so on, is quite a bit different than putting two superferries a day into Kawaihae, which has never seen that type of traffic before.

Now it's not simply just the traffic and the roads, of course, but, as Councilman Jacobson pointed out, there are many different things that could—that are going on there. There's also dredging of the harbor that hasn't been considered. There's also the establishment of some type of a parking facility that needs to be done there. There's a whole series of other impacts that this particular superferry or the advent of the superferry has here which, by the way, is not applicable to O'ahu where they clearly have those facilities already in place. Again, please remember what the resolution states: First of all, that we want to see the superferry succeed. Number two, we want to make sure that, in the expenditure of the money—by the way, that 40,000—I'm sorry—\$40 million that the State has allocated and put back in—is only the beginning of the expenses that needs to be done in order to see this operation be effective as it continues to expand in the islands.

All this resolution states is what the other islands—our neighbor islands have indicated very clearly—in fact, even much more strongly than our resolution says, and that is, "Please, we want to see this succeed. Do your planning"—that's all this resolution asks. And, for those reasons, that's why I think we must, as a Council, pass this particular resolution. Thank you, Mr. Chair.

CHR. HIGA: Thank you, Mr. Hoffmann. Ms. Isbell.

MS. ISBELL: I think we also need to look at the positive and the negative. It's very positive if, in fact, the ferry—the superferry turns out to be another form of the ability to transfer shipping goods from one island to another. And, in that way, we at least know that there's a positive impact, but we don't really know that right now. We only, maybe, think it.

On the other hand, we also have to expand some of the parking areas. When they come into Kawaihae—and I went to one of the hearings on this—and there was a lot of concern about what do you do with 200 cars. Where do you put them—if that's what they are actually. You're disgorging at the time. There isn't room for 250 cars there. So do they go on Hawaiian Home Lands, which is right next door? Or do they cut down an area or expand the beach? What do you do? So a lot of concern has come out because there isn't room. The only thing that you have down there is the Kawaihae Canoe Club and a little bit of open beach area. And that's surely—I can tell you right now it's stuffed, full when there's a regatta and there's probably about 50 cars and that's it. And then, they aren't going to like it if it's during regatta day, anyway.

So, I think that there's nothing that can be harmed by getting more information and understanding exactly what the positive and the negative points are. They may balance themselves out. They also—you have to consider the number of cars that will be going up to Waimea, going to Kohala, and going to Kona. The roads,

as you know, are pretty congested already even though that they—I think that the timetable is—what—2008? It's not going to happen like overnight, but it gives us time to understand what we need to do and how we need to think.

And we also need to update our maps so that, when people are coming over in their cars, that's an impact. How many cars are we going to need to have more? And there's one little gas station down there. That's not going to be very adequate because, I think, to be on a ferry, you're not supposed to have very much fuel in your car, if I'm not mistaken. At least that's what it was when we used to do any kind of ferrying—your gas tank is supposed to be just not more than a quarter empty or full. I don't know. Regardless of that, that's just minor compared to the concerns that a lot of people have. So I would support very much an Environmental Impact Statement. Okay. Thank you.

CHR. HIGA: Thank you, Ms. Isbell. Mr. Jacobson.

MR. JACOBSON: Actually, Virginia caused me to think about the idea of 250 cars full of fuel sinking and what sort of environmental impact that might have, if it turned over. I think that, whether we pass this today or not, I'm sure that the courts will be forced to demand that this get done, if we don't have the agencies agree to this because we're spending more than \$1 million in Federal funds. This money is going to come from somewhere. I don't see that our State is going to come up with all the money and harbor improvements necessary.

So, therefore, I think, under Federal mandate, it's pretty well demanded that we do an EIS and I view that the superferry has great potential and my farmers may do improved business because of it. So I'm not opposed to the ferry, but I support this because I think it's a commonsense thing. Thank you.

CHR. HIGA: Thank you, Mr. Jacobson. Mr. Pilago.

MR. PILAGO: Thank you, Mr. Chair. I believe this Environmental Impact Statement is the correct thing to do. It's not the one or the other—if you do the impact statement, it'll necessarily mean the demise or the non-acceptance of the ferry. I think it's the other way around. I think, as the ferry comes here and begins to be applied here, we need to find good and justified ways where we can allow that to happen. This Environmental Impact Statement will give this Council those kinds of information to determine the good and bad of this ferry—and we have to measure both.

One of the things we have to do—this Council does—is it must protect the rights of its citizens and it must protect the environment those citizens live in. This impact statement protects that—and that's why I support the preparation of this impact statement—not to go against the ferry, but to say, "If it comes in, how would it mitigate and take care of the issues it may bring with it?" And I think

that's a correct course for this Council to take because we're charged with protecting our community, our citizens, our economy, and our environment. Thank you, Mr. Chair.

CHR. HIGA: Thank you, Mr. Pilago. And I'm just going to say that I, too, will be supporting this EIS Statement. And I'll correct my esteemed colleague—it's really 500 to 400 cars will be in that area because you've got 250 cars coming off and another 250 cars probably going onto the ferry. So the impacts going be even greater than we think. So I support this statement here. Madam Clerk.

MS. KIRIU: Mr. Arakaki?

CHR. HIGA: Oh, excuse me, Madam Clerk. Sorry. I need to have Mr. Hoffmann—we also need to, in your motion, to file Communication 183 just—instead of just "adopt". We need to also—technical error.

MR. HOFFMANN: I'm sorry—to include—not only adopting Resolution 68-05, Draft 2, and to file Communication 189.23.

CHR. HIGA: Thank you, sir.

The roll call vote on Resolution 68-05, Draft 2, was as follows:

AYES: Council Members Hoffmann, Holschuh, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 7.

NOES: Council Member Arakaki – 1.

ABSENT & EXCUSED: Council Member Ikeda – 1.

(For informational purposes, Mr. Holschuh voted "kānalua" and "aye".)

CHR. HIGA: Thank you. Resolution 68-05, Draft 2, is adopted. Madam Clerk.

RESOLUTION
NO. 73-05
(FC-79)
(COMM. 201):

Authorizes the Payment of Funds of a Later Fiscal Year and of More than One Fiscal Year for Multi-Year Leases (five years) for Two Copiers for the Department of Finance Real Property Tax Division. {Acquisition of these new copiers would provide East and West Hawai'i offices with more technically advanced machines and would result in cost savings.}
(Introduced by Ms. Isbell.)

Ms. Isbell moved for the adoption of Resolution 73-05 and Finance Committee Report 79. Seconded by Mr. Pilago.

CHR. HIGA: Okay. Any discussion? Hearing none, Madam Clerk.

The roll call vote on Resolution 73-05, was as follows:

AYES: Council Members Arakaki, Hoffmann, Isbell, Jacobson,
Pilago, Safarik, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Holschuh and Ikeda – 2.

CHR. HIGA: Thank you. Resolution 73-05 is adopted. Madam Clerk.

RESOLUTION
NO. 74-05
(FC-80)
(COMM. 202):

Authorizes the Payment of Funds of a Later Fiscal Year and of More than One Fiscal Year for a Multi-Year Lease (five years) for a Copier for the Hawai'i County Police Department's Area I Operations Section.
{ Acquisition of this copier with current copier technology would allow the staff to increase their productivity and to keep up with increasing demands. }
(Introduced by Ms. Isbell.)

Ms. Isbell moved for the adoption of Resolution 74-05 and Finance Committee Report 80. Seconded by Mr. Pilago.

CHR. HIGA: Any discussion? Hearing none, Madam Clerk.

The roll call vote on Resolution 74-05, was as follows:

AYES: Council Members Arakaki, Hoffmann, Isbell, Jacobson,
Pilago, Safarik, and Chair Higa – 7.

NOES: None.

ABSENT & EXCUSED: Council Members Holschuh and Ikeda – 2.

CHR. HIGA: Thank you. Resolution 74-05 is adopted. Madam Clerk.

RESOLUTION
NO. 75-05
(FC-81)
(COMM. 203):

Authorizes the Office of the Mayor to enter Into an Agreement with the State of Hawai'i Department of Business, Economic Development and Tourism, Pursuant to HRS 46-7, for the Big Island Biodiesel Industry Grant. {Funds would be used by the Environmental Management Department's Big Island Biodiesel Industry Project to conduct services related to education and outreach to support a biodiesel industry on the Big Island.} (Introduced by Ms. Isbell.)

Ms. Isbell moved for the adoption of Resolution 75-05 and Finance Committee Report 81. Seconded by Mr. Hoffmann.

CHR. HIGA: Okay. Any discussion? Hearing none, Madam Clerk.

The roll call vote on Resolution 75-05, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Ikeda – 1.

CHR. HIGA: Thank you. Resolution 75-05 is adopted. Madam Clerk.

RESOLUTION
NO. 76-05
(FC-83)
(COMM. 204):

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$37,000 out and from Clerk-Council Services - Contingency Relief account; credits \$27,000 to Department of Research and Development-Hawai'i County Resource Center-(Philanthropic Community Assessment Study) and \$10,000 to Transfer to Capital Projects Fund (Department of Parks and Recreation-Laupāhoehoe Park-Equipment Construction Cost), for a total of \$37,000. Funds would be used to prepare a professional philanthropic community assessment for the purchase of County Parks and Preservation Lands; and to purchase materials for a foundation to assemble existing playground equipment at Laupāhoehoe Park.} (Introduced by Mr. Holschuh.)

Mr. Holschuh moved for the adoption of Resolution 76-05 and Finance Committee Report 83. Seconded by Mr. Jacobson.

CHR. HIGA: Any discussion? Hearing none, Madam Clerk.

The roll call vote on Resolution 76-05, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Ikeda – 1.

CHR. HIGA: Thank you. Resolution 76-05 is adopted. Madam Clerk.

RESOLUTION
NO. 79-05
(PSPRC-9)
(COMM. 217):

Establishes a Continuing County-Wide Voter Registration and Education Program Sponsored Through the County's Senior Centers. {Forms a partnership between the Office of the County Clerk's Elections Division and the Parks and Recreation Department's Elderly Activities Division in order to deputize senior citizen voter registrars who would register voters at the County's Senior Centers year-round.} (Introduced by Mr. Hoffmann.)

Mr. Hoffmann moved for the adoption of Resolution 79-05 and Public Safety and Parks and Recreation Committee Report 9. Seconded by Mr. Jacobson.

CHR. HIGA: Any discussion? Mr. Jacobson.

MR. JACOBSON: I just want to thank Mr. Hoffmann for bringing this important resolution forward. I think it's a good plan. Anything we can do to increase voter turnout is a great thing. So thank you.

CHR. HIGA: Thank you, Mr. Jacobson. No more discussion, Madam Clerk.

The roll call vote on Resolution 79-05, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Ikeda – 1.

CHR. HIGA: Resolution 79-05 is adopted. Madam Clerk.

RESOLUTION
NO. 87-05
(WAIVED-FC)
(COMM. 162.1):

Authorizes the Corporation Counsel, and His Authorized Representatives, to Enter Into an Agreement with the Individually Named Party, Who was an Employee of the County of Hawai'i at the Time of the Alleged Incident, to Represent Her in the Civil Action Entitled *Wes Hicks vs. County of Hawai'i, et al.*, Civil No. 03-1-0288. (Introduced by Ms. Isbell.)

Ms. Isbell moved for the adoption of Resolution 87-05. Seconded by Mr. Hoffmann.

CHR. HIGA: Okay. Discussion? Mr. Jacobson.

MR. JACOBSON: Ms. Isbell, could you just remind us a little bit more about what this is? Was this in response to one of our Executive Committee—

MS. ISBELL: That's a good question—yes.

MR. JACOBSON: As I recall—it was so. Okay. Thank you. I'm not going to ask anymore then. Thank you.

MS. ISBELL: Oh, okay. 'Cause I didn't know what I was supposed to say. It was Executive—

MR. JACOBSON: No that—you said exactly. Thank you. You answered my question.

MS. ISBELL: Yeah. Thank you.

CHR. HIGA: No more discussion? Madam Clerk.

The roll call vote on Resolution 87-05, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Isbell,
Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Ikeda – 1.

CHR. HIGA: Thank you. Resolution 87-05 is adopted. Madam Clerk.

RESOLUTION
NO. 88-05
(WAIVED-FC)
(COMM. 162.1):

Authorizes the Corporation Counsel, and His Authorized Representatives, to Enter Into an Agreement with the Individually Named Party, Who is an Employee of the County of Hawai'i, to Represent Him in the Civil Action Entitled *Wes Hicks vs. County of Hawai'i, et al.*, Civil No. 03-1-0288. (Introduced by Ms. Isbell.)

Ms. Isbell moved for the adoption of Resolution 88-05.
Seconded by Mr. Hoffmann.

CHR. HIGA: Any discussion? Hearing none, Madam Clerk.

The roll call vote on Resolution 88-05, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Isbell,
Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Ikeda – 1.

CHR. HIGA: Thank you. Resolution 88-05 is adopted. Madam Clerk.

RESOLUTION
NO. 89-05
(WAIVED-FC)
(COMM. 251):

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$40,000 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Capital Projects Fund Department of Parks and Recreation (Puna Neighborhood Skateboard Park).} (Introduced by Mr. Safarik.)

Mr. Safarik moved for the adoption of Resolution 89-05.
Seconded by Mr. Hoffmann.

CHR. HIGA: Mr. Safarik, I'll—you want to speak first or—

MR. SAFARIK: Thank you. I'm going to say everything I have to say based on Resolution 89-05 because there are subsequent bills that are going to—

CHR. HIGA: Forward.

MR. SAFARIK: Yeah—move forward—but what I want to do is just give a historical background for a minute or so. The Puna Neighborhood Skate Park notion surfaced several years ago. And it was an initiative that was brought forward by some of the community members and also by some of the issues that were happening in our parks and some of our public places that we needed a place to provide, in the Puna region, a place to provide for legal skateboarding or skating. And, as time went on in subsequent community meetings that I had, it became evident that this initiative was going to need some private and public partnerships.

And the reason for that is that our Parks and Recreation Division traditionally does not manage skateboard parks. We build them on our facility and on our property as a County but, traditionally, we have not managed those recreational endeavors. And that—there's a whole other debate about that, but the bottom line is that Pat Engelhard explained that they would assist us in building it, whether it

be through community volunteerism and we provide the material, or that we do the whole build out and then partner through a Memorandum of Agreement or Understanding, with some non profit or some agency that would be able to manage the day-to-day activity. Because the reason why that's important is because we want to make sure that there's safety equipment and that the kids don't—whoever is using that facility doesn't do so in a reckless manner and so forth, that it becomes a legitimate type endeavor for the family.

So what I wanted to do was make sure that we had enough money in our build out fund to make sure that we do have community involvement—but it's primarily on the operational side of the house, opposed to trying to ask the community to build it also. Not that we don't have people in the community that couldn't do that but I think that this would provide us with a quicker build out of this park. So there's a number of connections and nexus to this Puna Skateboard Park and our Weed & Seed Program and our Parks and Recreation programs for the youth. And I've been in discussion with several nonprofit organizations and they have agreed to explore the notion of partnering with the County of Hawai'i and managing this park for us. And, incidentally, this 40,000 in addition to some other monies is going to be a total of 90,000, which comes out of my Contingency Fund.

And I would ask my colleagues to support that notion because I think this type of recreational facility will provide for an alternate use on a legal area that's safe, and that whoever we do partner with, will provide us with the management skills so that we don't have an issue where maybe the older kids start bullying the younger kids and not letting them onto the facility. So we need to have, certainly, adult supervision that also can be mentors for these children. And I've been in discussion with Boys & Girls Club, with the Weed & Seed Program, YMCA, with The Friends of the Park, and we're exploring the various options open to us. So, with that, I would hope that we could provide for this much-needed facility in my district. Thank you, Mr. Chairman.

CHR. HIGA: Thank you, Mr. Safarik. Dr. Holschuh.

MR. HOLSCHUH: Yeah. Thank you, Mr. Chairman. I want to congratulate Mr. Safarik for doing this and bringing this forward. And I think this is a terrific example of what we can do in terms of prevention regarding substance abuse and violence and gangs and so on. And, actually, it would be very interesting—even the same could be done for ATV parks and four-wheeler parks and something that, obviously, we can't have County employees manning all these places. So this is a terrific idea and I'm very interested to see how this works out and I look forward to following up with it because I think this is a good example for other areas.

I can't remember who does the Waimea Skateboard Park, honestly, but I'm pretty sure there was some private entity that's in there actually looking after the kids. It isn't County Parks employees, as far as I know—but, anyway, thank you very much for that, Gary, and thank you, Mr. Chairman.

CHR. HIGA: Thank you. Thank you, Dr. Holschuh. Mr. Jacobson.

MR. JACOBSON: Well, as a Puna resident and Puna Council Member, I'm very pleased to have Gary bring this forward. It will bring to—a second good skate park facility to our district. The kids in Pāhoa—the youth down there—really deserve something like this. We were blessed by a donation of large parts of a skate park of—at our Volcano covered court area. So we didn't have some of the same capital costs that the people of Pāhoa would have to face in designing this. So we were blessed with that particular donation.

But I will say that your structure, in terms of trying to get the community to manage it—it does work. That's what—working up at the Volcano Center right now and I'm confident that, given the level of volunteerism you have down in Pāhoa, this is going to be a tremendous success and I don't think there will be any problems in terms of managing it. So I'm confident. I encourage all of you to support this. It's probably a no-brainer, but I'm still very grateful for Gary bringing this forward. Thank you.

CHR. HIGA: Thank you, Mr. Jacobson. Dr. Holschuh, again.

MR. HOLSCHUH: Yeah, thank you. When he said "no-brainer"—I am just joking. I want you to be sure, Bob, when you go there you wear your helmet when you go skating in these parks. Thank you. Clearly, we will have secure safety equipment.

MR. JACOBSON: I don't skate in the parks. I said "youth".

MR. HOLSCHUH: Oh, sorry.

CHR. HIGA: Thank you, Dr. Holschuh. And, again, I also hope—wish this thing come to great success, 'cause I think it will be a great model if we even—in Keaukaha or Pana'ewa and some of the other areas that this could be really a good model for other communities. Thank you, Mr. Safarik. Madam Clerk.

The roll call vote on Resolution 89-05, was as follows:

AYES: Council Members Arakaki, Holschuh, Ikeda, Isbell,
Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Hoffmann – 1.

CHR. HIGA: Thank you. Resolution 89-05 is adopted. Madam Clerk.

MR. SAFARIK: Thank you.

RESOLUTION
NO. 90-05
(WAIVED-FC)
(COMM. 253):

Transfers/Appropriates an Appropriation Out and From the Designated Fund Account(s) and Credits Same to a Designated Fund Account(s).
{Transfers/appropriates \$25,796.50 out and from Clerk-Council Services – Contingency Relief account; credits same to Transfer to Highway Fund Public Works – Streetlights Other Current Expense (Puna *Makai* Subdivision Streetlights).} (Introduced by Mr. Safarik.)

Mr. Safarik moved for the adoption of Resolution 90-05.
Seconded by Mr. Jacobson.

CHR. HIGA: Thank you. Any discussion? Mr. Safarik.

MR. SAFARIK: Thank you, Mr. Chair. And I also want to thank—before I start off, I want to thank the previous—for the previous resolution—the Committee Chair for waiving it forward to the full Council and also to—for Resolution 90-05, for the Committee Chair waiving it forward to full Council.

I think it's self-explanatory. In the Puna *makai* region we have a lot of nonconforming substandard subdivisions. But, in some of those subdivisions, the major egress and ingress collector roads or roadway systems are, actually, County highways or County roadways. And one of the—those subdivisions is in Ainaloa—which we just took over the Puna Emergency Access Road, 3 ½ mile section, and in Nanawale and Leilani Estates and Hawaiian Beaches—that's why it's not specified.

And I wanted to put in some money so that we could at least get streetlights in—at least for a couple of blocks going into each subdivision because if you drive into the Puna region in the evening—because of the ruralness of that area, some of these subdivisions are quite dark to—for lack of a better word. There—especially on a moonless night, it's rather difficult. And we have a lot of people moving in there and there's a lot of seniors that are moving in there. And as we get to our senior levels—and I'm included in that—the eyesight in the evening

becomes challenged. And so, I thought that it would be appropriate to spend some of this contingency money to put some safety measures in place. And I thought streetlights would be a fairly simple way of doing that and with the largest impact. So I'd appreciate any type of support.

CHR. HIGA: Thank you, Mr. Safarik. Anymore discussion? If not, Madam Clerk.

The roll call vote on Resolution 90-05, was as follows:

AYES: Council Members Arakaki, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Hoffmann – 1.

CHR. HIGA: Thank you. Resolution 90-05 is adopted.

BILLS FOR
ORDINANCES:

The Chair directed the Council to proceed to the next order of business, Bills for Ordinances.

ORDINANCE
BILL NO. 75
(FC-82)
(COMM. 203):

Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Appropriates revenues in State Grants – Big Island Biodiesel Industry (\$10,000); appropriates same to Big Island Biodiesel Industry.} (Introduced by Ms. Isbell.)

Ms. Isbell moved for the passage of Bill 75 on first reading and to adopt Finance Committee Report 82. Seconded by Mr. Hoffmann.

CHR. HIGA: Okay. Any discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 75, was as follows:

AYES: Council Members Arakaki, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Hoffmann – 1.

CHR. HIGA: Thank you. Bill 75 passes first reading.

MS. KIRIU: To the top of Page 6—

CHR. HIGA: One moment—Mr. Safarik.

MR. SAFARIK: Mr. Chairman, I just wanted to acknowledge our clerks that are in the—and because there's nobody in the room—and I see Loren. Hi, Loren, are you there? Okay. Good. She's still awake. And—

MS. GERMANO: I do have one person here—

MR. HOLSCHUH: Okay. Great.

MS. GERMANO: And one person coming to give testimony for an item that's not on the agenda.

MR. SAFARIK: I was making calls when we were on our break to make sure we get people in there, since it's our inaugural run of this. So, anyway, welcome again, Loren and Megan, in Kona.

MS. GERMANO: Thank you.

MR. SAFARIK: That's all I had to say.

CHR. HIGA: Megan, are you there, too?

MS. MITCHELL: Yes, I'm still here.

CHR. HIGA: Thank you, Mr. Safarik, for reminding us of that. Thank you.

MR. SAFARIK: I think they're awake.

CHR. HIGA: Madam Clerk.

ORDINANCE
BILL NO. 96
(WAIVED-FC)
(COMM. 245):

Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004, to June 30, 2005. {Adds DEPARTMENT OF PARKS AND RECREATION: Lincoln Park Improvements (\$20,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$20,000). Funds would be used to construct a new pavilion for Lincoln Park to be located near the existing playground and would provide shelter for persons using this park as well as serve as a meeting place for the downtown Hilo community.} (Introduced by Mr. Higa.); and

COMM. 245.1:

From Mayor Harry Kim, dated April 29, 2005.

Ms. Isbell moved for the passage of Bill 96 on first reading.
Seconded by Mr. Pilago.

CHR. HIGA: Thank you. Any discussion? Mr. Jacobson.

MR. JACOBSON: Mr. Higa, would you—may I address you and ask you give—us a little outline of what you are doing here—and if the \$20,000 is going to pay for the full amount of this? And, if so—good—please—

CHR. HIGA: Thank you, Mr. Jacobson. I would enjoy the opportunity to explain how this came about. We were trying to do the stages but, unfortunately, it broke in the press what was going to happen or what my intention was. And I really wanted to do it in stages. But this 20,000 was part of my Fund Balance of my discretionary funds. And the idea was to try to—I went down to Lincoln Park on numerous occasions during the weekends and, when you see the amount of children that are using this park on nice days, it's amazing. I mean, from toddlers to six, seven, eight-year-olds—and it's very wonderful to see so many children utilizing this park.

One of the things I did notice was that the pavilions were quite a distance away from the actual playground. So my intention was to try to build a little bit—a pavilion similar to what's there, but closer to the playground, so that parents could actually supervise their children a lot easier. And the idea was—on the numerous times I went down there—families were actually utilizing the pavilions for little parties. They would actually have potluck get-togethers for parties and they'd have all these wonderful children running around. It was very nice to see. And I thought—I saw—when I was there one weekend, I saw a family with all their coolers out in the middle of the park because the pavilions were being used by other people playing chess, cards, whatever—there. So I thought how unfortunate that this group couldn't utilize the pavilion because they probably came in later. So I thought it'd be nice to have another pavilion closer to that playground.

And, as you probably heard in the media, my intention is to rename the playground after Dr. Ruth Oda. And I've been getting tremendous support from various organizations and so forth. So today I, actually, had a phone call from a construction company willing to donate the entire pad and whatever else I would need to complete this thing in case my \$20,000 wasn't going to be enough. After I would get this—hopefully, we get this passed, if I can get some support from everyone here to do this—then we're going to embark on probably a campaign to let the public know what we're—our intentions are and see if we could get some public support with monetary donations or labor or materials. So I believe the \$20,000 would be more than enough to accomplish what I intend to do down there.

MR. JACOBSON: Music to my ears. Thank you.

CHR. HIGA: Thank you, Mr. Jacobson. Dr. Holschuh.

MR. HOLSCHUH: Thank you, Mr. Chairman. Obviously, I would want to say more about this when the park renaming comes up but since—

CHR. HIGA: Oh, oh. I've got to correct you. Please do not say that. It's "playground" renaming 'cause I—

MR. HOLSCHUH: "Playground" renaming—

CHR. HIGA: Yes.

MR. HOLSCHUH: Or pavilion renaming, whatever it is.

CHR. HIGA: My intention is not to change the park.

MR. HOLSCHUH: Yeah, yeah, yeah. Forgive me. Pavilion renaming or whatever it is. I just want to say that I'm so tickled that you're doing this. 'Cause when I first set foot on this island in a professional capacity, I was still in training at Children's Hospital in Honolulu, and I was the only one with a medical license—and I came over here at Ruth Oda's request. She didn't know who I was. She just wanted a body in pediatric training and I did school physicals. And that was in '60—God knows. Well, it was 1970. And she's been a friend of mine, or was a friend until her death—wonderful, wonderful lady. There's hardly a person around, certainly, on this side of the island that doesn't know her one way or another—either as the doctor or the kid's doctor or the aunty's friends and this and that. So I think this is just a magnificent idea. Thank you. I'm sorry I misspoke about what the naming is for.

CHR. HIGA: I took enough heat with people thinking I was going to rename the park. But I want to go on the record that the park will remain "Lincoln Park"—

MR. HOLSCHUH: Lincoln Park. Clearly.

CHR. HIGA: And the playground will be named after, hopefully, Ruth Oda.

MR. HOLSCHUH: Yeah. Well, much congratulations. I think it's a wonderful idea. Thank you.

CHR. HIGA: Thank you. Mr. Safarik.

MR. SAFARIK: I had just a technical question because I think this is a great idea and I also questioned if \$20,000 was going to do it. I didn't think that that was enough. But, Madam Clerk, the Bill 96, would that require a resolution also? Are we-- or is this because of the Fund Balance?

MS. KIRIU: This was from the Fund Balance.

MR. SAFARIK: So not contingency?

MS. KIRIU: No.

CHR. HIGA: No. That is fund balance. Sorry.

MR. SAFARIK: Okay. Then, we don't need it.

CHR. HIGA: Thank you, Mr. Safarik, for clearing that up. So, thank you. Any more discussion? If not, Madam Clerk.

The roll call vote on Bill 96, was as follows:

AYES: Council Members Arakaki, Holschuh, Ikeda, Isbell,
Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Hoffmann – 1.

CHR. HIGA: Thank you. Bill 96 passes first reading. Madam Clerk.

ORDINANCE
BILL NO. 97
(WAIVED-FC)
(COMM. 246):

Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004, to June 30, 2005. {Adds DEPARTMENT OF PARKS AND RECREATION: Laupāhoehoe Park Boat Ramp Repairs (\$75,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$75,000). Funds would be used to make temporary repairs to the Laupāhoehoe Park Boat Ramp to mitigate an existing hazardous condition and would allow continued use of this ramp, being the only boat ramp between Hilo and Kawaihae, which is currently nearly 100% unusable by the boating community.} (Introduced by Mr. Holschuh.)

Mr. Holschuh moved for the passage of Bill 97 on first reading. Seconded by Ms. Isbell.

CHR. HIGA: Any discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 97, was as follows:

AYES: Council Members Arakaki, Holschuh, Ikeda, Isbell,
Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Hoffmann – 1.

CHR. HIGA: Thank you. Bill 97 passes first reading. Madam Clerk.

ORDINANCE
BILL NO. 98
(WAIVED-FC)
(COMM. 247):

Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004, to June 30, 2005. {Adds DEPARTMENT OF PARKS AND RECREATION: Waikoloa Park Playground Equipment (\$10,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$10,000). Funds would be used to purchase playground equipment for the Waikoloa Park, which would benefit users of the park, especially children who currently lack such equipment.} (Introduced by Mr. Hoffmann.)

Ms. Isbell moved for the passage of Bill 98 on first reading.
Seconded by Mr. Pilago.

CHR. HIGA: Any discussion? Dr. Holschuh.

MR. HOLSCHUH: What a timely thing—Mr. Hoffmann walked through door. I wanted to ask him a question. Thank you, Mr. Chairman.

MR. HOFFMANN: I knew you wanted to, Mr. Holschuh. Thank you.

MR. HOLSCHUH: Well, good. It's mental telepathy—that's good communication.

MR. HOFFMANN: Yes, sir.

MR. HOLSCHUH: I notice you have a—this is a \$10,000 figure for playground equipment—and I just was involved in something up in Laupāhoehoe and it was going to cost a good deal more than this just to put the ADA surface down. Is that in place already?

MR. HOFFMANN: No. In fact, the idea of this was to—we have one very small type—of playground equipment that we were going to use because we have limited space at the Waikoloa Park in which this one is going. And this will include the space and the materials that we need to put down—but, it is really quite small.

MR. HOLSCHUH: Okay.

MR. HOFFMANN: It was, basically, all I had left. And, since no playground equipment had been funded or resourced for the park since the initial allocation when it opened a couple of years ago, at least it was something that we could show that we were attempting to do in this particular instance. And, until we get Ho'oko Street Park finished, which would be some time off, this provides at least a limited capability for playground equipment in that area.

MR. HOLSCHUH: Yeah. The only reason I—thank you for explaining that. This ADA thing is interesting, as we all know, if we've got involved in this—you have to put this concrete thing in a certain kind of foam. Nobody can fall on grass anymore—they've got to fall on this foam and I presume there's some scientific reasons.

But, is there some reason that you shouldn't or this Council shouldn't look for other funds or is this going to be good enough for now? You—are you okay with this or could it be expanded upon, I guess, is what I'm getting at?

MR. HOFFMANN: There's a whole lot of extra things that we need to do, I assure you—nothing has been done in that area for quite some time.

MR. HOLSCHUH: Okay.

MR. HOFFMANN: But, that being said, the Waikoloa Park is being scheduled, of course, for ADA upgrades on the schedule that Parks and Rec. have. And, although that won't happen, I think, until 2007, if I'm not mistaken, it's at least on their listing of projects. And, at least, for this effort, this will be an ADA-compliant piece of equipment and that will allow us at least to proceed there. There's plenty more that needs to be done, but we just need to look ahead, and I was trying to use the discretionary monies that I did have properly among the three and four communities that we have in my district.

MR. HOLSCHUH: Okay. Well, no, I think it's a great idea and I congratulate you for it. I just want to be sure you can expand upon it or put more in, if you need to later in the future—it sounds like you can.

MR. HOFFMANN: We can. I must, again, just remind you, it's really a limited area that we have there, that's why Ho'oko Street Park is moving ahead.

MR. HOLSCHUH: Okay. That's fine. Thank you. Thank you, Mr. Chairman.

CHR. HIGA: Thank you, Dr. Holschuh. No more discussion? Madam Clerk.

The roll call vote on Bill 98, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Jacobson – 1.

CHR. HIGA: Thank you. Bill 98 passes first reading.

ORDINANCE
BILL NO. 99
(WAIVED-FC)
(COMM. 248):

Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004, to June 30, 2005. {Adds DEPARTMENT OF PARKS AND RECREATION: Kamehameha Park Basketball Court (\$22,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$22,000). Funds would be used to build a new basketball court for the Kamehameha Park providing new recreational opportunities for our youth and other persons utilizing this park.} (Introduced by Mr. Hoffmann.)

Mr. Hoffmann moved for the passage of Bill 99 on first reading. Seconded by Mr. Jacobson.

CHR. HIGA: Any discussion? Dr. Holschuh.

MR. HOLSCHUH: Yeah. Thank you, Mr. Chairman. I have a personal attachment to this park and I just wondered—'cause my grandkids live in Kapa'au and play here all the time. Where—I mean, most of them are older that are playing—well, they do play basketball. But where, actually, would this be with relationship to the swimming pool and the tennis courts and so on?

MR. HOFFMANN: This would be—

MR. HOLSCHUH: Is this a new spot that's going to be a new—

MR. HOFFMANN: This would be a new spot outdoors. It would be adjacent to the basketball court, to the gym that's there now—

MR. HOLSCHUH: Okay.

MR. HOFFMANN: Just *makai* of the tennis court.

MR. HOLSCHUH: Oh, okay. Okay. Interesting. Good. That's good use of the space and good use of the funds. Congratulations and thank you. On behalf of my grandkids, thank you.

MR. HOFFMANN: We're always happy to help your grandchildren. Thank you.

CHR. HIGA: Thank you, Dr. Holschuh. Any more discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 99, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 99 passes first reading. Madam Clerk.

ORDINANCE
BILL NO. 100
(WAIVED-FC)
(COMM. 249):

Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004, to June 30, 2005. {Adds DEPARTMENT OF PARKS AND RECREATION: Old Kona Airport Park Canoe Halau (\$100,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$100,000). Funds would be used to build a canoe *halau* at the Old Kona Airport Park providing a new shelter for canoes for the benefit of the canoe paddling community and other users of this park.} (Introduced by Ms. Isbell and Mr. Pilago.)

Mr. Pilago moved for the passage of Bill 100 on first reading. Seconded by Ms. Isbell.

CHR. HIGA: Discussion? Mr. Pilago.

MR. PILAGO: Thank you, Mr. Chair. We urge your support for this bill. It's been a very long time coming for the canoe families in Kona to begin moving forward on their idea and, actually, getting the structure put together. I'm very happy and pleased to have been after this long time—to be a part of this new change and to put this canoe halau in place at Old Kona Airport. And I do know it will improve the facility as we acquire that some future date. Thank you.

CHR. HIGA: Thank you, Mr. Pilago. Dr. Holschuh.

MR. HOLSCHUH: Yeah. Thank you. I just want to congratulate you both. And, as we heard today, those concrete things or however that lady explained that—but this is a great idea and it's a place that needed—got clear improvement and it's a nice use of funds and taxpayer money that is available. So, thank you for that. Thank you, Mr. Chairman.

CHR. HIGA: Thank you, Dr. Holschuh. Mr. Arakaki.

MR. ARAKAKI: May I ask Mr. Pilago a question? Mr. Pilago, is—I approve the use of the funds. Is this—do you need to get permit to do this halau?

MS. ISBELL: Maybe I could answer.

MR. PILAGO: Can I defer to Councilwoman Isbell?

MR. ARAKAKI: Yes.

MS. ISBELL: Right. This already is County property.

MR. ARAKAKI: It's permitted?

MS. ISBELL: It was turned over to the County by the Land and Natural Resources—and the County, in turn, leased it for \$1 a year to the Kai Opua Canoe Club.

MR. ARAKAKI: Oh, they did.

MS. ISBELL: And, during that time of lease, they also have—the pads are already there. The permits have already been pulled. It's ready to go.

MR. ARAKAKI: Okay. The only reason I asked is there are a lot of halaus on Bayfront over here and I don't know about the permits or I don't know the conditions of how they do those things. So I want to make sure that you're spending this kind of money that, at least, we have all the permits in place. If not, the other guys going ask us for money.

MS. ISBELL: Oh, I thought you were going to ask about the barking dogs or something.

MR. ARAKAKI: No, no, no. Thank you.

MS. ISBELL: It's all permitted. Thank you.

CHR. HIGA: Thank you, Mr. Arakaki. No more discussion? Madam Clerk.

The roll call vote on Bill 100, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 100 passes first reading. Madam Clerk.

ORDINANCE
BILL NO. 101
(WAIVED-FC)
(COMM. 250):

Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004, to June 30, 2005. {Adds DEPARTMENT OF PARKS AND RECREATION: Pahala Tennis Court Lighting and Improvements (\$38,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$38,000). Funds would be used to install lighting and other improvements to the Pahala Tennis Court providing increased recreational opportunities for the benefit of our youth and other persons utilizing this court.} (Introduced by Mr. Jacobson).

Mr. Jacobson moved for the passage of Bill 101 on first reading. Seconded by Mr. Holschuh.

CHR. HIGA: Discussion? Mr. Jacobson.

MR. JACOBSON: I encourage you each to support this and I also owe a vote of—a word of thanks to Mr. Ed Olson. The \$38,000 may be a strange fund number to come up with. Actually, the cost to do the lighting will be about \$40,000 but Mr. Ed Olson has offered to donate \$2,000. This is a case where people wanted this to happen—the money materialized. And when somebody had already offered 2,000, it made it very difficult for me to say "no" because there's a real need for these people to have this out here. So I thank you all very much for your support.

CHR. HIGA: Thank you, Mr. Jacobson. Dr. Holschuh.

MR. HOLSCHUH: Yeah. Thank you, Bob, for doing this and I would hope you would officially pass on our gratitude to him for doing this. Thank you.

CHR. HIGA: Thank you, Dr. Holschuh. Any more discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 101, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 101 passes first reading. Madam Clerk.

ORDINANCE
BILL NO. 102
(WAIVED-FC)
(COMM. 252):

Amends Ordinance No. 04-75, as Amended, Relating to Public Improvements and Financing Thereof for the Fiscal Year July 1, 2004, to June 30, 2005. {Adds DEPARTMENT OF PARKS AND RECREATION: Puna Neighborhood Skateboard Park (\$90,000); funds to be provided from General Obligation Bonds, Capital Projects Fund-Fund Balance and/or Other Sources (\$90,000). Funds would be used to build a Pāhoa Neighborhood Skateboard Park in a portion of the Pāhoa Neighborhood Center area providing a recreational area for this sport, thus meeting requests for legal riding areas; curtailing illegal riding of skateboards on public roads and streets, County and private lands; and helping police direct violators of the traffic code to a legal designated area where the public would enjoy their skateboards.} (Introduced by Mr. Safarik).

Mr. Safarik moved for the passage of Bill 102 on first reading. Seconded by Mr. Jacobson.

CHR. HIGA: Okay. Any discussion?

MR. SAFARIK: Just briefly—I think I said all I had to say as far as the Skateboard Park. But I did want to make one observation so that everybody here knows that just exactly how this urban core of Pāhoa is starting to shape up. The County owns about 76 acres of land that are contiguous, we have 56 acres that we just purchased of vacant land, connected to that is a ball field—baseball field—connected to that is the Pāhoa Neighborhood Recreational Center which—where Loren is now, and next to that is the pool. So within this 76 acres, right in the center of town is where we want to site this skateboard park somewhere.

And, like I said, the nexus to do it there was that we are looking at partnering with several different nonprofit agencies including, the YMCA and possibly some others, to have them manage certain aspects of our Parks and Recreation programs. And it's a new thought—I shouldn't say a "new thought". It's something that we've talked about a lot—partnering with the private sector—and then providing that ownership to the community. But this is a real tremendous

opportunity for the people in Pāhoa to recognize that we have the impetus now with the land to do certain things that would be beneficial for us in the future. So I do appreciate all the help and support on this measure.

CHR. HIGA: Thank you, Mr. Safarik. Any more discussion? If not, Madam Clerk.

The roll call vote on Bill 102, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 102 passes first reading.

ORDER OF THE DAY:

The Chair directed the Council to proceed to the next order of business, Order of the Day.

ORDINANCE
BILL NO. 57
(COMM. 165):

Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Federal Grants – Speed Enforcement (\$26,000); appropriates same to Speed Enforcement. Additional funds would be used to purchase two speed boards displays with trailers, which would alert drivers of the speed they are traveling in hopes of reducing those that exceed the limit resulting in a decrease in the number of motor vehicle collisions.} (Introduced by Ms. Isbell; passed First Reading on April 20, 2005.)

Ms. Isbell moved for the passage of Bill 57 on second and final reading. Seconded by Mr. Pilago.

CHR. HIGA: Any discussion? Dr. Holschuh, you're first.

MR. HOLSCHUH: Yeah. Quick story. I've been talking about these doggone speed boards for two different sessions on this particular bill and I think they're great. And I was telling my wife when I was driving her home from her doctor's appointment on Monday—I said, "Hey, we're going up Hāmākua direction". I said, "Wait till you see all the cars slow down at this speed board". And what the heck happens? A big truck goes through 15 miles over the speed limit. The thing was flashing like crazy, but most of the cars slowed down. They're still wonderful. Boy, that failed that test. But, anyway, thank you. I think this is still wonderful and I'm very happy to support it.

CHR. HIGA: Thank you, Dr. Holschuh. Mr. Jacobson.

MR. JACOBSON: I fully support this grant. And I think this is an example of grants that we would normally and properly vote on like all grants. Thank you.

CHR. HIGA: Thank you, Mr. Jacobson. Any more discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 57, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 57 passes Second and Final Reading. Madam Clerk.

ORDINANCE
BILL NO. 61
(DRAFT 2)
(COMM. 173.1):

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-10a) at Kaloko, North Kona, Hawai'i, Covered by Tax Map Key 7-3-26:11 (approx. 20.475 acres). {Kristina Deutsch, Applicant.} (Introduced by Mr. Hoffmann and Mr. Pilago; passed First Reading on April 20, 2005.)

Mr. Pilago moved for the passage of Bill 61, Draft 2, on second and final reading. Seconded by Mr. Hoffmann.

CHR. HIGA: Discussion? Mr. Pilago.

MR. PILAGO: Thank you, Mr. Chair. We've had numerous discussions through Council—let me correct that—through consultant with the—on behalf of applicant in respect to this parcel—and they've assured us that this is Family Residential—that's their long-term purpose and there was no speculation in their future plans. Thank you, sir.

CHR. HIGA: Thank you, Mr. Pilago. Mr. Jacobson.

MR. JACOBSON: I will be voting against this and the following two bills, simply by the same reasoning that I usually use—we're doubling the density. This is your classic death by a thousand cuts. So thank you.

CHR. HIGA: Thank you, Mr. Jacobson. Any more discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 61, Draft 2, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Pilago, Safarik, and Chair Higa – 8.

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 61, Draft 2, passes second and final reading. Madam Clerk.

ORDINANCE
BILL NO. 62
(DRAFT 2)
(COMM. 174.1):

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-10a) at Kaloko, North Kona, Hawai'i, Covered by Tax Map Key 7-3-27:7 (approx. 20.254 acres). {Bruce B. Easley, Applicant.} (Introduced by Mr. Hoffmann and Mr. Pilago; passed First Reading on April 20, 2005.)

Mr. Hoffmann moved for the passage of Bill 62, Draft 2, on second and final reading. Seconded by Mr. Pilago.

CHR. HIGA: Any discussion? Mr. Pilago, first.

MR. PILAGO: Thank you, sir. Again, reassurance by the Easley family that it's going to be used between two brothers, long-term residents, and I urge support.

CHR. HIGA: Thank you. Any more discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 62, Draft 2, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Pilago, Safarik, and Chair Higa – 8.

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 62, Draft 2, passes second and final reading. Madam Clerk.

ORDINANCE
BILL NO. 63
(DRAFT 2)
(COMM. 175.1):

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-10a) at Kaloko, North Kona, Hawai'i, Covered by Tax Map Key 7-3-27:6 (approx. 21.695 acres). {Matthew K. Mather, Applicant.} (Introduced by Mr. Hoffmann and Mr. Pilago; passed First Reading on April 20, 2005.)

Mr. Pilago moved for the passage of Bill 63, Draft 2, on second and final reading. Seconded by Mr. Holschuh.

CHR. HIGA: Thank you. Any discussion? Mr. Pilago.

MR. PILAGO: Thank you, sir. Again, it follows bills previous that the assurances to this Council that these parcels are going to be used for family residential in the long term—non-speculative. Thank you.

CHR. HIGA: Thank you, Mr. Pilago. Anymore discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 63, Draft 2, was as follows:

AYES: Council Members Arakaki, Hoffmann, Holschuh, Ikeda, Isbell, Pilago, Safarik, and Chair Higa – 8.

NOES: Council Member Jacobson – 1.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 63, Draft 2, passes second and final reading. Madam Clerk.

ORDINANCE
BILL NO. 64
(COMM. 176):

Amends Chapter 25 (Zoning Code) of the Hawai'i County Code Relating to Uses Within the General Industrial (MG) District. {Adds "commercial excavation" as a permitted use within the General Industrial (MG) District.} (Introduced by Mr. Pilago and Mr. Hoffmann; passed First Reading on April 20, 2005.)

Mr. Hoffmann moved for the passage of Bill 64 on second and final reading. Seconded by Mr. Pilago.

CHR. HIGA: Okay. Any discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 64, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 64 passes second and final reading. Madam Clerk.

ORDINANCE
BILL NO. 68
(COMM. 181):

Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Appropriates revenues in Federal Grants – Community Oriented Policing Services – Prosecutors (\$200,000); appropriates same to Community Oriented Policing Services – Prosecutors.} (Introduced by Ms. Isbell; passed First Reading on April 20, 2005.)

Ms. Isbell moved for the passage of Bill 68 on second and final reading. Seconded by Mr. Holschuh.

CHR. HIGA: Any discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 68, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 68 passes second and final reading. Madam Clerk.

ORDINANCE
BILL NO. 73
(COMM. 193):

Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Appropriates revenues in Federal Grants – Justice Assistance Grant (\$115,645); appropriates same to Justice Assistance Grant.} (Introduced by Ms. Isbell; passed First Reading on April 20, 2005.)

Ms. Isbell moved for the passage of Bill 73 on second and final reading. Seconded by Mr. Hoffmann.

CHR. HIGA: Okay. Any discussion? Mr. Jacobson.

MR. JACOBSON: Another classic example of the many votes that we should be properly be voting on. Thank you.

CHR. HIGA: Thank you, Mr. Jacobson. Anymore discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 73, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 73 passes second and final reading. Madam Clerk.

ORDINANCE
BILL NO. 81
(COMM. 212):

Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005. {Increases revenues in Federal – 2005 HOME (\$1,006,554); appropriates to the following: Hualalai Elderly Housing Phase III (\$900,000), American Dream Downpayment Initiative (\$21,554), and Office of Housing and Community Development Administration (\$85,000), for a total of \$1,006,554.} (Introduced by Mr. Hoffmann; passed First Reading on April 20, 2005.)

Mr. Hoffmann moved for the passage of Bill 81 on second and final reading. Seconded by Mr. Holschuh.

CHR. HIGA: Any discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 81, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 81 passes second and final reading. Madam Clerk.

ORDINANCE
BILL NO. 82
(COMM. 213):

Amends Ordinance No. 04-74, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2005.
{Increases revenues in Federal – Block Grant (\$2,672,100); appropriates to the following: Removal of Architectural Barriers – Americans with Disabilities Act Compliance – Various County Facilities (\$1,523,069), Boys and Girls Club – Phase 1 Renovations (\$541,337), The Arc of Hilo – Expansion Plans and Design (\$186,884), A Friendly Place – West Hawai'i One-Stop Homeless Resource Center (\$90,000), Construction Management (\$180,810), and Administration, Planning and Fair Housing (\$150,000), for a total of \$2,672,100).} (Introduced by Mr. Hoffmann; passed First Reading on April 20, 2005.)

Mr. Hoffmann moved for the passage of Bill 82 on second and final reading. Seconded by Mr. Pilago.

CHR. HIGA: Any discussion? Hearing none, Madam Clerk.

The roll call vote on Bill 82, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

CHR. HIGA: Thank you. Bill 82 passes second and final reading.

CHR. HIGA: Is that the end of our agenda, Madam Clerk?

MS. KIRIU: We have—yes—Page 11, "Reports".

CHR. HIGA: Okay.

MS. KIRIU: The Financial Report.

REPORTS: The Chair directed the Council to proceed to the next order of business, Reports.

FINANCIAL REPORT: Monthly Financial Status Report from the Department of Finance for the Month Ended March 31, 2005.

Mr. Hoffmann moved for the approval of the Monthly Financial Status Report from the Department of Finance for the Month Ended March 31, 2005. Seconded by Mr. Pilago.

CHR. HIGA: Is that right?

MR. SAFARIK: Public Statement.

CHR. HIGA: Yeah. Do we need to have—do we have to vote—what is it—a voice vote on that to accept the reports?

MS. KIRIU: That's fine. Yes.

CHR. HIGA: That's fine? Thank you.

The voice vote, was as follows:

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

NOES: None.

ABSENT & EXCUSED: None.

REFERRALS FOR EXECUTIVE SESSION: The Chair directed the Council to proceed to the next order of business, Referrals for Executive Session.

(There were none.)

OTHER BUSINESS: The Chair directed the Council to proceed to the next order of business, Other Business.

(There was none.)

ANNOUNCE-
MENTS:

The Chair directed the Council to proceed to the next order of business, Announcements.

COMMITTEES

TUESDAY, MAY 17, 2005

TBA

COUNCIL ROOM

COUNCIL PUBLIC
HEARING
RE REAL PROPERTY TAX
RATES (E. HAWAI'I)

5:00 p.m.

COUNCIL ROOM

WEDNESDAY, MAY 18, 2005

COUNCIL

9:00 a.m.

COUNCIL ROOM

THURSDAY, MAY 19, 2005

COUNCIL PUBLIC
HEARING
RE REAL PROPERTY TAX
RATES (W. HAWAI'I)

6:00 p.m.

SHERATON
KEAUHOU BAY
RESORT & SPA

STATEMENTS
FROM THE
PUBLIC ON
ITEMS
NOT ON THE
AGENDA:

The Chair directed the Council to proceed to the next order of business, Statements from the Public on Items not on the Agenda.

CHR. HIGA: Megan, you have anyone out there?

MS. MITCHELL: No, Chairman Higa, thank you. We have no one left to testify.

CHR. HIGA: I want to thank you again, on behalf—I'm sure everyone is very, very happy that you held the fort down in Kona. Thank you so much, Megan Mitchell. Loren.

MS. GERMANO: Hello, Mr. Chairman. I have one more person here to testify. Her name is C. J. Moore. She is going to testify in support for animal law changes and continuing complaints of animal noise.

CHR. HIGA: Thank you.

MS. GERMANO: She represents herself and Mr. Okino, et. al.

CHR. HIGA: Okay. Loren, again, we're going to remind her that we have a three-minute and then the County Clerk will be holding up the color coded for the one-minute and then the summary. Thank you.

MS. GERMANO: Yes. Thank you, Mr. Chairman.

C. J. MOORE: The Chair called on Ms. C. J. Moore, representing Mr. Okino et. al., who made the following statement:

MS. MOORE: Thank you. My name is C. J. Moore. I'm coming before the Council with a longstanding complaint of animal noise. Some of you have copies of my complaint from five years ago—it's the same owners and the same tenants. The property owner has been arrogant and discourteous to me and, obviously, holds himself above the law. I am not to question his authority. The tenants are hostile and non-compliant.

I am here to help support any change in animal laws that I can help with to help people, like myself and like Mr. Okino, that have their lives imposed on daily by disastrous animal noise. I would like to return the peaceful enjoyment of my life in my personal property and my real property—excessive animal noise affects a lot of us in the community and I would like to see the Council address it. I'd like to see changes. I will help with the changes. You haven't seen the last of me. I'd like to see the control put into an agency that actually has the authority to enforce the law. Thank you very much for your time. And I will be talking to you at further meetings.

CHR. HIGA: Thank you. One moment. We have a comment. Mr. Safarik.

MR. SAFARIK: Thank you, Mr. Chair. *Aloha* to you, C. J.

MS. MOORE: *Aloha*.

MR. SAFARIK: Thank you for coming in and testifying and I encourage you to continue your public statements, so that your issues may be addressed.

MS. MOORE: Thank you.

CHR. HIGA: Thank you, Mr. Safarik. Mr. Hoffmann.

MR. HOFFMANN: Thank you, Mr. Chairman. I don't have a question for Ms. Moore but it's more just for our—where we stand on the drafting of the ordinance—Bill 4, I think it is. Can I ask Mr. Jacobson, perhaps?

CHR. HIGA: Sure.

MR. HOFFMANN: What's the status of that, Bob?

MR. JACOBSON: I think you have to talk to the Committee Chair who's handling it right now.

MR. HOFFMANN: Mr. Higa?

CHR. HIGA: Okay. The last update I had I instructed—there's two things. I need to speak to Mr. Jacobson because we were compiling all the information and they were supposed to come back with some amendments—but, I need to speak with Mr. Jacobson. He wanted it passed without any amendments put in—that's what I was told. So I need to sit down and speak with Mr. Jacobson. He's the maker of the bill. But his request was that he wanted to just pass that forward without the amendments that I—from my understanding what was taking place in public hearings and—

POINT OF ORDER: MR. HOLSCHUH: Point of order. My understanding—and forgive me if I'm wrong—is that we're not supposed to get into a discussion on non-agendized items—the actual details of the items. Is that correct, Madam Clerk?

MS. KIRIU: Yes. But, I guess—

MR. HOLSCHUH: I don't object to the discussion—

MS. KIRIU: This is more just an update on status.

MR. HOFFMANN: I don't—we're not discussing the details as much as just what the status of it happens to be. I think that's fair.

MR. HOLSCHUH: Okay. In your opinion, Madam Clerk, is this okay?

MS. KIRIU: Yeah.

MR. HOLSCHUH: Okay. That's fine.

CHR. HIGA: Yeah. He's just asking about, I would think, the general—

MR. HOLSCHUH: Yeah, that's fine.

MR. HOFFMANN: Thank you, Mr. Higa.

CHR. HIGA: Again, that's why I'm saying I'll have to be discussing this with Mr. Jacobson, the maker of that bill.

MR. HOFFMANN: I just wanted to know because I've got a whole series of other complaints from my constituents in Waikoloa, again, on a completely separate issue of dog barking and everything. I wanted to be able to tell them where we really stand at the moment—and that's all I need. Thank you.

CHR. HIGA: I would also encourage my colleagues to speak to Mr. Jacobson about having some of those amendments from all the testimony that came forward, be inputted into that bill. And, again, but I'll be speaking to Mr. Jacobson. Thank you. Mr. Jacobson.

MR. JACOBSON: I just would like to thank C. J. for coming in and offering your support. But, in fact, we are working on this bill. And I think that all of us are going to have to be open-minded about it. And I'm not going to go much further than that—but thank you, all, for your support for this type of legislation.

CHR. HIGA: Thank you. Dr. Holschuh, did you have a comment?

MR. HOLSCHUH: No. I just wanted to be sure we were okay.

CHR. HIGA: Okay. Thank you. Thank you, Mr. Jacobson, Dr. Holschuh. Ms. Moore, thank you for coming in. And, Loren, thank you very much—Loren Germano—for an outstanding job in Pāhoa. Thank you.

MS. GERMANO: Thank you.

MS. MOORE: Thank you.

CHR. HIGA: And the last one on our agenda for Hilo is Susan O'Neill.

SUSAN O'NEILL: The Chair called on Ms. Susan O'Neill, who made the following statement:

MS. O'NEILL: This is rather spontaneous but Councilperson Safarik mentioned how, as we grow a little bit older, our eyesight changes. And I called my husband quickly about this and he wanted me to say what I'm about to say.

My husband and I are trained volunteer instructors in something called the AARP Safety Driver's Course. Anyone can take it. People who are 50 and above who complete the day are eligible for a 10% discount from their auto insurance. I've done a quick count and there are at least four and maybe five people who are under 50 in the room. And I did another quick count and there are about 75 chairs here and there are other venues, too.

But I'm offering an opportunity for County employees—any County employees—to take this very, very practical and useful update that is put out—that is offered by AARP. Dan and I do it about once a month in the Kamana

Senior Center, but that's a small space. So I'm just throwing the idea out, if people are interested in pursuing this. I have thought about it for County employees. I've also thought about it for West Hawai'i and North Hawai'i and South Hawai'i. So that's it. It's available and I hope anyone interested would contact me. Thank you very much.

CHR. HIGA: Dr. Holschuh, you're first. Hang on.

MR. HOLSCHUH: Yeah. Thank you, Mr. Chairman. I just—I want to thank Susan but I don't want to get into discussing this. But I am aware that she does this and I think that's terrific. I did want to say one other thing—I know we mentioned it, kind of, at the beginning—but, kind of, an interesting trip today to have Pāhoa on the videoconferencing. I want to thank Mr. Safarik for that and thank Loren. It was, sort of, good fun to hear from people over there. I presume we'll continue this. Is that the idea? Great. Thank you.

CHR. HIGA: Again, thank you. Thank you, Dr. Holschuh. Again, Mr. Safarik wanted to make this happen—I think it worked real well. I think we've got some technical bugs we've got to work on but it was, kind of, neat. I would think that Mrs. Moore, who just wanted to come to speak at the end of the agenda, it was probably very easy for her to go down into Pāhoa and make that trip versus coming all the way into town. So I think this is a good first step and I thank Mr. Safarik for pushing this through.

MR. HOLSCHUH: Thank you. If I still have the floor we may—I can just image—

CHR. HIGA: No, you don't

MR. HOLSCHUH: I don't? Oh.

CHR. HIGA: But that's all right. I'll give it back to you.

MR. HOLSCHUH: I can just imagine that—having videoconferencing all over the place. But it's not a bad plan. This is pretty cool—worked well. Thank you.

CHR. HIGA: Thank you. Thank you.

MR. SAFARIK: I thank you for saying that and I just wanted to comment—that's the first time that the people of Puna, when they come out to testify, have been called "interesting". We've been called other things but interesting is—so I do appreciate that comment, Dr. Holschuh. Thank you.

CHR. HIGA: Thank you, Mr. Safarik. Mr. Jacobson.

MR. JACOBSON: Susan, I'm going to put you on the spot again here—severe questioning. Could you come up to the mic.? You may or may not know the answer to this but you said that insurers offer 10%. Is that just through AARP or is it most insurers or do most of them seem to—do you know much about this?

MS. O'NEILL: I know some about it. I know that Hartford—which is the AARP related insurance company—does, in fact, give 10% discounts and it's good for three years. I have been told that many of the other large insurance companies do also but it's something people need to check. The one thing that I do know is that, if two drivers over 50 are on a policy, both drivers need to complete the course.

MR. JACOBSON: Okay, thanks, 'cause 10 % saved is 10 % earned.

MS. O'NEILL: I know.

MR. JACOBSON: And I'll call my own insurer. Thank you. You may see me in your class. Thank you, Mr. Chairman.

CHR. HIGA: Thank you, Mr. Jacobson. Mr. Hoffmann.

MR. HOFFMANN: Thank you. Susan, just to add to that, USAA does not accept the 10% AARP. I've tried many times. And I've taken the course many times and I've had it done in Waikoloa on at least three occasions over the past five or six years. We do it about every other year. And I, definitely, do appreciate the course that AARP puts out. And, regardless of whether the insurance company accepts the discount or not, I do guarantee it's a well worthwhile course and would recommend that for all my colleagues here who have reached the ripe old age of 50 or above. Thank you.

CHR. HIGA: Thank you.

MR. HOFFMANN: And that's most of you.

CHR. HIGA: Eh, take it easy there, Mr. Hoffmann.

MR. HOFFMANN: I said "most".

CHR. HIGA: Just as we, again, right on queue, we understand Pāhoa has one more testifier.

MS. GERMANO: We're done for today. I don't have anymore people.

CHR. HIGA: Thank you very much. Wrong information---by request.

ADJOURNMENT: There being no other business, at 3:57 p.m., Mr. Jacobson moved to adjourn the meeting. Seconded by Mr. Safarik and carried by the following voice vote:

AYES: Council Members Hoffmann, Holschuh, Ikeda, Isbell, Jacobson, Pilago, Safarik, and Chair Higa – 8.

NOES: None.

ABSENT & EXCUSED: Council Member Arakaki.



COUNTY CLERK

CK/dl

PUBLIC STATEMENT REGISTRATION FORM

COUNTY COUNCIL

County of Hawaii

Hilo, Hawaii

☐ ON AGENDA

☐ NOT ON AGENDA

☐ OPPOSE

☒ SUPPORT

DATE 5-4-05

SPEAKER NO. 1

BILL/RESO./COMM./REPORT NO. Bill 78 FOREST LAND

SUBJECT MATTER _____

NAME CORY HAROLD
(Please print clearly)

ADDRESS Box 16265 Hilo ⁹⁶⁷²¹ PHONE 968-8965

REPRESENTING Self
(Please Indicate Whether Self or Organization) Comm. 208.59

VCR #1

PUBLIC STATEMENT REGISTRATION FORM

COUNTY COUNCIL

County of Hawaii

Hilo, Hawaii

☒ ON AGENDA

☐ NOT ON AGENDA

☐ OPPOSE

☒ SUPPORT

DATE May 4, 2005

SPEAKER NO. _____

BILL/RESO./COMM./REPORT NO. 78

SUBJECT MATTER Public Access Preservation Fund

NAME J. WILLIAM SAMBORE (self)
(Please print clearly)

ADDRESS P.O. Box 2829 2829 PHONE 895-1122

Hamakua, HI 96743

REPRESENTING SELF
(Please Indicate Whether Self or Organization)

PUBLIC STATEMENT REGISTRATION FORM

✓

✓ ON AGENDA
 _____ NOT ON AGENDA

COUNTY COUNCIL
 County of Hawaii
 Hilo, Hawaii

 ✓ SUPPORT
 _____ OPPOSE

DATE 20050504SPEAKER NO. 2BILL/RESO./COMM./REPORT NO. BILL 78SUBJECT MATTER LAND CONSERVATION FUNDNAME KIM TAVARES
(Please print clearly)ADDRESS PO BOX 338 PHONE 985-8596VOLCANO, HI 96785REPRESENTING HISMEC - Hawaii Invasive Species Mgmt & Educt Corp
(Please Indicate Whether Self or Organization) Comm. 208.37

VCL #2

PUBLIC STATEMENT REGISTRATION FORM

X ON AGENDA
 _____ NOT ON AGENDA

COUNTY COUNCIL
 County of Hawaii
 Hilo, Hawaii

 ✓ SUPPORT
 _____ OPPOSE

DATE MAY 4

SPEAKER NO. _____

BILL/RESO./COMM./REPORT NO. BILL 78 + BILL 100 OIASUBJECT MATTER PUBLIC ACCESS, OPEN SPACE, NAT. RESOURCESNAME JAMIE STAMBRO
(Please print clearly)ADDRESS BOX 118 PHONE 960-0645HALALOHAREPRESENTING LAWIAU FARM
(Please Indicate Whether Self or Organization)

PUBLIC STATEMENT REGISTRATION FORM

COUNTY COUNCIL

☒ ON AGENDA

County of Hawaii

☐ OPPOSE☒ NOT ON AGENDA

Hilo, Hawaii

☐ SUPPORTDATE May 4, 2005SPEAKER NO. VCP #1BILL/RESO./COMM./REPORT NO. Minutes of April 20, 2005SUBJECT MATTER Approval of Bill SmithNAME De Proulx
(Please print clearly)ADDRESS 2780 Kuma St PHONE 965-8169Pahoa HI 96778REPRESENTING Self
(Please Indicate Whether Self or Organization)

WCP#1

PUBLIC STATEMENT REGISTRATION FORM

COUNTY COUNCIL

☒ ON AGENDA

County of Hawaii

☐ OPPOSE☐ NOT ON AGENDA

Hilo, Hawaii

☒ SUPPORTDATE 5/4/05SPEAKER NO. 3BILL/RESO./COMM./REPORT NO. Bill 78SUBJECT MATTER LAND CONSERVATION FUNDNAME JOSH STANBRO
(Please print clearly)ADDRESS 212 MERCHANT ST STE 320 PHONE 306-5518HONOLULU, HI 96813REPRESENTING TRUST FOR PUBLIC LAND
(Please Indicate Whether Self or Organization)

VCP #13

PUBLIC STATEMENT REGISTRATION FORM

COUNTY COUNCIL

County of Hawaii

Hilo, Hawaii

☒ ON AGENDA

☐ NOT ON AGENDA

☐ OPPOSE

☒ SUPPORT

DATE 4/21/05

SPEAKER NO. _____

BILL/RESO./COMM./REPORT NO. 78

SUBJECT MATTER Public Access, Open Space

NAME Kyle Little
(Please print clearly)

ADDRESS 15-5813 W. Kapaemahu St. PHONE 929-1360

REPRESENTING Rodney Martin Institute (Honolulu, HI)
(Please Indicate Whether Self or Organization)

PUBLIC STATEMENT REGISTRATION FORM

COUNTY COUNCIL

County of Hawaii

Hilo, Hawaii

☒ ON AGENDA

☐ NOT ON AGENDA

☐ OPPOSE

☒ SUPPORT

DATE 5/4/2005

SPEAKER NO. VCP #2

BILL/RESO./COMM./REPORT NO. Res 89-05 Bill 102

SUBJECT MATTER Pahoa Skate park funds

NAME LON BROWN
(Please print clearly)

ADDRESS PO Box 1971 PHONE 965 1137

Pahoa, HI 96778

REPRESENTING Pahoa Weed & Seed
(Please Indicate Whether Self or Organization)

PUBLIC STATEMENT REGISTRATION FORM

COUNTY COUNCIL

County of Hawaii

Hilo, Hawaii

☐ ON AGENDA☐ NOT ON AGENDA☐ OPPOSE☒ SUPPORTDATE 5/4/05SPEAKER NO. 4BILL/RESO./COMM./REPORT NO. 78SUBJECT MATTER County Land Fund - Allocate Property TaxNAME Jocelyn Garavoy
(Please print clearly)ADDRESS 78-7054 Kamehameha III Rd. PHONE 808 322-3071#1204 Kailua-Kona, HI 96740REPRESENTING Self
(Please Indicate Whether Self or Organization) Comm. 208.17
208.62

V11-4

PUBLIC STATEMENT REGISTRATION FORM

COUNTY COUNCIL

County of Hawaii

Hilo, Hawaii

☒ ON AGENDA☐ NOT ON AGENDA☐ OPPOSE☒ SUPPORTDATE 5-4-05

SPEAKER NO. _____

BILL/RESO./COMM./REPORT NO. 78 + 100 (100)SUBJECT MATTER Open Space Preservation FundNAME Andy Armer
(Please print clearly)ADDRESS 75 SERRA ALI DR C PHONE 808 8846Kailua-Kona HI 96740REPRESENTING Self
(Please Indicate Whether Self or Organization)

PUBLIC STATEMENT REGISTRATION FORM

☒ ON AGENDA
☐ NOT ON AGENDA

COUNTY COUNCIL
 County of Hawaii
 Hilo, Hawaii

☐ OPPOSE
☒ SUPPORT

DATE May 4, 2005

SPEAKER NO. 5

BILL/RESO./COMM./REPORT NO. 78

SUBJECT MATTER County Funding of LAND

NAME Charles Stanton
 (Please print clearly)

ADDRESS 13-3455 Maile PHONE 965-0474

Pahoa

REPRESENTING Suena Club
 (Please Indicate Whether Self or Organization) Comm. 208.67

V K #5

PUBLIC STATEMENT REGISTRATION FORM

☒ ON AGENDA
☐ NOT ON AGENDA

COUNTY COUNCIL
 County of Hawaii
 Hilo, Hawaii

☐ OPPOSE
☒ SUPPORT

DATE 5/11/05

SPEAKER NO. _____

BILL/RESO./COMM./REPORT NO. 1000 & 78

SUBJECT MATTER CANOE HALLWAY & LAND FUNDING

NAME John A. ...
 (Please print clearly)

ADDRESS _____ PHONE _____

...

REPRESENTING MAI OPA CANOE CLUB
 (Please Indicate Whether Self or Organization)

V/K#6

PUBLIC STATEMENT REGISTRATION FORM

☒ ON AGENDA
☐ NOT ON AGENDA

COUNTY COUNCIL
County of Hawaii
Hilo, Hawaii

☐ OPPOSE
☒ SUPPORT

DATE 5/4/05 SPEAKER NO. _____
BILL/RESO./COMM./REPORT NO. + Bill 100
SUBJECT MATTER Bill 78 Public Access Open Space
NAME Bill ARMER
(Please print clearly)
ADDRESS 75-5888 ALII DR C-12 PHONE 329-6846
Kailua Kona 96740
REPRESENTING Self
(Please Indicate Whether Self or Organization)

PUBLIC STATEMENT REGISTRATION FORM

☒ ON AGENDA
☐ NOT ON AGENDA

COUNTY COUNCIL
County of Hawaii
Hilo, Hawaii

☐ OPPOSE
☒ SUPPORT

DATE 5-04-05 SPEAKER NO. VOP#3
BILL/RESO./COMM./REPORT NO. 89-05 40K 102 \$90K Support
SUBJECT MATTER Puna Ukate park Green Space Preservation Fund Bill 78 Support
NAME Virginia Aste
(Please print clearly)
ADDRESS 13-631 Leilani Way PHONE 965 9869
Fahoa
REPRESENTING Puna Friends of the Parks &
(Please Indicate Whether Self or Organization)
Mainstreet Pahoa

PUBLIC STATEMENT REGISTRATION FORM

☒ ON AGENDA
☐ NOT ON AGENDA

COUNTY COUNCIL
 County of Hawaii
 Hilo, Hawaii

☐ OPPOSE
☒ SUPPORT

DATE 5/1/75 SPEAKER NO. 6

BILL/RESO./COMM./REPORT NO. Bill 78 (and Bill 53)

SUBJECT MATTER 78

NAME David Vance
 (Please print clearly)

ADDRESS Gay Road PHONE 947-1155

REPRESENTING Kona
 (Please Indicate Whether Self or Organization)

PUBLIC STATEMENT REGISTRATION FORM

☒ ON AGENDA
☐ NOT ON AGENDA

COUNTY COUNCIL
 County of Hawaii
 Hilo, Hawaii

☐ OPPOSE
☒ SUPPORT

DATE May 4 SPEAKER NO.

BILL/RESO./COMM./REPORT NO. # 1 (and should be Bill 101)

SUBJECT MATTER Open Space Nature Reserve

NAME Vernice Warren Pres. Tang
 (Please print clearly)

ADDRESS 7500 Alhambra PHONE 320-6879

REPRESENTING Town of
 (Please Indicate Whether Self or Organization)

PUBLIC STATEMENT REGISTRATION FORM

COUNTY COUNCIL

 ON AGENDA

County of Hawaii

 OPPOSE

 NOT ON AGENDA

Hilo, Hawaii

 X SUPPORT

DATE 11/11/05

SPEAKER NO.

BILL/RESO./COMM./REPORT NO. 78 (added 10/11/05)

SUBJECT MATTER

NAME Mary Sallie
(Please print clearly)

ADDRESS 75-3162 Kaneohe Pl. PHONE 326-1666

REPRESENTING
(Please Indicate Whether Self or Organization)

PUBLIC STATEMENT REGISTRATION FORM

COUNTY COUNCIL

 X ON AGENDA

County of Hawaii

 OPPOSE

 NOT ON AGENDA

Hilo, Hawaii

 X SUPPORT

DATE 5-4-05

SPEAKER NO. (7)

BILL/RESO./COMM./REPORT NO. B1178

SUBJECT MATTER

NAME Gail Byrd
(Please print clearly)

ADDRESS 68-3551 Aiea Dr PHONE 883-8368

REPRESENTING Waikoloa HI 96738
(Please Indicate Whether Self or Organization) Comm 206.46

PUBLIC STATEMENT REGISTRATION FORM

☒ ON AGENDA
☐ NOT ON AGENDA

COUNTY COUNCIL
 County of Hawaii
 Hilo, Hawaii

☐ OPPOSE
☒ SUPPORT

DATE _____ SPEAKER NO. _____
 BILL/RESO./COMM./REPORT NO. Bill 74 Microwave Relocation System Perov.
 SUBJECT MATTER Bill 74
 NAME Lunafanawai Hanani
 (Please print clearly)
 ADDRESS PO Box 871 PHONE 328 1969
Capt Cook HI 96704
 REPRESENTING South Kona Community Emergency Response Team, Inc.
 (Please Indicate Whether Self or Organization)

PUBLIC STATEMENT REGISTRATION FORM

☒ ON AGENDA
☐ NOT ON AGENDA

COUNTY COUNCIL
 County of Hawaii
 Hilo, Hawaii

☒ Commenting
☐ OPPOSE
☐ SUPPORT

DATE 4 May 2005 SPEAKER NO. (8)
 BILL/RESO./COMM./REPORT NO. 78 75 and 100
 SUBJECT MATTER Public Access Land / Preservation Fund
 NAME Jacqui Hoover
 (Please print clearly)
 ADDRESS PO Box 2169 PHONE 885-9588
Kamuela, HI 96743
 REPRESENTING Hawaiian Land Planning Conference (President)
 (Please Indicate Whether Self or Organization)

VCP# 10

PUBLIC STATEMENT REGISTRATION FORM

☒ ON AGENDA
☐ NOT ON AGENDA

COUNTY COUNCIL
 County of Hawaii
 Hilo, Hawaii

☐ OPPOSE
☒ SUPPORT

DATE 5/04/05 SPEAKER NO. _____

BILL/RESO./COMM./REPORT NO. _____

SUBJECT MATTER Bill 78 -

NAME Dawni Hecker
 (Please print clearly)

ADDRESS PO Box 571 PHONE 987-2171
Holuhon

REPRESENTING myself
 (Please Indicate Whether Self or Organization)

PUBLIC STATEMENT REGISTRATION FORM

☐ ON AGENDA
☒ NOT ON AGENDA

COUNTY COUNCIL
 County of Hawaii
 Hilo, Hawaii

☐ OPPOSE
☒ SUPPORT

DATE 5-4-05 SPEAKER NO. VCP#4

BILL/RESO./COMM./REPORT NO. _____

SUBJECT MATTER SUPPORT FOR ANIMAL LAW CHANGES & CONTINUING COMPLAINT OF ANIMAL NOISE.

NAME C.J MOORE
 (Please print clearly)

ADDRESS RR 3 Box 1204 PHONE 808 982-9560
PAHOA

REPRESENTING SELF / FAMILY / MR OKINO ET AL
 (Please Indicate Whether Self or Organization)