

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, FEBRUARY 6, 2019
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU'E, KAUA'I, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. INTERVIEWS:

1. BOARD OF WATER SUPPLY:

- [Elesther Calipjo](#) – Term ending 12/31/2021

2. CIVIL SERVICE COMMISSION:

- [Beth Ann Tokioka](#) – Term ending 12/31/2021

3. FIRE COMMISSION:

- [Jennie Heatley Chahanovich](#) – Term ending 12/31/2021

E. CONSENT CALENDAR:

1. [C 2019-30](#) Communication (01/07/2019) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases for Fiscal Year 2018-2019, pursuant to Section 17 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2018-2019.

2. [C 2019-31](#) Communication (01/18/2019) from the County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from October 1, 2018 through December 31, 2018.

3. [C 2019-32](#) Communication (01/24/2019) from the Director of Finance, transmitting for Council information, the Period 5 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of November 30, 2018, pursuant to Section 21 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2018-2019. *(Copies of Period 5 Financial Reports as of November 30, 2018 on file in the Office of the County Clerk.)*

F. COMMUNICATIONS:

1. [C 2019-33](#) Communication (01/11/2019) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in the amount of \$70,000.00, from the Hawaiʻi Tourism Authority’s (HTA) Community Enrichment Program, and to indemnify HTA, for technical and non-substantive guidance for Kauaʻi and Niʻihau applicants wanting to respond to Requests for Proposals (RFPs) from the HTA; assistance in promotion of programs; identification and recruitment of applicants for their RFPs; and providing a work plan for program evaluation.
2. [C 2019-34](#) Communication (01/14/2019) from the Deputy Fire Chief, requesting Council approval, to accept a donation from the Kauaʻi Lifeguard Association (KLA) of one (1) new 2019 Yamaha jet ski and trailer, valued at \$18,409.23, which will benefit the Ocean Safety Bureau and its patrol operations.
3. [C 2019-35](#) Communication (01/15/2019) from the Executive on Transportation, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2018-842, As Amended, Relating To The Capital Budget Of The County Of Kauaʻi, State Of Hawaiʻi, For The Fiscal Year July 1, 2018 Through June 30, 2019, By Revising The Amounts Estimated In The Development Fund, to create a mechanism to accept funds for islandwide bus stop/shelter improvements. *(See Proposed Draft Bill (No. 2734))*
4. [C 2019-36](#) Communication (01/24/2019) from Councilmember Brun and Councilmember Chock, transmitting for Council consideration, A Bill For An Ordinance Amending Section 8-1.5, Kauaʻi County Code 1987, As Amended, Relating To Guest House, to allow for a kitchen in a Guest House. *(See Proposed Draft Bill (No. 2735))*

G. CLAIM:

1. [C 2019-37](#) Communication (01/24/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Joel Same, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2734\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2018-842, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Islandwide Bus Stops/Shelter Improvements - \$84,000.00*)

2. [Proposed Draft Bill \(No. 2735\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 8-1.5, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO GUEST HOUSE

I. 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-976 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 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 and request for authority to settle the case of The Hertz Corporation v. Roselyn Martin, et al., Civil No. 17-1-0137 (Fifth Circuit Court) and the case of Rosalyn Martin v. John Rego, Jr., County of Kaua'i, et al., Civil No. 18-1-0110 (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.

2. ES-977 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 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 and request for authority to settle the potential claim against Malia Emura for property damage arising from the vehicle collision that occurred on October 3, 2017, 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-978 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to consult with the Council's legal counsel to receive legal updates, overviews, and recommendations for purposes of obtaining Council approval to settle a workers' compensation claim. This deliberation and/or decision making involves matters that require the consideration of information that must be kept confidential due to significant privacy interests. The significant privacy interests relate to a medical history, diagnosis, condition, treatment, and evaluation. This information is protected from disclosure pursuant to State or Federal law, including the Health Insurance Portability and Accountability Act.

4. ES-979 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 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.

5. ES-980 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 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 obtain settlement authority of Dean Rogers' real property tax claim 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.

J. ADJOURNMENT.

K. 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, LĪHUʻE, KAUAI, HAWAIʻI 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: WWW.KAUAI.GOV/WEBCASTMEETINGS.