

# COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, JANUARY 25, 2017

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. MAYORAL VETO:

1. [Bill No. 2635, Draft 2](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 19, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE WAILUA GOLF COURSE (*Laid on Table January 12, 2017*)

## E. CONSENT CALENDAR:

1. [C 2017-36](#) Communication (12/13/2016) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Russell M. Wong to the Board of Review – Term ending 12/31/2019. (*See Resolution No. 2017-14*)
2. [C 2017-37](#) Communication (01/04/2017) from the Acting County Engineer and the Director of Finance, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kaua‘i To Enter Into An Intergovernmental Agreement With The State Of Hawai‘i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Best Management Practice (BMP) Improvements At Various Refuse Stations, Project No. NPS0059-25. (*See Resolution No. 2017-15*)
3. [C 2017-38](#) Communication (01/05/2017) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of November 18, 2016.

4. [C 2017-39](#) Communication (01/06/2017) from Councilmember Brun, providing written disclosure of a possible conflict of interest and recusal regarding ES-888 relating to Syngenta Seeds, Inc., et al. vs. County of Kaua'i, which is related to the lawsuits underlying Bill No. 2643, Repealing Article 23 of Chapter 22, Relating to Pesticides and Genetically Modified Organisms, as he is employed by Syngenta Seeds on Kaua'i.

#### F. COMMUNICATIONS:

1. [C 2017-40](#) Communication (12/29/2016) from Council Chair Rapozo, requesting the presence of the Director of Finance and representatives from N&K CPAs, Inc., to discuss the Comprehensive Annual Financial Report (CAFR), Single Audit Reports, and Management Advisory Report for the Fiscal Year Ended June 30, 2016.
2. [C 2017-41](#) Communication (01/12/2017) from the County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims which were filed against the County of Kaua'i from October 1, 2016 through December 31, 2016.
3. [C 2017-42](#) Communication (01/13/2017) from the County Attorney, requesting approval of its recommendation for authorization to expend additional funds up to \$20,000.00 for Special Counsel's continued services to represent the County of Kaua'i in Arbitration with the Hawai'i Fire Fighter's Association, and related matters.
4. [C 2017-43](#) Communication (01/19/2017) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to provide the Council with an update regarding the Kaua'i Resource Center operations and measures taken by the Administration to address the recent concerns raised by the community and businesses.

#### G. CLAIMS:

1. [C 2017-44](#) Communication (01/10/2017) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Sheilah H. Rego, for damages to personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2017-45](#) Communication (01/18/2017) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Amil R. Valpoon, III, for damages to a vehicle in his possession on behalf of the vehicle's owner, William Pavao, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2017-07:** on PWPR 2017-05 Communication (11/29/2016) from Councilmember Yukimura, requesting the presence of the Acting County Engineer, to provide a briefing on the estimated \$100 million backlog for road repairs and maintenance. **[Received for the Record.]**

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2017-03:** on Bill No. 2641 A BILL FOR AN ORDINANCE AUTHORIZING THE EXECUTION OF A LONG-TERM LEASE AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION **[Approved.]**

- b. **CR-BF 2017-04:** on Bill No. 2642 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-812, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Transportation Agency – Six (6) New On-Call Driver Positions*) **[Approved as Amended.]**

3. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2017-01:** on Bill No. 2643 A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, BY REPEALING ARTICLE 23 OF CHAPTER 22, RELATING TO PESTICIDES AND GENETICALLY MODIFIED ORGANISMS **[Approved.]**

I. RESOLUTIONS:

1. [Resolution No. 2017-14](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF REVIEW (*Russell M. Wong*)

2. [Resolution No. 2017-15](#) – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE BEST MANAGEMENT PRACTICE (BMP) IMPROVEMENTS AT VARIOUS REFUSE STATIONS, PROJECT NO. NPS0059-25

J. BILLS FOR SECOND READING:

1. [Bill No. 2641](#) – A BILL FOR AN ORDINANCE AUTHORIZING THE EXECUTION OF A LONG-TERM LEASE AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION (*See also CR-BF 2017-03; the Budget & Finance Committee recommended approval on second and final reading.*)

2. [Bill No. 2642, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-812, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Transportation Agency – Six (6) New On-Call Driver Positions*) (*See also CR-BF 2017-04; the Budget & Finance Committee recommended approval as amended to Bill No. 2642, Draft 1, on January 19, 2017.*)

3. [Bill No. 2643](#) – A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, BY REPEALING ARTICLE 23 OF CHAPTER 22, RELATING TO PESTICIDES AND GENETICALLY MODIFIED ORGANISMS (*See also CR-COW 2017-01; the Committee of the Whole recommended approval on second and final reading.*)

K. 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-883 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(2), 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Kaua'i County Council, requests an Executive Session to brief the Council on matters regarding the Notice of Violation and Order (NOVO) from the State of Hawai'i Department of Health, Clean Water Branch for National Pollutant Discharge Elimination System (NPDES) Permit related violations and penalties at four (4) refuse transfer stations, 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 January 12, 2017)***
  
2. ES-889 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 regarding the claims filed against the County of Kaua'i by Bacon Universal Company, Inc., 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 January 12, 2017)***
  
3. ES-890 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, discussion and consultation regarding the Quarterly Report on Pending and Denied Claims. 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.
  
4. ES-891 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 regarding the claim filed against the County of Kaua'i by David R. Wellington, for property damage and for damage to his personal property. 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.

5. ES-892 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 provided to represent the County of Kaua'i in Arbitration with the Hawai'i Fire Fighter's Association, 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.
  
6. ES-893 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 regarding the Kaua'i Resource Center (KRC) operations and contractual obligations, 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.

#### L. ADJOURNMENT.

M. 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, 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).