

**COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, FEBRUARY 10, 2016  
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. MINUTES of the following meetings of the Council:

1. December 16, 2015 Council Meeting
2. January 13 ,2016 Public Hearing re: Bill No. 2609
3. January 21, 2016 Special Council Meeting

E. INTERVIEWS:

1. FIRE COMMISSION:

- [Sharron Weber](#) – Partial Term ending 12/31/2016  
(*Deferred January 27, 2016*)

2. CHARTER REVIEW COMMISSION:

- [Michael G. Perel](#) – Term ending 12/31/2018

3. CIVIL SERVICE COMMISSION:

- [Fely L. Faulkner](#) – Term ending 12/31/2018

4. COST CONTROL COMMISSION:

- [Tyler R. Rodighiero](#) – Term ending 12/31/2018

5. PLANNING COMMISSION:

- [Heather K. Ahuna](#) (Enviornmental) – Partial Term  
ending 12/31/2016

6. BOARD OF ETHICS:

- [Michael C. Curtis](#) – Term ending 12/31/2018

F. CONSENT CALENDAR:

1. [C 2016-29](#) Communication (01/15/2016) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Glenda Y. Nogami Streufert to the Planning Commission (At-Large) – Term ending 12/31/2018.  
**(See Resolution No. 2016-19)**
2. [C 2016-30](#) Communication (01/28/2016) from Councilmember Kualii, transmitting for Council consideration, a Resolution Expressing the Support of the Council of the County of Kaua'i for the Federal Equality Act, and Urging the United State Congress to Ensure Its Swift Passage. **(See Resolution No. 2016-20)**
3. [C 2016-31](#) Communication (02/01/2016) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Relating to An Electronic Records Storage Policy for the County of Kaua'i.  
**(See Resolution No. 2016-21)**

G. COMMUNICATIONS:

1. [C 2016-32](#) Communication (12/10/2015) from the Civil Defense Manager, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008) as amended, which have been kept for over seven (7) years and are no longer of use or value:
  - County Departments' Correspondence
  - Deposit Slips
  - Expenditure Plan
  - Federal Correspondence (Federal Emergency Management Agency (FEMA), etc.)
  - Hurricane Iwa Records
  - Inventory
  - Kaua'i Civil Defense outgoing correspondence, training lists, and ID card lists
  - Payroll Records
  - Personnel Files
  - Purchase Orders and Requisitions
  - Siren Test Reports
  - State Civil Defense Correspondence
  - State Department Correspondence
  - Weather Alerts, Hazards (natural or man-made) Logs
  - Miscellaneous Files

2. [C 2016-33](#) Communication (01/13/2016) from the Fire Chief, requesting Council approval to accept a donation from the Department of Defense, valued at approximately twenty-two thousand dollars (\$22,000), of the following:
  - A utility trailer to be used to transport the All-Terrain Vehicle (ATV); and
  - Various general mechanics' hand tools for use by the Kaua'i Fire Department's two (2) mechanics.
  
3. [C 2016-34](#) Communication (01/21/2016) from the Director of Finance, transmitting for Council information, the Periods 1-5 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report for July 1, 2015 to November 30, 2015, pursuant to Section 21 of Ordinance No. B-2015-796, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2015-2016. *(Copies of the Periods 1-5 Financial Reports as of November 30, 2015 on file in the County Clerk's Office.)*
  
4. [C 2016-35](#) Communication (01/22/2016) from the Life's Choices Kaua'i Coordinator, requesting Council approval to receive a monetary donation from Akamai Choices, of one thousand two hundred seventy-six dollars and eighty-three cents (\$1,276.83), which was raised during the 2012 Mayor's Cup Golf Tournament and will be used for Life's Choices Kaua'i programs.
  
5. [C 2016-36](#) Communication (01/26/2016) from Council Chair Rapozo, transmitting for Council consideration, a Proposed Draft Bill to amend the relevant sections in the Kaua'i County Code 1987, as amended, relating to the amount being charged by the Kaua'i Humane Society as an impoundment fee for keeping a stray or unlicensed dog. ***(See Proposed Draft Bill (No. 2616))***
  
6. [C 2016-37](#) Communication (01/26/2016) from Councilmember Yukimura, transmitting for Council consideration, a proposed supplemental money bill to fund costs related to the additional needs of the Kaua'i Humane Society to effectively enforce the Barking Dog Nuisance Ordinance (Ordinance No. 996). *(Kaua'i Humane Society Barking Dog Enforcement - \$33,901) (See Proposed Draft Bill (No. 2617))*

H. LEGAL DOCUMENT:

1. [C 2016-27](#) Communication (01/15/2016) from the County Engineer, recommending Council approval of a Conveyance of Easement "F," Kalapakī, Līhu'e, Kaua'i, Tax Map Key (TMK) (4) 3-6-003-072, by Līhu'e Court Townhomes Corporation, a non-profit Hawai'i corporation, of a right-of-way easement necessary for construction of and public access to the Hoala Street to Rice Street Shared Use Path, a Community Development Block Grant (CDBG) funded project, for pedestrian and bicycle access to Līhu'e Court Townhomes, Rice Camp Senior Housing and the area around Hoala Street.

- Dedication of Easement  
*(See also CR-COW 2016-02; the Committee of the Whole recommended C 2016-27 be approved.)*

I. CLAIM:

1. [C 2016-38](#) Communication (01/19/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Margaret A. Benton, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

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

- a. **CR-PWPR 2016-03:** on C2016-27 Communication (01/15/2016) from the County Engineer, recommending Council approval of a Conveyance of Easement "F," Kalapakī, Līhu'e, Kaua'i, Tax Map Key (TMK) (4) 3-6-003-072, by Līhu'e Court Townhomes Corporation, a non-profit Hawai'i corporation, of a right-of-way easement necessary for construction of and public access to the Hoala Street to Rice Street Shared Use Path, a Community Development Block Grant (CDBG) funded project, for pedestrian and bicycle access to Līhu'e Court Townhomes, Rice Camp Senior Housing and the area around Hoala Street.
  - Dedication of Easement  
**[Approved.]**

**2. BUDGET & FINANCE COMMITTEE:****a. CR-BF 2016-04:** on Bill No. 2611

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Hanalei Baseyard Fuel Tank Project – \$40,000*) **[Approved.]**

**3. COMMITTEE OF THE WHOLE:****a. CR-COW 2016-02:** on COW 2016-01

Communication (01/14/2016) from Council Chair Rapozo, requesting agenda time to discuss a charter amendment implementing the county manager system, schedule public workshops regarding the county manager system, solicit assistance from the ICMA, and have a member of the Charter Review Commission update the Committee on the status of its proposal to implement the county manager system. **[Received for the Record.]**

**K. RESOLUTIONS:**

1. [Resolution No. 2016-19](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Glenda Y. Nogami Streufert – At-Large*)

2. [Resolution No. 2016-20](#) – RESOLUTION EXPRESSING THE SUPPORT OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE FEDERAL EQUALITY ACT, AND URGING THE UNITED STATES CONGRESS TO ENSURE ITS SWIFT PASSAGE

3. [Resolution No. 2016-21](#) – RESOLUTION RELATING TO AN ELECTRONIC RECORDS STORAGE POLICY FOR THE COUNTY OF KAUAI

**L. BILLS FOR FIRST READING:**

1. [Proposed Draft Bill \(No. 2616\)](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 22-2.4 AND SECTION 22-10.6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO IMPOUNDMENT FEES

2. [Proposed Draft Bill \(No. 2617\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kaua‘i Humane Society Barking Dog Enforcement - \$33,901*)

M. BILL FOR SECOND READING:

1. [Bill No. 2611](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-797, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Hanalei Baseyard Fuel Tank Project – \$40,000*) (*See also CR-BF 2016-04; the Budget & Finance Committee recommended approval on second and final reading.*)

N. 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 in the County Attorney’s Office and/or the County Clerk’s Office. Discussions held in Executive Session are closed to the public.)*

1. ES-833 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 and request authority for a possible settlement proposal in a claim filed by Charlene and John Clark 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-834 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 and request authority for a possible settlement proposal in a claim filed by Mark and Misty Young 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.

O. ADJOURNMENT.

- P. 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 in the County Clerk's Office 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. 2612](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE
2. [Bill No. 2613](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 13 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ELECTRICAL CODE
3. [Bill No. 2614](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 6, RELATING TO THE REGISTRATION OF LOBBYISTS

- Q. 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, KAUAI, 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).**