

COUNTY OF KAUAI

Minutes of Meeting  
OPEN SESSION

Approved on: 3/1/2019

Board/Commission:	<b>BOARD OF REVIEW</b>	Meeting Date	<b>January 11, 2019</b>
Location	Mo'ikeha Building, Meeting Room 2 A/B	Start of Meeting: 1:01 p.m.	End of Meeting: 2:53 p.m.
Present	Chair Donald Kolenda. Vice Chair. Craig De Costa. Member Julie Caspillo, Member Christopher White. Also: Deputy Director of Finance Michelle Lizama. Office of the County Attorney: Deputy County Attorney Mark Ishmael, Boards & Commissions Staff: Administrator Ellen Ching, Support Clerk Arleen Kuwamura. COK Appraisers: Brad Cone, Craig Arzadon, Damien Ventura, and Sean Roche.		
Excused	None		
Absent	None		

SUBJECT	DISCUSSION	ACTION
<b>Call to Order</b>		Chair Kolenda called the meeting to order at 1:01 p.m. with four members present which constituted a quorum.
<b>Establish Format For Hearing Of Appeals</b>	<p>Chair Kolenda stated that in years past it was the Boards practice to decide at the beginning of the year to have decisions made in the Executive Session. Chair Kolenda entertained motions.</p> <p>a. <u>Reprints from the County of Kaua'i's webpage on <i>Understanding your Real Property Taxes and Informtion for Taxpayers concerning Property Assessments Appeals to the Board of Review</i></u> (Included in meeting packets)</p> <p>b. <u>Orientation from the County Attorney's Office regarding Board of Review procedures and applicable Sunshine Law.</u></p> <p>Chair Kolenda introduced County Attorney Mark Ishmael. County Attorney Mark Ishmael asked Commission members if they</p>	<p><i>Ms. Caspillo moved that the Board keep the format the same and make the decision in Executive Session for the year 2019. Mr. Craig De Costa seconded. Motion carried 4:0</i></p>

SUBJECT	DISCUSSION	ACTION
	<p>received procedures and had a chance to review and asked if there was any questions. Mr. Ishmael stated he was open to any question and pointed out additional, not outlined, rules concerning when the Board can go to Executive Session under HRS 925 and Judiciary Functions 92-6.</p> <p>With no further discussion, the Board moved on to the next agenda item.</p> <p>c. <u>PowerPoint presentation from the Real Property Tax Manager on an overview of appeals, assessment methods, tax classifications, and update on changes to the laws</u></p> <p>Mr. Cone explained that he present a short PowerPoint, much similar to last year, with a couple additions, and discuss the current market and a few things that have happened over the last year.</p> <p>Mr. Cone presented his PowerPoint presentation to the Board (on file).</p> <p>Mr. Cone noted, recent Ordinance changes, Ordinance 1044 was enacted October 24, 2018, and Amends Section 5A -1.1 of the County Code to include under Section 2, to add the definition of claim to read as follows; Claim under 5A – 1.2K, may include the retroactive approval reinstatement of Home Exemption Homestead Tax rate and assessment cap of an owner occupant that benefiting from an Exemption Homestead Tax rate and assessment cap of a co-owner occupant who is deceased. Provided that the owner would have independently qualified for the home exemption at the time of the death. This approval and reinstatement shall only be applied retroactively after three years.</p> <p>Mr. Cone noted that market values are up cumulatively by 7% and mass appraisal statistics for all models are well within the IWAL standards and</p>	

SUBJECT	DISCUSSION	ACTION
	<p>are posted in office. One issue noted was past flood damaged properties, received few flood damage appeals so far, to date there were 270 appeals filed, and 73 appeals were bulk Time Share. The Flood damage parcels in the restricted access area in Heana are an average of 647 parcels affected by restricted access issue. Land values were reduced by 25 % for all parcels and vacation renting is no longer allowed in the area so all vacation rentals were moved to residential tax class.</p> <p>Mr. Cone asked if there was any questions.</p> <p>Ms. Caspillo asked regarding Ordinance 1044, if there was a change to Home Exemption forms regarding "Owner and Spouse" to the new one stating " Owner and Co-owner" as she thought it was one of the problems on the form in the past. Ms. Caspillo also stated she wanted to know now for recommendations purposes for the year.</p> <p>Mr. Cone stated that he thought it was, but was not sure and would check as the new form was not out yet.</p> <p>Chair Kolenda asked if there was any questions. Vice Chair De Costa asked, regarding vacation rentals not being allowed in the area was that a separate Ordinance in the past?</p> <p>Mr. Cone stated it was an Emergency Proclamation and dependent on the roads returning to normal.</p> <p>Chair Kolenda asked once things changed and the road was open again would these people still have the ability to operate vacation rentals?          Mr. Cone replied, yes.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>The Board thanked Mr. Cone for his presentation.</p> <p>With no further discussion, the Board moved on to the next agenda item.</p>	
<b>Approval of Minutes</b>	<p>a. <u>Open Session Minutes of October 5, 2018</u></p>	<p><i>Mr. De Costa moved to approve the Open Session minutes of October 5, 2018, as circulated. Ms. Caspillo seconded the motion. Motion carried 4:0.</i></p>
<b>Appeals</b>	<p>1. <u>19-0000001 C. Arzadon Vilma Valdez</u></p> <p>Ms. Vilma Valdez was present and presented her testimony to the Board. Mr. Arzadon was present on behalf of the County and presented his report to the Board.</p> <p>The Board reviewed the testimony provided in Executive Session.</p>	<p><u>3-3-014-120-0000</u></p>
	<p>3. <u>18-0000180 D. Ventura Carol C Orr</u> (Continued from 9/7/18 &amp; 10/5/18)</p> <p>Mr. Brain Carson was present on behalf of the applicant and presented his testimony to the Board. Mr. Ventura was present on behalf of the County and presented his report to the Board.</p> <p>The Board reviewed the testimony provided in Executive Session.</p>	<p><u>5-1-002-010-0005</u></p>
	<p>2. <u>18-0000024 S. Roche Moloa'a Lot 10A LLC</u> (Continued from 10/5/18)</p> <p><i>Ms. Caspillo moved to approve the County's stipulation for a market value, assessed value and net taxable value of \$1,400,000. Vice Chair De Costa seconded the motion. Motion carried 4:0.</i></p>	<p><u>4-9-009-002-0000</u></p>
<b>Stipulation/ Withdrawn</b>	<p>4. <u>18-0000070 D. Ventura McBryde Sugar Company, LLC</u></p> <p><i>Vice Chair De Costa moved to approve the County's stipulation for an assessed market value and net taxable value of \$1,214,800. Mr. White seconded the motion. Motion carried 4:0.</i></p>	<p><u>2-5-001-002-0000</u></p>
	<p>5. <u>18-0000099 D. Ventura McBryde Sugar Company, LLC</u></p>	<p><u>2-5-001-008-0000</u></p>

SUBJECT	DISCUSSION	ACTION
	<i>Ms. Caspillo moved to approve the County's stipulation for a market value, assessed value, and net taxable value of \$1,430,900. Vice Chair De Costa seconded the motion. Motion carried 4:0.</i>	
	<p>6. <u>18-0000069</u>    <u>D. Ventura</u>    <u>Alexander &amp; Baldwin, LLC</u>    <span style="float: right;">2-6-004-018-0000</span></p> <p><i>Mr. White moved to approve the County's stipulation for a market value, assessed value, and net taxable value of \$2,057,900. Ms. Caspillo seconded the motion. Motion carried 4:0.</i></p>	
<b>Validity Determination</b>	7. <u>D. Ventura</u> <u>Hauiki Hui, LLC</u> <span style="float: right;">4-6-007-010-0000</span>	
	8. <u>D. Ventura</u> <u>Hauiki Hui, LLC</u> <span style="float: right;">4-6-007-040-0000</span>	
	<p>No one was present on behalf of the appellant. Mr. Ventura was present on behalf of the County and his report to the Board.</p> <p>With no further questions, the Board reviewed the testimony in Executive Session.</p>	
SUBJECT	DISCUSSION	ACTION
		Ms. Ellen Ching Left the meeting at 1: 48 p.m.
<b>Discussion on Board of Review Annual Report to the Mayor for 2018</b>	<p>Ms. Caspillo's request regarding Ordinance 1044, recommended changes made by the Board last year relating to the Home Exemption forms wording "Owner and Spouse" to be replaced with "Owner and Co-owner". She would like to keep recommendation on the report this year.</p> <p>Mr. White stated he wanted the words "Prima Facie" clarified in the instructions to the Appellants, and emphasis of the Tax Exemption deadlines in the notices to home owners.</p>	
<b>Announcements</b>	Next Meeting: Friday, March 1, 2019 – 1:00 p.m.	
<b>Executive Session</b>	<i>Pursuant to HRS § 92-4, 92-5(a)(4), 92-9(a)(1-4)(b) and 92-6(a)(2), Mr. De Costa moved that</i>	

SUBJECT	DISCUSSION	ACTION
		<i>the Board go into Executive Session at 2:16 p.m. Ms. Caspillo. Seconded the motion. Motion carried 4:0.</i>
<b>Return to Open Session</b>		The meeting resumed in Open Session at 2:50 p.m.  <i>Mr. White moved to ratify the Board's actions in Executive Session and to make those decisions public. Ms. Caspillo seconded the motion. Motion carried 4:0.</i>
	1. <u>19-0000001</u> C. Arzadon Vilma Valdez	3-3-014-120-0000  <i>Mr. De Costa moved to sustain the County's denial of exemption for the low income. Ms. Caspillo seconded the motion. Motion carried 4:0.</i>
	3. <u>18-0000180</u> B. Cone Carol C Orr (Continued from 9/7/18 & 10/5/18)	5-1-002-010-0005  <i>Mr. De Costa moved to sustain the County's assessment market value of \$1,276,500, and to sustain the denial of the agriculture dedication exemption. Mr. White seconded the motion. Motion carried 4:0.</i>
	7. <u>D. Ventura</u> Hauiki Hui, LLC 8. <u>D. Ventura</u> Hauiki Hui, LLC	4-6-007-010-0000 4-6-007-040-0000  <i>Ms. Castillo moved to rule that the Appeal Forms on the County Agenda Item No's 7 and 8 are invalid and thus the appeals are denied. Mr. De costa seconded the motion. Motion carried 4:0.</i>
<b>Adjournment</b>		With no objections, Chair Kolenda adjourned the meeting at 2:53 p.m.

Submitted by: \_\_\_\_\_  
Arleen Kuwamura, Staff Support Clerk

Reviewed and Approved by: \_\_\_\_\_  
Donald Kolenda, Chair

Board of Review  
Open Session  
January 11, 2019

Page 7

Approved as circulated.

Approved with amendments. See minutes of \_\_\_\_\_ meeting.