

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, MARCH 22, 2017
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LĪHU‘E, KAUA‘I, HAWAI‘I 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. February 22, 2017 Council Meeting
2. March 8, 2017 Council Meeting

E. INTERVIEWS:

1. FIRE COMMISSION:

- [Linda Kaauwai-Iwamoto](#) – Term ending 12/31/2019

2. CHARTER REVIEW COMMISSION:

- [Isaac K. Cockett](#) – Term ending 12/31/2019

F. CONSENT CALENDAR:

1. [C 2017-66](#) Communication (02/28/2017) from the Acting County Engineer, transmitting for Council consideration, a Resolution Abandoning The Kapaia Swinging Bridge And Granting All Rights And Responsibilities To And In Favor Of The Kapaia Foundation, Kapaia, Kaua‘i, Hawai‘i, to preserve, restore, and beautify the Kapaia valley area, which includes the Kapaia Swinging Bridge. *(See Resolution No. 2017-23)*

2. [C 2017-67](#) Communication (03/03/2017) from Sharon Lasker, Chair of the Committee on the Status of Women for the County of Kaua'i, transmitting for Council information, Resolution No. 2017-1, Resolution Supporting The Principles Of The United Nations' Convention On The Elimination Of All Forms Of Discrimination Against Women, to support the elimination of all forms of discrimination against women, which was adopted by the Committee on the Status of Women at its February 15, 2017 meeting. **(See Resolution No. 2017-24)**

3. [C 2017-68](#) Communication (03/06/2017) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Appointing Derek S.K. Kawakami As Representative And Mel Rapozo As Alternate To The Executive Committee Of The Hawai'i State Association Of Counties And Nominating Arryl Kaneshiro To Serve As A Board Member Of The National Association Of Counties. **(See Resolution No. 2017-26)**

4. [C 2017-69](#) Communication (02/21/2017) from the Deputy Director of Finance, transmitting for Council information, the 2017 Real Property Assessment List of the County of Kaua'i pursuant to Section 5A-2.2, Kaua'i County Code 1987, as amended. *(2017 Real Property Assessment List on file in the Office of the County Clerk.)*

5. [C 2017-70](#) Communication (03/14/2017) from the Director of Finance, transmitting for Council information, supplemental property tax revenue information pertaining to the estimated reduction in real property tax revenues resulting from the Home Preservation Limit and Very Low Income tax relief measures enacted by the Kaua'i County Council, based on the Real Property Assessment Certification for Fiscal Year 2018 factored with the existing real property tax rates.

6. [C 2017-71](#) Communication (03/14/2017) from the Director of Human Resources, transmitting for Council information, the March 15, 2017 Human Resources Reports, pursuant to Section 19 of Ordinance No. B-2016-812, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2016-2017, which includes new hires, transfers, reallocations, promotions, and vacancies for the period of November 16, 2016 to March 15, 2017.

7. [C 2017-72](#) Communication (03/15/2017) from the Community Assistance and Veterans Services Committee Chair, transmitting for Council consideration, a Resolution Establishing An Affordable Housing Special Advisory Committee And Repealing Resolution No. 2013-57, Draft 1, And Resolution No. 2014-34. **(See Resolution No. 2017-27)**

8. [C 2017-73](#) Communication (03/15/2017) from the Director of Finance, transmitting for Council consideration, two resolutions relating to a Reserve Fund and Reserve Fund Policy, and a Structurally Balanced Budget for the County of Kaua'i. **(See Resolution No. 2017-28 and Resolution No. 2017-29)**

G. COMMUNICATIONS:

1. [C 2017-74](#) Communication (02/27/2017) from the Director of Human Resources, requesting Council approval to indemnify the State of Hawai'i, Department of Education (DOE), for the use of various DOE school cafeterias and restroom facilities for Department of Human Resources testing purposes to include, but not be limited to, the following locations: Elsie H. Wilcox Elementary School, Kapa'a Elementary School, Chiefess Kamakahahei Middle School, and Kaua'i High School, for Calendar Year 2017 and on January 6, 2018.

2. [C 2017-75](#) Communication (03/02/2017) from the Prosecuting Attorney, requesting Council approval to indemnify the State of Hawai'i for contract 15-DJ-05, for the Drug Nuisance Abatement Unit between the State of Hawai'i Attorney General's Office and the County of Kaua'i, Office of the Prosecuting Attorney.

3. [C 2017-76](#) Communication (03/02/2017) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal Highway Safety funds from the State of Hawai'i Department of Transportation (DOT), in the amount of \$142,589.00, to be used towards continued funding of 1.00 Full-Time Equivalent (FTE) Traffic Resource Prosecuting Attorney, travel, and training.

4. [C 2017-77](#) Communication (03/03/2017) from the County Attorney, requesting authorization to expend funds up to \$370,000.00 for Special Counsel services to represent the County of Kaua'i Housing Agency before the State of Hawai'i Land Use Commission in order to file a 201H-38 Petition for the Lima Ola Workforce Housing Project (Resolution No. 2016-53), and related matters.
5. [C 2017-78](#) Communication (03/07/2017) from the Acting County Engineer, requesting Council approval to purchase non-budgeted equipment, a year-end close out model 200 kilowatt (kW) Emergency Generator for the County of Kaua'i's Coco Palms Sewage Pump Station, in the amount of \$78,000.00, as the existing 200 kW emergency generator has failed and is unrepairable, and the current backup 125 kW portable emergency generator is not sufficient to start both pumps at the pump station.
6. [C 2017-79](#) Communication (03/14/2017) from the Mayor, transmitting his Fiscal Year 2017-2018 Budget Message, along with the proposed Operating Budget, Capital Improvement Projects (CIP) Budget, and Schedule of Charges and Fees. *(Detailed Line Item Budget on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2645), Proposed Draft Bill (No. 2646), and the proposed Fiscal Year 2017-2018 Real Property Tax Rate Resolution No. 2017-25)*
7. [C 2017-80](#) Communication (03/15/2017) from the Office of the County Attorney, on behalf of the Council, requests authority to approve settlement regarding the claim filed by Darryl D. Perry, Chief of Police, and related matters.

H. LEGAL DOCUMENT:

1. [C 2017-50](#) Communication (01/17/2017) from the Mayor, recommending Council approval of a Grant of Pedestrian Access and Parking Easements from CIRI Land Development Company, conveying easements to the County of Kaua'i: Easements AU-1, AU-2, AU-5, AU-6, and A-1 at Weliweli, Kōloa, Kaua'i, Hawai'i, Tax Map Key (TMK) No. (4) 2-8-021:041, 044-068.
 - Grant of Pedestrian Access and Parking Easements *(See also CR-PL 2017-04; the Planning Committee recommended C 2017-50 be approved on March 15, 2017.)*

I. CLAIM:

1. [C 2017-81](#) Communication (03/09/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Michael Anthony Yaris, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

J. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **CR-PL 2017-04:** on C 2017-50 Communication (01/17/2017) from the Mayor, recommending Council approval of a Grant of Pedestrian Access and Parking Easements from CIRI Land Development Company, conveying easements to the County of Kaua'i: Easements AU-1, AU-2, AU-5, AU-6, and A-1 at Weliweli, Kōloa, Kaua'i, Hawai'i, Tax Map Key (TMK) No. (4) 2-8-021:041, 044-068.
 - Grant of Pedestrian Access and Parking Easements
[Approved.]

2. ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-EDIR 2017-02:** on EDIR 2017-02 Communication (02/13/2017) from the Director of Economic Development, requesting agenda time to have Scott Enright, Chairperson of the Board of Agriculture, State of Hawai'i Department of Agriculture, make a presentation on the State's Bee Pollen Study. [Received for the Record.]

K. RESOLUTIONS:

1. [Resolution No. 2017-22](#) – RESOLUTION URGING THE UNITED STATES POSTAL SERVICE TO CONTINUE POSTAL SERVICES AT THE LĪHU‘E POST OFFICE LOCATED ON RICE STREET, LĪHU‘E, KAUA‘I
(Deferred March 8, 2017)

2. [Resolution No. 2017-23](#) – RESOLUTION ABANDONING THE KAPAIA SWINGING BRIDGE AND GRANTING ALL RIGHTS AND RESPONSIBILITIES TO AND IN FAVOR OF THE KAPAIA FOUNDATION, KAPAIA, KAUA‘I, HAWAII

3. [Resolution No. 2017-24](#) – RESOLUTION SUPPORTING THE PRINCIPLES OF THE UNITED NATIONS’ CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

4. [Resolution No. 2017-25](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018 FOR THE COUNTY OF KAUA‘I

5. [Resolution No. 2017-26](#) – RESOLUTION APPOINTING DEREK S.K. KAWAKAMI AS REPRESENTATIVE AND MEL RAPOZO AS ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES AND NOMINATING ARRYL KANESHIRO TO SERVE AS A BOARD MEMBER OF THE NATIONAL ASSOCIATION OF COUNTIES

6. [Resolution No. 2017-27](#) – RESOLUTION ESTABLISHING AN AFFORDABLE HOUSING SPECIAL ADVISORY COMMITTEE AND REPEALING RESOLUTION NO. 2013-57, DRAFT 1, AND RESOLUTION NO. 2014-34

7. [Resolution No. 2017-28](#) – RESOLUTION REVISING THE COUNTY OF KAUA‘I RESERVE FUND AND RESERVE FUND POLICY AND REPEALING CERTAIN SECTIONS OF RESOLUTION NO. 2011-77, DRAFT 1

8. [Resolution No. 2017-29](#) – RESOLUTION SUPPORTING A STRUCTURALLY BALANCED BUDGET FOR THE COUNTY OF KAUA‘I

L. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2645\)](#) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018 (*Fiscal Year 2017-2018 Operating Budget*)

2. [Proposed Draft Bill \(No. 2646\)](#) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018 (*Fiscal Year 2017-2018 CIP Budget*)

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-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.
(Deferred February 22, 2017)

2. ES-897 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 services to represent the County of Kaua'i Housing Agency before the State of Hawai'i Land Use Commission in order to file a 201H-38 Petition for the Lima Ola Workforce Housing Project (Resolution No. 2016-53), 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-898 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 Council with a briefing and request authority for a possible settlement proposal in a claim filed by Darryl D. Perry, Chief of Police, 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. 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, KAUAʻI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

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