

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, MARCH 27, 2013
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 209
Līhu‘e, Kaua‘i, Hawai‘i 96766

RECEIVED

A. MEETING CALLED TO ORDER.

13 MAR 21 P5:46

B. ROLL CALL.

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. January 30, 2013 Council Meeting (*Deferred 03/13/2013*)
2. February 13, 2013 Special Council Meeting
3. February 13, 2013 Council Meeting

E. CONSENT CALENDAR:

1. C 2013-106 Communication (02/27/2013) from the Mayor, transmitting for Council consideration and confirmation Mayoral appointee Heath Allen Prow to the Building Board of Appeals for the County of Kaua‘i – Term ending 12/31/2015. (*See Resolution No. 2013-42*)

2. C 2013-107 Communication (02/28/2013) from the Director of Finance, transmitting for Council consideration, a proposed Ordinance amending Ordinance No. B-2012-736, as amended, relating to the Operating Budget of the County of Kaua‘i, State of Hawai‘i, for the Fiscal Year July 1, 2012 through June 30, 2013, by revising the amounts estimated in the Beautification Fund (\$443,715.00) and the General Fund (\$320,479.00). (*General Fund – Department of Finance, General Liability Account - \$764,194.00*) (*See Proposed Draft Bill (No. 2474)*)

3. C 2013-108 Communication (02/28/2013) from the Director of Finance, transmitting for Council consideration, a proposed Ordinance amending Ordinance No. B-2012-736, as amended, relating to the Operating Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2012 through June 30, 2013, by revising the amounts estimated in the Debt Service Fund. (*Debt Service Fund - \$2,100,000.00*) (***See Proposed Draft Bill (No. 2475)***)

4. C 2013-109 Communication (03/01/2013) from the Chief, Building Division, Department of Public Works, transmitting for Council information, the Monthly Report on Building Permit Information for the Month of July 2012, which includes the following:
 - a) Building Permit Processing Report
 - b) Building Permit Estimated Value Summary
 - c) Building Permits Tracking Report
 - d) Building Permits Status

5. C 2013-110 Communication (03/01/2013) from the Chief, Building Division, Department of Public Works, transmitting for Council information, the Monthly Report on Building Permit Information for the Month of August 2012, which includes the following:
 - a) Building Permit Processing Report
 - b) Building Permit Estimated Value Summary
 - c) Building Permits Tracking Report
 - d) Building Permits Status

6. C 2013-111 Communication (03/01/2013) from the Chief, Building Division, Department of Public Works, transmitting for Council information, the Monthly Report on Building Permit Information for the Month of September 2012, which includes the following:
 - a) Building Permit Processing Report
 - b) Building Permit Estimated Value Summary
 - c) Building Permits Tracking Report
 - d) Building Permits Status

7. C 2013-112 Communication (03/01/2013) from the Chief, Building Division, Department of Public Works, transmitting for Council information, the Monthly Report on Building Permit Information for the Month of October 2012, which includes the following:
 - a) Building Permit Processing Report
 - b) Building Permit Estimated Value Summary
 - c) Building Permits Tracking Report
 - d) Building Permits Status

8. C 2013-113 Communication (03/01/2013) from the Chief, Building Division, Department of Public Works, transmitting for Council information, the Monthly Report on Building Permit Information for the Month of November 2012, which includes the following:
- a) Building Permit Processing Report
 - b) Building Permit Estimated Value Summary
 - c) Building Permits Tracking Report
 - d) Building Permits Status
9. C 2013-114 Communication (03/01/2013) from the Chief, Building Division, Department of Public Works, transmitting for Council information, the Monthly Report on Building Permit Information for the Month of December 2012, which includes the following:
- a) Building Permit Processing Report
 - b) Building Permit Estimated Value Summary
 - c) Building Permits Tracking Report
 - d) Building Permits Status
10. C 2013-115 Communication (03/01/2013) from the Chief, Building Division, Department of Public Works, transmitting for Council information, the Monthly Report on Building Permit Information for the Month of January 2013, which includes the following:
- a) Building Permit Processing Report
 - b) Building Permit Estimated Value Summary
 - c) Building Permits Tracking Report
 - d) Building Permits Status
11. C 2013-116 Communication (03/05/2013) from the County Engineer, transmitting for Council consideration, a Resolution repealing Item Eighteen (18), Section XVI, Resolution No. 54-91 relating to the twenty-five miles per hour (25 MPH) speed limit along a portion of Iwipolena Road and establishing a new maximum speed limit of fifteen miles per hour (15 MPH) along portions of Iwipolena Road, Waimea District, County of Kaua'i, State of Hawai'i. *(See Resolution No. 2013-43)*

12. C 2013-117 Communication (03/08/2013) from the Director of Finance, transmitting for Council consideration, a Proposed Ordinance to amend Ordinance No. B-2012-736, as amended, relating to the Operating Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2012 through June 30, 2013, by revising the amounts estimated in the Golf Fund (*Golf Fund, \$51,459.00*) (***See Proposed Draft Bill No. (2476)***)
13. C 2013-118 Communication (03/01/2013) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2013 Action Plan (HOME Investment Partnerships Program) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title II Of The Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended. (***See Resolution No. 2013-44***)
14. C 2013-119 Communication (03/01/2013) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2013 Action Plan (Community Development Block Grant) With The Department Of Housing and Urban Development, United States of America, For A Grant Under Title I Of The Housing And Community Development Act Of 1974 and 1987 (Public Laws 93-383 and 100-242), as amended. (***See Resolution No. 2013-45***)
15. C 2013-120 Communication (03/12/2013) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal, relating to Agenda Item C 2013-99, an update on the Keiki to Career – Workforce Readiness, Comprehensive Economic Development Strategy (CEDS) Project, as she serves on the Leadership Council for the Keiki to Career Initiative.
16. C 2013-121 Communication (03/12/2013) from Council Vice Chair Nakamura, transmitting for Council consideration, a Resolution Urging the Governor, the Hawai'i Congressional Delegation, and all State of Hawai'i Legislators to encourage President Barack H. Obama to select Hawai'i as the site for his Presidential Library. (***See Resolution No. 2013-46***)
17. C 2013-122 Communication (03/12/2013) from the Deputy Director of Finance, transmitting for Council consideration, a proposed Ordinance amending Ordinance No. B-2012-737, as amended, Relating to the Capital Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2012 through June 30, 2013, by amending the Budget Proviso relating to projects funded with Community Facilities District (CFD) Bonds. (***See Proposed Draft Bill (No. 2477)***)

18. C 2013-123 Communication (03/13/2013) from the Director of Finance, transmitting for Council consideration, a Proposed Bill for an Ordinance to amend Section 2 of Ordinance No. 891, An Ordinance Authorizing the Issuance of General Obligation Bonds of the County of Kaua'i for the Purpose of Financing Certain Public Improvements and Refunding Certain Bonds of the County; Fixing or Authorizing the Fixing of the Form, Denominations, and Certain Other Details of Such Bonds and Providing for the Sale of Such Bonds to the Public. (*See Proposed Draft Bill (No. 2478)*)
19. C 2013-124 Communication (03/15/2013) from the Budget and Purchasing Director, requesting Council approval to reinstate two (2) County vehicles previously taken out of circulation:
- #114, License No. CoK 1715, 2001 Chevrolet Pick-up
 - #142, License No. CoK 1937, 2000 Nissan Frontier Pick-Up
20. C 2013-125 Communication (03/15/2013) from the Mayor, transmitting his Fiscal Year 2013-2014 Budget Message, along with his proposed Operating Budget and Capital Improvements Projects (CIP) Budget. (Detailed Line Item Budget on file in the County Clerk's Office.) (*See Proposed Draft Bill (No. 2471) and Proposed Draft Bill (No. 2472), including the proposed Fiscal Year 2013-2014 Real Property Tax Rate Resolution No. 2013-41*)
21. C 2013-126 Communication (03/19/2013) from the Director of Finance, transmitting for Council consideration, six (6) revenue enhancement bills and a resolution to amend the Fiscal Year 2013-2014 revenues in the following areas:
- Solid Waste Tipping Fee
 - Monthly and Annual Bus Fares
 - Motor Vehicle Registration Fee
 - Motor Vehicle Weight Tax
 - Fuel Tax
 - Planning Permit Fees
- (*See Proposed Draft Bill (No. 2479), Proposed Draft Bill (No. 2480), Proposed Draft Bill (No. 2481), Proposed Draft Bill (No. 2482), Proposed Draft Bill (No. 2483), Proposed Draft Bill (No. 2484), and Resolution No. 2013-47*)
22. C 2013-147 Communication (03/21/2013) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal, relating Resolution No. 2013-45, Authorizing The Filing Of The Kaua'i County 2013 Action Plan (Community Development Block Grant (CDBG) With The Department Of Housing And Urban Development, United States of America, For A Grant Under Title 1 Of The Housing And Community Development Act Of 1974 And 1987 (Public Laws 93-383 and 100-242), as amended, as she serves as the Vice President of the Kaua'i Branch Advisory Board of the Boys and Girls Club.

23. C 2013-138 Communication (03/20/2013) from the Mayor, transmitting his Revised Fiscal Year (FY) 2013-2014 Budget Message, to reflect a revision related to the vehicle weight tax proposed increase and estimated additional annual charge per average vehicle size.

F. COMMUNICATIONS:

1. C 2013-127 Communication (03/06/2013) from Council Chair Furfaro, requesting the presence of Mr. Scott Matsuura, and Mr. James Pacopac, JS Hawai'i Consultants, LLC, to provide the Council with an update on the 2013 Legislative Session to include, but not be limited to, the status of the Kaua'i County, Kaua'i County Council, and Hawai'i State Association of Counties (HSAC) Legislative Packages for 2013.

2. C 2013-128 Communication (01/03/2013) from Council Vice Chair Nakamura, requesting the presence of Diane Zachary, President & CEO of Kaua'i Planning & Action Alliance, and Glenn T. Kimura, President of Kimura International Inc., to provide a progress report and update on the Waimea Sports Complex, Comprehensive Economic Development Strategy (CEDS) Project.

3. C 2013-129 Communication (03/01/2013) from the Chief, Building Division, Department of Public Works, transmitting for Council information, the Monthly Report on Building Permit Information for the Month of February 2013, which includes the following:
 - a) Building Permit Processing Report
 - b) Building Permit Estimated Value Summary
 - c) Building Permits Tracking Report
 - d) Building Permits Status

4. C 2013-130 Communication (03/12/2013) from Councilmember Rapozo, requesting agenda time for a briefing from Keith Kamita, Deputy Director, State of Hawai'i, Department of Public Safety, on the Bills that are currently before the State Legislature relating to the legalization of marijuana.

5. C 2013-131 Communication (03/12/2013) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of February 4, 2013.

6. C 2013-132 Communication (03/13/2013) from the Director of Finance, transmitting for Council information, the Period 6 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of December 31, 2012, pursuant to Section 21 of the Fiscal Year 2012-2013 Operating Budget Ordinance No. B-2012-736 of the County of Kaua'i. (*Copies of the Period 6 Financial Reports as of December 31, 2012 on file in the County Clerk's Office.*)

7. C 2013-133 Communication (03/15/2013) from the County Attorney, requesting authorization to expend funds up to \$25,000.00 to retain special counsel to represent Defendant Chris Calio in Lynell Tokuda, et al. vs. Chris Calio, et al., Civil No. 13-1-0049 JRV (Fifth Circuit Court), and related matters.

8. C 2013-134 Communication (03/15/2013) from the County Attorney, requesting authorization to expend up to \$25,000.00 for special counsel's continued services provided for Defendant County of Kaua'i in Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters.

9. C 2013-135 Communication (03/15/2013) from Council Chair Furfaro, requesting the presence of the Director of Finance and the Director of Parks & Recreation, to provide an overview of the "Parks & Recreation Improvement and Maintenance Revolving Fund," and to provide a report that reconciles the expenses and revenues within the fund.

10. C 2013-136 Communication (03/15/2013) from the Deputy Director of Finance, transmitting for Council information, the 2013 Real Property Assessment List of the County of Kaua'i. (*Real Property Assessment List 2013 on file in the County Clerk's Office.*)

11. C 2013-137 Communication (03/15/2013) from the Director of Finance, transmitting for Council consideration, supplemental property tax revenue information pertaining to the estimated reduction in real property tax revenues resulting from the various tax relief measures enacted by the County Council, based on the Real Property Assessment Certification for Fiscal Year 2014 factored with the existing real property tax rates.

G. LEGAL DOCUMENT:

1. C 2013-139 Communication (03/19/2013) from the Fire Chief, requesting Council approval to enter into a Letter of Agreement with 4Dventures LLC regarding the "Saving Lives" television series, and to allow Kalani Vierra, Ocean Safety Bureau, Kaua'i Fire Department, County of Kaua'i, to sign all pertinent documents including, but not be limited to, the Letter of Agreement, Event Release Form, Materials Release Form, and Standard Release Form between the County of Kaua'i and 4Dventures LLC.

H. CLAIMS:

1. C 2013-140 Communication (03/07/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i, by Lynelle H. Lopez, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. C 2013-141 Communication (03/11/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i, by Bob's Roofing LLC, Robert Kuslo, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. C 2013-142 Communication (03/13/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i, by William R. Ronaldson, for damage to his personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.
4. C 2013-143 Communication (03/15/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Island Insurance Company, as subrogee of Ernest Sueoka, for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.
5. C 2013-144 Communication (03/18/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Marvin Hesapene, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
6. C 2013-145 Communication (03/18/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Fairmont Specialty, for damages to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
7. C 2013-146 Communication (03/19/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Steven B. Macklin, P.E., for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. ENVIRONMENTAL SERVICES / PUBLIC SAFETY / COMMUNITY ASSISTANCE COMMITTEE

- a. **CR-EPC 2013-02:** on EPC 2013-02 Communication (03/03/2013) from the Director of Economic Development, requesting agenda time to provide a presentation on the results of the Waimea Air Quality Study. **[Received for the Record.]**

2. PUBLIC WORKS / PARKS & RECREATION COMMITTEE

- a. **CR-PWPR 2013-10:** on PWPR 2013-08 Communication (03/01/2013) from Committee Chair Kagawa, requesting the presence of the Director of Parks & Recreation, to provide an update on the repair and maintenance of the scoreboards located at Hanapēpē Stadium, as well as the repair and maintenance of all other scoreboards located at County stadiums and parks. **[Received for the Record.]**
- b. **CR-PWPR 2013-11:** on PWPR 2013-09 Communication (03/13/2013) from Committee Chair Kagawa and Chair Furfaro, requesting the presence of the Director of Parks & Recreation to provide the Council with an update on the condition and operation of the Wailua Golf Course, to include but not limited to, the status of all concession contracts at the Wailua Golf Course. **[Received for the Record.]**

J. RESOLUTIONS:

1. Resolution No. 2013-07, RESOLUTION ESTABLISHING NO-PARKING AT ANY TIME ALONG A PORTION OF PO'IPŪ ROAD IN THE VICINITY OF THE DRIVEWAY ENTRANCE TO THE KIAHUNA PLANTATION RESORT, MARRIOTT'S WAIOHAI BEACH CLUB, AND KO'A KEA HOTEL, KŌLOA DISTRICT (*Deferred 12/19/2012 pending a report from the Kaua'i Police Department within thirty (30) days*)

2. Resolution No. 2013-41, RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014 FOR THE COUNTY OF KAUA'I

3. Resolution No. 2013-42, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BUILDING BOARD OF APPEALS (*Heath Allen Prow*)

4. Resolution No. 2013-43, RESOLUTION REPEALING ITEM NO. EIGHTEEN (18), SECTION XVI, OF RESOLUTION NO. 54-91, RELATING TO THE TWENTY-FIVE MILES PER HOUR (25 MPH) SPEED LIMIT ALONG A PORTION OF IWIPOLENA ROAD, AND ESTABLISHING A NEW MAXIMUM SPEED LIMIT OF FIFTEEN MILES PER HOUR (15 MPH) ALONG PORTIONS OF IWIPOLENA ROAD, WAIMEA DISTRICT, COUNTY OF KAUAI, STATE OF HAWAII

5. Resolution No. 2013-44, RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2013 ACTION PLAN (HOME INVESTMENT PARTNERSHIPS PROGRAM) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE II OF THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT (PUBLIC LAW 101-625), AS AMENDED

6. Resolution No. 2013-45, RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2013 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED

7. Resolution No. 2013-46, RESOLUTION URGING THE GOVERNOR, THE HAWAII CONGRESSIONAL DELEGATION, AND ALL STATE OF HAWAII LEGISLATORS TO ENCOURAGE PRESIDENT BARACK H. OBAMA TO SELECT HAWAII AS THE SITE FOR HIS PRESIDENTIAL LIBRARY

8. Resolution No. 2013-47, RESOLUTION DETERMINING THE COUNTY OF KAUAI FUEL TAX RATE AND REPEALING RESOLUTION NO. 2004-06, DRAFT 2

K. BILLS FOR FIRST READING:

1. Proposed Draft Bill (No. 2471) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014 (Mayor's Operating Budget)

2. Proposed Draft Bill (No. 2472) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014 (Mayor's CIP Budget)

3. Proposed Draft Bill (No. 2474) – A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE BEAUTIFICATION FUND AND THE GENERAL FUND (*General Fund, General Liability - \$764,194.00*)

4. Proposed Draft Bill (No. 2475) – A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE DEBT SERVICE FUND (*Debt Service Fund - \$2,100,000.00*)

5. Proposed Draft Bill (No. 2476) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 20, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GOLF FUND (*Golf Fund \$51,459.00*)

6. Proposed Draft Bill (No. 2477) – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY AMENDING AN EXISTING BUDGET PROVISIO IN THE CAPITAL BUDGET RELATING TO PROJECTS FUNDED WITH COMMUNITY FACILITIES DISTRICT BONDS

7. Proposed Draft Bill (No. 2478) – A BILL FOR AN ORDINANCE TO AMEND SECTION 2, ORDINANCE NO. 891, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS AND REFUNDING CERTAIN BONDS OF THE COUNTY; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC

8. Proposed Draft Bill (No. 2479) – A BILL FOR AN ORDINANCE AMENDING SUBSECTION (a) OF SECTION 21-9.2 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT

9. Proposed Draft Bill (No. 2480) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUS FARES

10. Proposed Draft Bill (No. 2481) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE CERTIFICATE OF OWNERSHIP AND REGISTRATION FEES

11. Proposed Draft Bill (No. 2482) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY MOTOR VEHICLE WEIGHT TAX

12. Proposed Draft Bill (No. 2483) – A BILL FOR AN ORDINANCE AMENDING CHAPTERS 7, 8, AND 9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ADJUSTMENT OF VARIOUS PERMITTING CHARGES AND FEES LEVIED BY THE DEPARTMENT OF PLANNING (County of Kaua'i, Applicant)

13. Proposed Draft Bill (No. 2484) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-1.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY FUEL TAX

L. EXECUTIVE SESSION: Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

1. ES-610 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an executive session with the Council to provide the Council with a briefing related to the procurement matter and recommendations as stated in the Management Advisory Report Finding 12-01 "Review Purchasing and Procurement Process of Independent Contractors," and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.
(Deferred 03/13/2013)
2. ES-611 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(e) of the Kaua'i County Charter, the Office of the County Attorney requests an executive session with the Council to provide the Council with a briefing on the retention of special counsel to represent Defendant Chris Calio in Lynell Tokuda, et al. vs. Chris Calio, et al., Civil No. 13-1-0049 JRV (Fifth Circuit Court), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

3. ES-612 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter section 3.07(E), the purpose of this executive session is to provide the Council with a briefing as it relates to Defendant County of Kaua'i in Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.
4. ES-613 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter section 3.07(E), the purpose of this executive session is to provide Council with a briefing and request for authority to settle the case filed by the County of Kaua'i against Hanalei River Holdings Limited, et al., filed on May 31, 2011, and referenced in Civil No. 11-1-0098 JRV (Fifth Circuit Court) as County of Kaua'i vs. Hanalei River Holdings Limited, et al., and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

M. ADJOURNMENT.

- N. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for public hearings on the following. After the public hearings, the Council will reconvene to complete any unfinished business.

*[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the County Clerk's Office as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

For a copy of the notice, please go to:

<http://www.kauai.gov/Government/CountyCouncil/PublicHearingNoticesandMinutes/tabid/599/Default.aspx>

1. Bill No. 2467 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX

- O. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHUʻE, KAUAI, HAWAIʻI, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.