

**COUNCIL MEETING NOTICE AND AGENDA**  
**WEDNESDAY, JANUARY 10, 2018**  
**8:30 A.M. OR SOON THEREAFTER**  
COUNCIL CHAMBERS  
HISTORIC COUNTY BUILDING  
4396 RICE STREET, SUITE 201  
LĪHU‘E, KAUA‘I, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meeting of the Council:

1. December 14, 2017 Special Council Meeting

E. INTERVIEW:

1. BOARD OF ETHICS:

- [Dean A. Toyofuku](#) – Term ending 12/31/2020

F. CONSENT CALENDAR:

1. [C 2018-01](#)      Communication (12/18/2017) from the Director of Finance, transmitting for Council information, the County of Kaua‘i Schedule of Fund Balances as of June 30, 2017; pursuant to Kaua‘i County Charter Section 19.14.
  
2. [C 2018-02](#)      Communication (12/19/2017) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of November 7, 2017.
  
3. [C 2018-03](#)      Communication (12/20/2017) from the Mayor, transmitting for Council consideration and confirmation, the reappointment of Marissa L. Sandblom to the Charter Review Commission – Term ending 12/31/2020. (*See Resolution No. 2018-01*)

G. COMMUNICATIONS:

1. [C 2018-04](#) Communication (12/01/2017) from the Fire Chief, requesting Council approval of the indemnification language contained in the Site Plan Approval (SPA) KA-18-25, to release and indemnify the State of Hawai'i, Department of Land and Natural Resources (DLNR) to install a new lifeguard tower at Po'ipū Beach Park within the Conservation District Protective Subzone in the Kōloa District, County of Kaua'i.
  
2. [C 2018-05](#) Communication (12/08/2017) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds, in the amount of \$40,670.00, and indemnify the Hawai'i Tourism Authority, to provide greetings for most ships docking at Nāwiliwili Harbor Pier II during February through December 2018.
  
3. [C 2018-06](#) Communication (12/14/2017) from the Chief of Police, requesting Council approval to receive and expend Federal funds for the Statewide Multi-Jurisdictional Drug Task Force (SMDTF), in the amount of \$46,375.00, which will be used to continue law enforcement efforts to reduce drug threats and drug related crimes through agency collaboration, and approval to indemnify the State of Hawai'i Department of Attorney General for the term commencing January 1, 2018 to December 31, 2018.
  
4. [C 2018-07](#) Communication (12/19/2017) from the Emergency Management Administrator, requesting Council approval, to apply for, receive, and expend State funds, in the amount of \$75,000.00, from the Pre-Disaster Mitigation Grant funds from the United States Department of Homeland Security, via State of Hawai'i Emergency Management Agency, to be used for updating the Multi-Hazard Mitigation and Resilience Plan.
  
5. [C 2018-08](#) Communication (12/19/2017) from the Emergency Management Administrator, requesting Council approval, to receive, and expend State funds, in the amount of \$745,000.00, from the United States Department of Homeland Security, via the State of Hawai'i Department of Defense, to be used to enhance the capability of State and local units of government to prevent, deter, respond to, and recover from threats and incidents of terrorism, as well as "all hazards" catastrophic preparedness initiatives.

6. [C 2018-09](#) Communication (12/20/2017) from the Fire Chief, requesting Council approval, to apply for, receive, and expend Federal funds, in the amount of \$21,800.00, from the Federal Emergency Management Agency, Assistance to Firefighters Grants (AFG), to be used by the Kaua'i Fire Department (KFD) for Fire Prevention and Safety to purchase 800 Smoke Detectors and 200 Educational Brochures.
7. [C 2018-10](#) Communication (12/21/2017) from the Director of Finance and the Director of Parks & Recreation, transmitting for Council consideration, proposed amendments to:
- Ordinance No. B-2017-821, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the General Fund, to fund improvements in various Parks & Recreation facilities; and
  - Ordinance No. B-2017-822, as amended, relating to the Capital Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the General Fund-CIP, to fund improvements in various Parks & Recreation facilities.  
***(See Proposed Draft Bill (No. 2682) and Proposed Draft Bill (No. 2683))***
8. [C 2018-11](#) Communication (12/22/2017) from the Director of Finance and the Acting County Engineer, transmitting for Council consideration, proposed amendments to:
- Ordinance No. B-2017-821, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year (FY) 2017-2018, by revising the amounts estimated in the Highway Fund, to transfer available Highway Fund Equity/Fund Balance-Assigned, and the Department of Public Works, Roads Administration, Other Services funds to the Highway Fund-CIP; and
  - Ordinance No. B-2017-822, as amended, relating to the Capital Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the Highway Fund-CIP, to fund improvements in the main collector roads of Maluhia, Kōloa, and Olohena, of which the sum of \$2,750,000.00 will be used as a County Match and is crucial to obtaining an additional \$7,000,000.00 in Statewide Transportation Improvement Program (STIP) funding for FY 2018.  
***(See Proposed Draft Bill (No. 2684) and Proposed Draft Bill (No. 2685))***

9. [C 2018-12](#) Communication (12/22/2017) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds in the amount of \$49,475.00, to be used for salaries/wages and supplies for the Domestic Violence Prosecution Unit, and to indemnify the State of Hawai'i, Department of the Attorney General.
  
10. [C 2018-13](#) Communication (12/28/2017) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$25,000.00 for Special Counsel's continued services provided to represent the interests of the County as Disclosure Counsel for the issuance of General Obligation Bonds (2017 Series) for the County, and related matters.
  
11. [C 2018-14](#) Communication (12/28/2017) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$25,000.00 for Special Counsel's continued services provided in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters.
  
12. [C 2018-15](#) Communication (12/28/2017) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$10,000.00 for Special Counsel's continued services provided to represent the interests of the County as Bond Counsel for the issuance of General Obligation Bonds (2017 Series) for the County, and related matters.

#### H. LEGAL DOCUMENT:

1. [C 2018-16](#) Communication (12/19/2017) from the Emergency Management Administrator, recommending Council approval of a license agreement between the County of Kaua'i and Grove Farm Company, Incorporated, for the 800 MHz radio site located at Tax Map Key (TMK) No. (4) 3-8-002-005, Kalepa Ridge, Kaua'i, Hawai'i, for emergency radio communications for the County of Kaua'i.

- License Agreement

I. COMMITTEE REPORT:1. BUDGET & FINANCE COMMITTEE:a. **CR-BF 2018-01:** on Bill No. 2676

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Information Technology Space Relocation/Renovation - \$140,000.00*) **[Approved.]**

J. RESOLUTION:

1. [Resolution No. 2018-01](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Marissa L. Sandblom*)

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2682\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Parks & Recreation Improvements (Operating Budget)*)

2. [Proposed Draft Bill \(No. 2683\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND-CIP (*Parks & Recreation Improvements (CIP Budget)*)

3. [Proposed Draft Bill \(No. 2684\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND (*Maluhia, Kōloa, and Olohena Collector Roads (Operating Budget)*)

4. [Proposed Draft Bill \(No. 2685\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND-CIP (*Maluhia, Kōloa, and Olohena Collector Roads (CIP Budget)*)

L. BILL FOR SECOND READING:

1. [Bill No. 2676](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Information Technology Space Relocation/Renovation - \$140,000.00*) (*See also CR-BF 2018-01; the Budget & Finance Committee recommended approval on second and final reading.*)

M. 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 at the Office of the County Attorney and/or the Office of the County Clerk. Discussions held in Executive Session are closed to the public.)*

1. ES-935 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 requests an Executive Session with the Council to provide the Council with a briefing on Special Counsel’s continued services to represent the interests of the County as Disclosure Counsel for the issuance of General Obligation Bonds (2017 Series) for the County, 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.

2. ES-936 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 requests an Executive Session with the Council to provide the Council with a briefing in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit 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.
  
3. ES-937 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 requests an Executive Session with the Council to provide the Council with a briefing on Special Counsel's continued services to represent the interests of the County as Bond Counsel for the issuance of General Obligation Bonds (2017 Series) for the County, 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.

#### N. ADJOURNMENT.

- O. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for a public hearing on the following. After the public hearing, 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 at the Office of the County Clerk 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/Council/PublicHearings>**

1. [Bill No. 2677](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2017 AND JUNE 30, 2021

- P. 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, LIHU'E, KAUA'I, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

**\*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: [WWW.KAUAI.GOV/WEBCASTMEETINGS](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).**