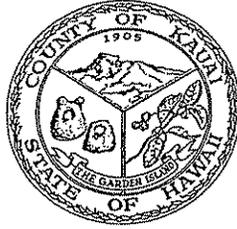


COUNTY COUNCIL

Bill "Kaipo" Asing, Chair
Jay Furfaro, Vice Chair
Tim Bynum
Dickie Chang
Daryl W. Kaneshiro
Lani T. Kawahara
Derek S. K. Kawakami



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Council Services Division
3371-A Wilcox Road
Lihu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

October 13, 2010

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Bill "Kaipo" Asing, Council Chair 
SUBJECT: OCTOBER 13, 2010, COUNCIL MEETING

This is to inform you of the action taken by the Council at its October 13, 2010 Council meeting and any follow-up that was requested:

COMMUNICATIONS:

C 2010-261 Communication (09/30/2010) from the Assistant Chief Procurement Officer, Department of Finance, transmitting for Council information, the FY 10/11 First Quarter Statement of Equipment Purchases. *(Received for the record.)*

C 2010-262 Communication (08/31/2010) from the Chief, Engineering Division, Department of Public Works, transmitting for Council consideration, a resolution establishing stop signs and stop lines within the Konohiki Estates Subdivision, Kōloa District. *(Received for the record.)*

C 2010-263 Communication (09/23/2010) from Councilmember Kawakami, providing written disclosure on the record of a possible conflict of interest and recusal on ES-469 relating to Ordinance No. 885 (plastic bag prohibition) posted on the September 29, 2010 Council Meeting Agenda, because of his employment position and family involvement in a retail establishment. *(Received for the record.)*

C 2010-264 Communication (09/28/2010) from Councilmember Kaneshiro, providing written disclosure on the record of a possible conflict of interest and recusal on Bill No. 2380 (relating to amendments to the subdivision ordinance) posted on the September 29, 2010 Council Meeting Agenda, because he owns property that is currently undergoing consolidation and resubdivision. *(Received for the record.)*

C 2010-265 Communication (09/28/2010) from the Director of Finance, transmitting for Council consideration, an amendment to Ordinance No. B-2010-705, relating to the FY 2010-2011 Operating Budget, by revising the surplus and appropriations estimated in the Liquor Fund, by appropriating \$450,000.00 for Claims and Judgments/General Liability (see Proposed Draft Bill (No. 2381)). *(Received for the record.)*

C 2010-266 Communication (09/30/2010) from the Director of Finance, transmitting for Council consideration, an amendment to Ordinance No. B-2010-705, relating to the FY 2010-2011 Operating Budget, by revising the surplus and

appropriations estimated in the General Fund, by appropriating \$79,555.00 for the Career Criminal Prosecution Program in the Prosecuting Attorney's Office. (see Proposed Draft Bill (No. 2382)). *(Received for the record.)*

C 2010-267 Communication (10/06/2010) from Councilmember Kawakami, providing written disclosure on the record of a possible conflict of interest on PWE 2010-5 and ES-470 (relating to plastic bag reduction) on the October 6, 2010, Public Works/Elderly Affairs Committee Agenda, for reasons stated therein. *(Received for the record.)*

C 2010-268 Communication (09/25/2010) from the County Engineer, transmitting for Council consideration, an amendment to Ordinance No. B-2010-705, relating to the FY 2010-2011 Operating Budget, by revising the surplus and appropriations estimated in the General Fund, by appropriating \$57,300.00 to the Solid Waste Fund for modifications to the Real Property Tax collection software, training support, IP phone, file cabinets, computer with peripherals, and workstation/furniture to support the Solid Waste Residential Collection program. (see Proposed Draft Bill (No. 2383)). *(Received for the record.)*

C 2010-269 Communication (10/05/2010) from the Chief, Engineering Division, Department of Public Works, transmitting for Council consideration, amendments to Resolution No. 4 (1988) to eliminate an existing bus stop at 317 Molo Street and relocate it to 257 Molo Street, for health and safety reasons. (see Resolution No. 2010-53). *(Received for the record.)*

C 2010-270 Communication (09/09/2010) from the Chief, Building Division, Department of Public Works, requesting Council approval to apply for, receive, and spend KIUC grant funds in the amount of \$26,000.00 for installing glass tint on the Mo'ikeha Building windows and doors to effectively reduce solar heat absorption and thus reducing energy costs for air conditioning, and which amount will subsidize the required 25% County match for the FEMA Hazard Mitigation Grant Program. *(Approved.)*

C 2010-271 Communication (09/20/2010) from Beth Tokioka, Office of the Mayor, requesting Council approval to contract with and indemnify the State of Hawai'i, Department of Health, for the Agency on Elderly Affairs, the Housing Agency, and the Office of Economic Development to provide services detailed in the County's scope of work pursuant to U.S. Department of Health and Human Services Grant Award (ARRA of 2009) for the *Communities Putting Prevention to Work (CPPW)* program, with overall coordination and grant reporting provided by the Department of Finance and the Office of the Mayor. *(Approved.)*

C 2010-272 Communication (09/29/2010) from the Prosecuting Attorney, requesting Council approval to expend \$1,340.63 from the State Asset Forfeiture Funds to purchase three (3) new bookcases for new attorneys. *(Approved.)*

C 2010-273 Communication (09/29/2010) from the Executive on Transportation, requesting Council approval to apply for, receive, indemnify and expend FY 2010 Federal Transit Administration Section 5310 grant funds of \$136,000.00 to purchase one (1) wheelchair accessible passenger bus for the County Transportation Agency. *(Approved.)*

C 2010-274 Communication (09/30/2010) from the Director of Parks and Recreation, requesting Council approval to expend \$10,000.00 from the Parks Special Project Account to purchase Mobi-mats, which will be configured at County parks to provide access at public events from the ADA parking areas to the facility's seating areas and further for persons in wheelchairs, disabled, elderly and with special needs. *(Approved.)*

C 2010-275 Communication (09/30/2010) from the Fire Chief, requesting Council approval to expend \$38,199.88 from the Hā'ena Beach Park (Kē'ē Beach) Grant funds to purchase one (1) 2010 FX High output Rescue Jet Ski, one (1) 2010 Galvanized Trailer, one (1) 2010 500cc ATV, one (1) Aluminum ATV Trailer, one (1) Aluminum Beach Cart (jet ski), and associated shipping cost for the Kē'ē Beach Tower. *(Approved.)*

C 2010-276 Communication (09/30/2010) from the Executive on Transportation, requesting Council approval to apply for, receive, indemnify, and expend FY 2010 Federal Transit Administration 5309 State of Good Repair Grant in the amount of \$925,000.00 to purchase buses for the County Transportation Agency. *(Approved.)*

C 2010-277 Communication (09/30/2010) from the Housing Director, requesting Council approval to decline repurchase of Unit No. 501, Hookena at Puhi, and issue the owners a one-year waiver of the County's repurchase right effective the date of the Council's action, which allows the owner to sell the unit on the open market for a one-year period. *(Approved.)*

C 2010-278 Communication (10/05/2010) from the Prosecuting Attorney, requesting Council approval to expend \$2,500.00 from the State Asset Forfeiture Funds to purchase a desk with a return, credenza, and file cabinets for the Prosecuting Attorney's Office. *(Approved.)*

C 2010-279 Communication (09/30/2010) from the Director of Parks and Recreation, requesting Council approval to expend \$90,000.00 from the Parks Special Project Account to purchase bleachers for the Kalawai and Kōloa Parks. *(Approved.)*

C 2010-280 Communication (09/29/2010) from HSAC President Kawakami, transmitting for Council approval for inclusion in the 2011 Hawai'i State Association of Counties (HSAC) Legislative Package, proposals approved by its Executive Committee as follows:

- a) Proposed Bill for an Act Relating to the Penal Code (replica guns) *(Honolulu proposal)*
- b) Proposed Bill for an Act Relating to Nomination Papers *(Maui proposal)*
- c) Proposed Bill for an Act Relating to Aquarium Aquatic Life *(Maui proposal)*
- d) Proposed Bill for an Act Relating to the EUTF Board of Trustees *(Kaua'i proposal)*
- e) Proposed Bill for an Act Relating to the ERS Board of Trustees *(Kaua'i proposal)*
- f) Proposed Bill for an Act Relating to the Penal Code (assault against firefighters and water safety officers) *(Kaua'i proposal)*
- g) Proposed Bill for an Act Relating to Counties (appointment of county liquor administrators) *(Kaua'i proposal)*
- h) Proposed Bill for an Act Relating to Counties (appointment of county personnel directors of neighbor island counties) *(Kaua'i proposal)*

i) Proposed Bill for an Act Relating to Housing (*HSAC proposal*)
(*Approved.*)

C 2010-281 Communication (10/07/2010) from Council Vice Chair, requesting the Administration's presence to discuss the status of the Kapaia Swinging Bridge Project. (*Received for the record.*)

C 2010-282 Communication (09/27/2010) from the County Engineer, requesting to amend Ordinance No. 2010-706, relating to the Fiscal Year 2010-2011 Capital Budget which addresses the appropriation transfer for additional engineering services for the Kapaia Swinging Bridge from the following item in the General Fund, Keapana Bridge Replacement \$40,000 to the General Fund-CIP appropriation entitled Kapaia Swinging Bridge \$40,000. (see Proposed Draft Bill No. 2384). (*Received for the record.*)

C 2010-283 Communication (09/07/2010) from Councilmember Kawahara requesting agenda time to discuss the County of Kauai's sexual harassment and workplace violence policies. (*Received for the record.*)

LEGAL DOCUMENT:

C 2010-284 Communication (10/04/2010) from the County Engineer, requesting authority from the Council to execute the following, which includes an indemnity provision, to determine the feasibility and cost of repairing the Kapaia Swinging Bridge:

- 1) Right of Entry by Roy Goo, TMK (4) 3-7-004-009-0002.
- 2) Right of Entry by Haili Moe, Inc., TMK (4)3-7-001-001.

(*Approved.*)

COMMITTEE REPORT: *APPROVED.*

RESOLUTIONS:

Resolution No. 2010-52, A RESOLUTION ESTABLISHING STOP SIGNS AND STOP LINES AT KONOHIKI ESTATES SUBDIVISION, KOLOA DISTRICT, COUNTY OF KAUAI (*Approved.*)

Resolution No. 2010-53, RESOLUTION AMENDING RESOLUTION NO. 4 (1988) DELETING AND ESTABLISHING SCHOOL BUS STOP IN THE KAWAIHAU DISTRICT (*Approved.*)

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2381) – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705 AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE LIQUOR FUND (\$450,000.00 – Claims and Judgments/General Liability) (*Approved 1st reading, Public Hearing Scheduled for November 10, 2010, referred to the Budget & Finance Committee Meeting*)

Proposed Draft Bill (No. 2382) – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705 AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$79,555.00 – Salaries, Prosecuting Attorney's Office) *(Approved 1st reading, Public Hearing Scheduled for November 10, 2010, referred to the Budget & Finance Committee Meeting)*

Proposed Draft Bill (No. 2383) – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705 AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (Solid Waste Appropriation, Other Services \$50,000, Computer Peripherals/Supplies \$2,400 and Controlled Assets \$4,900) *(Approved 1st reading, Public Hearing Scheduled for November 10, 2010, referred to the Budget & Finance Committee Meeting)*

Proposed Draft Bill (No. 2384) – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-706 AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (Kapaia Swinging Bridge \$40,000) *(Approved 1st reading, Public Hearing Scheduled for November 10, 2010, referred to the Budget & Finance Committee Meeting)*

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

Copy: Council

Via e-mail: County Attorney (via Joy Goto)
County Engineer (via Mari Chan)
Eve Domingcil (Fire Department)
Leonard Rapozo, Jr., Director of Parks & Rec. (Dept. of Parks & Rec.)
Alvin Honda, Budget Administrator (Finance Dept.)
Rhonda Lizama, Private Secretary (Finance Dept.)
Clint Saiki, Fiscal Management Officer (Public Works Dept.)
Lynn Kuboyama, Fiscal Officer (Dept. of Parks & Rec.)
Cathy Simao, Private Secretary (Dept. of Parks & Rec.)
Eugene Jimenez, Housing Director
Fay Rapozo, Homebuyer Coordinator (Housing Agency)

Staff