

**COUNCIL MEETING NOTICE AND AGENDA**

**WEDNESDAY, FEBRUARY 22, 2017**

**8:30 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHUʻE, KAUAʻI, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. January 12, 2017 Council Meeting
2. January 12, 2017 Public Hearing re: Bill No. 2641, Bill No. 2642, Bill No. 2643, and Bill No. 2640
3. January 25, 2017 Council Meeting

E. INTERVIEWS:

1. BOARD OF REVIEW:

- [Craig A. De Costa](#) – Term ending 12/31/2019

2. PLANNING COMMISSION:

- [Wade L. Lord](#) (Business) – Term ending 12/31/2019

3. BOARD OF ETHICS:

- [Susan H. Burriss](#) – Term ending 12/31/2019

F. CONSENT CALENDAR:

1. [C 2017-52](#) Communication (01/26/2017) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Alfredo C. Garces to the Fire Commission – Partial Term ending 12/31/2018. (*See Resolution No. 2017-17*)

2. [C 2017-53](#) Communication (02/01/2017) from the Director of Finance, transmitting for Council information, the Periods 1 through 6 Financial Reports – Detailed Budget Reports, Statements of Revenues (Estimated and Actual), Statements of Expenditures and Encumbrances, and Revenue Reports as of December 31, 2016, pursuant to Section 21 of Ordinance No. B-2016-812, relating to the Operating Budget of the County of Kauaʻi for the Fiscal Year 2016-2017. (*Copies of the Periods 1 through 6 Financial Reports as of December 31, 2016 on file in the Office of the County Clerk.*)
  
3. [C 2017-54](#) Communication (02/03/2017) from Councilmember Chock and Councilmember Kawakami, transmitting for Council consideration, a Resolution Requesting The Hawaiʻi State Legislature To Recognize November 28 As “Lā Kūʻokoʻa” In Honor Of The Independence Day Of The Hawaiian Kingdom. (***See Resolution No. 2017-18***)

#### G. COMMUNICATIONS:

1. [C 2017-55](#) Communication (02/02/2017) from the Salary Commission, transmitting for Council information, the Salary Commission’s Resolution No. 2017-1, Relating to the Salaries of Certain Officers and Employees of the County of Kauaʻi, which was adopted by the Salary Commission at its January 19, 2017 meeting.
  - Salary Commission Resolution No. 2017-1
  
2. [C 2017-56](#) Communication (02/09/2017) from the Prosecuting Attorney, requesting Council approval of non-budgeted equipment purchases in the amount of \$40,787.85, for sixteen (16) replacement tablet devices and Microsoft (MS) Office Software, which includes a five (5) year life expectancy/warranty, pursuant to Section 17 of the Fiscal Year 2016-2017 Operating Budget.
  
3. [C 2017-57](#) Communication (02/10/2017) from the First Deputy County Attorney, on behalf of the Kauaʻi County Council, requesting agenda time for Council discussion and to consult with the County’s legal counsel as it relates to the process of hiring a County Auditor, and related matters.

H. LEGAL DOCUMENT:

1. [C 2017-58](#) Communication (02/09/2017) from the Kaua'i Life's Choices Kaua'i Coordinator, requesting Council approval of a Dedication Deed (Lot 1-A-5-A) from Grove Farm Company, Incorporated, to the County of Kaua'i for healing and treatment services, located at Hanamā'ulu, Līhu'e, Kaua'i, Hawai'i, Tax Map Key (TMK) No. (4) 3-8-002:001 (por.).

- Dedication Deed

I. CLAIM:

1. [C 2017-59](#) Communication (02/08/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Moises Labuguen, for damage to his 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 2017-11:** on PWPR 2017-09 Communication (01/24/2017) from Committee Chair Kagawa, requesting the presence of the Director of Parks & Recreation and the Deputy Director of Parks & Recreation, to provide a briefing on the Wailua Golf Course, including but not limited to, discussion of plans for concessions and reducing the County's subsidy to the Golf Fund. **[Received for the Record.]**

2. PLANNING COMMITTEE:

- a. **CR-PL 2017-03:** on PL 2017-01 Communication (01/03/2017) from Council Chair Rapozo, requesting the presence of the Planning Director, to provide an update regarding the County's Important Agricultural Lands (IAL) process, including future procedures necessary, if any, and timeframe for completion. **[Received for the Record.]**

**3. COMMITTEE OF THE WHOLE:**

- a. **CR-COW 2017-02:** on COW 2017-01      Communication (02/01/2017) from Council Chair Rapozo, requesting the presence of the Director of Finance and representatives from Spire Hawai'i, LLP and the Kaua'i Humane Society, to discuss the Audit of the Kaua'i Humane Society. **[Received for the Record.]**
- b. **CR-COW 2017-03:** on Resolution No. 2017-16      RESOLUTION ADOPTING RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR INVESTIGATIONS CONDUCTED PURSUANT TO SECTION 3.17 OF THE CHARTER OF THE COUNTY OF KAUAI AND REPEALING RESOLUTION NO. 2005-25, DRAFT 1 **[Approved as Amended.]**

**K. RESOLUTIONS:**

1. [Resolution No. 2016-60](#) – RESOLUTION AUTHORIZING THE ACQUISITION OF A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT IN LAND REQUIRED FOR PUBLIC USE, TO WIT: A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT TO KUKUI'ULA BAY, KUKUI'ULA, COUNTY OF KAUAI, HAWAI'I, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN **(Deferred December 14, 2016)**
  
2. [Resolution No. 2017-16, Draft 1](#) – RESOLUTION ADOPTING RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR INVESTIGATIONS CONDUCTED PURSUANT TO SECTION 3.17 OF THE CHARTER OF THE COUNTY OF KAUAI AND REPEALING RESOLUTION NO. 2005-25, DRAFT 1 *(See also CR-COW 2017-03; the Committee of the Whole recommended approval as amended to Resolution No. 2017-16, Draft 1, on February 15, 2017.)*
  
3. [Resolution No. 2017-17](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION *(Alfredo C. Garces)*

4. [Resolution No. 2017-18](#) – RESOLUTION REQUESTING THE HAWAII STATE LEGISLATURE TO RECOGNIZE NOVEMBER 28 AS “LĀ KŪ‘OKO‘A” IN HONOR OF THE INDEPENDENCE DAY OF THE HAWAIIAN KINGDOM

L. 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-894 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4, 92-5(a)(2) and (4), and Kaua‘i County Charter Section 3.07(E), the Kaua‘i County Council requests an Executive Session with the County Attorney pertaining to the process of hiring a County Auditor, and related matters. This Executive Session pertains to the hiring of a County Auditor where consideration of matters affecting privacy will be involved as they relate to this agenda item.
  
2. ES-895 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4) and (8), and Kaua‘i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing on a communication dated February 7, 2017 from the Law Offices of Richard E. Wilson, LLC regarding Charles “Chucky” Rapozo, 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.

M. ADJOURNMENT.

N. 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).