

NOTICE OF CONTINUED (OCTOBER 8, 2013)
SPECIAL COUNCIL MEETING
TUESDAY, OCTOBER 15, 2013
9:00 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU'E, KAUA'I, HAWAII 96766

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OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUA'I

A. CONTINUED MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA. (*Agenda approved at the October 8, 2013 Special Council Meeting – Completed.*)

D. PUBLIC COMMENT.

~~Pursuant to Council Rule 13(e), members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. This rule is designed to accommodate those who cannot be present throughout the meeting to speak when the agenda items are heard. After the conclusion of the eighteen (18) minutes, other members of the public shall be allowed to speak pursuant to Council Rule 12(e). (Public Comment accepted at the October 8, 2013 Special Council Meeting – Completed.)~~

E. CONSENT CALENDAR:

- ~~C 2013 328 — Communication (10/02/2013) from Council Vice Chair Nakamura and Councilmember Yukimura, transmitting for Council consideration, a proposed Resolution to implement an Environmental and Public Health Impacts Study (EPHIS), via formation of a Pesticide and Genetic Engineering Joint Fact Finding Group (JFFG). (See Resolution No. 2013-72) (Received for the Record at the October 8, 2013 Special Council Meeting – Completed.)~~

F. COMMUNICATIONS:

- ~~C 2013 329 — Communication (10/02/2013) from Council Chair Furfaro, requesting the presence of the Managing Director, County Attorney, Director of Economic Development, and the County Engineer, to provide the Council with a presentation relating to the operational impacts that the passage of Bill No. 2491, Draft 1, would have on the County. (Received for the Record at the October 8, 2013 Special Council Meeting – Completed.)~~

2. C 2013-330 Communication (10/02/2013) from Councilmember Yukimura, requesting Council consideration for the public release of the County Attorney opinion dated September 26, 2013, relating to "Request for Legal Opinion Relating to Whether the Council Can Establish Laws Banning the Use of Atrazine."

3. C 2013-331 Communication (10/02/2013) from Council Vice Chair Nakamura, requesting Council consideration for the public release of the "Final" County Attorney written legal review/opinion regarding Proposed Draft Bill No. 2491.

G. COMMITTEE REPORTS:

1. ECONOMIC DEVELOPMENT (SUSTAINABILITY / AGRICULTURE / FOOD / ENERGY) & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-EDR 2013-06:** on Bill No. 2491 A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 22 TO CHAPTER 22, RELATING TO PESTICIDES AND GENETICALLY MODIFIED ORGANISMS
[Approved as Amended.]

H. RESOLUTION:

1. Resolution No. 2013-72 – RESOLUTION TO IMPLEMENT AN ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS STUDY (EPHIS), VIA FORMATION OF A PESTICIDE AND GENETIC ENGINEERING JOINT FACT FINDING GROUP (JFFG)

I. BILLS FOR SECOND READING:

1. Bill No. 2491, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 22 TO CHAPTER 22, RELATING TO PESTICIDES AND GENETICALLY MODIFIED ORGANISMS (*See also CR-EDR 2013-06; the Economic Development (Sustainability / Agriculture / Food / Energy) & Intergovernmental Relations Committee recommended approval as amended to Bill No. 2491, Draft 1 on September 27, 2013*)

J. 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-679 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session for Council to consult with the County Attorney regarding the Council's release of the County Attorney's final written legal review/opinion regarding proposed draft Bill No. 2491 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.

2. ES-680 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session for Council to consult with the County Attorney regarding the Council's release of the County Attorney's written legal opinion dated September 26, 2013, regarding the "Request for Legal Opinion Relating to Whether the Council Can Establish Laws Banning the Use of Atrazine" 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.

K. ADJOURNMENT.

L. 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, LĪHU'E, KAUA'I, HAWAI'I, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.