

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, MARCH 23, 2016
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU'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. January 13, 2016 Council Meeting
2. February 10, 2016 Council Meeting
3. February 10, 2016 Public Hearing re: Bill No. 2614
4. March 9, 2016 Public Hearing re: Bill No. 2616 and Bill No. 2617

E. INTERVIEWS:

1. CHARTER REVIEW COMMISSION:

- [Russell M. Wong](#) – Term ending 12/31/2018

2. FIRE COMMISSION:

- [Chad K. Pacheco](#) – Term ending 12/31/2018

F. CONSENT CALENDAR:

1. [C 2016-62](#) Communication (02/17/2016) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Gary A. Pacheco to the Liquor Control Commission – Term ending 12/31/2018. (*See Resolution No. 2016-33*)

2. [C 2016-63](#) Communication (03/02/2016) from the Director of Finance, transmitting for Council information, the Period 7 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of January 31, 2016, pursuant to Section 21 of Ordinance No. B-2015-796, relating to the Operating Budget of the County of Kauaʻi for the Fiscal Year 2015-2016. *(Copies of the Period 7 Financial Reports as of January 31, 2016 on file in the County Clerk’s Office.)*
3. [C 2016-64](#) Communication (03/10/2016) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal regarding Resolution No. 2016-30, Kauaʻi County 2016 Action Plan (Community Development Block Grant), specifically item f. Economic Development by Workforce Development (Hawaiian Community Development Corporation), as he serves as President of the Homestead Community Development Corporation, and item g. Photovoltaic System & Air Conditioning Units for Family Violence Shelter (YWCA of Kauaʻi), due to his employment with the YWCA of Kauaʻi.
4. [C 2016-65](#) Communication (02/19/2016) from the Deputy Director of Finance, transmitting for Council information, the 2016 Real Property Assessment List of the County of Kauaʻi pursuant to Section 5A-2.2, Kauaʻi County Code 1987, as amended. *(2016 Real Property Assessment List on file in the County Clerk’s Office.)*
5. [C 2016-66](#) Communication (03/03/2016) from Council Chair Rapozo, transmitting for Council consideration, a Resolution appointing a representative and alternate to serve on the Executive Committee of the Hawaiʻi State Association of Counties (HSAC) for the term commencing July 1, 2016 through June 30, 2017, and nominating a representative to serve as a Board Member of the National Association of Counties (NACo), whose term will begin on the last day of the 2016 NACo Annual Conference, pursuant to Section 5 of the Bylaws of the Hawaiʻi State Association of Counties. ***(See Resolution No. 2016-34)***
6. [C 2016-67](#) Communication (03/11/2016) 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 measure enacted by the Kauaʻi County Council, based on the Real Property Assessment Certification for Fiscal Year 2017 factored with the existing real property tax rates.

7. [C 2016-68](#) Communication (03/11/2016) from Councilmember Kualii, transmitting for Council consideration, a Resolution Expressing The Support Of The Council Of The County Of Kaua'i For The Proposed Adolescent Treatment And Healing Center. *(See Resolution No. 2016-36)*

G. COMMUNICATIONS:

1. [C 2016-44](#) Communication (02/12/2016) from the Salary Commission, transmitting for Council information, the Salary Commission's Resolution No. 2016-01, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i for the Fiscal Year 2016-2017, which was adopted by the Salary Commission at its February 5, 2016 meeting.
 - Salary Commission Resolution No. 2016-1
(See also CR-BF 2016-09; the Budget & Finance Committee recommended referral on March 16, 2016.)
2. [C 2016-69](#) Communication (02/16/2016) from the Chief of Police, requesting Council approval of an unbudgeted purchase of a 48 feet by 20 feet (960 square feet) mezzanine for an approximate cost of \$80,000.00, and subsequent installation at the Kaua'i Police Department's Station in Lihu'e to address the need for additional space for evidence storage; \$50,000.00 of the cost of the mezzanine will come from unexpended funds in Account No. 001-1003-551.43-03, (Kaua'i Police Department, Administrative & Technical Bureau, Repair and Maintenance Vehicles), and the remaining \$30,000.00 will come from unexpended funds in Account No. 001-1001-551.01 (Kaua'i Police Department, Chief's Office, Regular Salaries) as a result of vacant positions.
3. [C 2016-70](#) Communication (02/22/2016) from the Chief of Police, requesting Council approval of an unbudgeted purchase of fifteen (15) newly marked Ford Explorer patrol vehicles, at an estimated cost of \$50,000.00 to \$55,000.00 for each vehicle (total of \$750,000 to \$825,000), using unexpended funds anticipated in Account No. 001-1001-551.01-01 (Kaua'i Police Department, Chief's Office, Regular Salaries), to keep the Kaua'i Police Department on track with their strategic vehicle replacement plan which necessitates the purchase of forty-five (45) newly marked patrol vehicles over the next three (3) years, and with the understanding that no vehicles will be budgeted in Fiscal Year 2017.

4. [C 2016-71](#) Communication (02/26/2016) from the Fire Chief, transmitting for Council consideration, amendments to Chapter 15A, Kaua'i County Code 1987, as amended, relating to adoption of the State Fire Code, incorporating by reference the 2012 Uniform Fire Code, and providing for local amendments thereto.
(See Proposed Draft Bill (No. 2623))
5. [C 2016-72](#) Communication (03/01/2016) from the Executive on Aging, requesting Council approval to apply for, receive, and expend a continuation of grant funding awarded by the Corporation for National and Community Service to the County of Kaua'i, Agency on Elderly Affairs, Kaua'i RSVP from April 1, 2016 to March 31, 2017, in the amount of \$62,847.00 for year 2 of 3, to assist the Kaua'i RSVP in carrying out a national service program as authorized by the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C., Chapter 22).
6. [C 2016-73](#) Communication (03/01/2016) from the Fire Chief, requesting Council approval to accept a donation from the Kaua'i Lifeguard Association (KLA), valued at \$3,649.37, of one (1) Jet Ski Trailer, to be utilized by the Ocean Safety Bureau for roving patrol and training purposes, to transport jet skis and rescue equipment when a roving unit is in operation, and for use by Training and Prevention Officers for rescue craft training and any special functions that require lifeguard services or education on Ocean Safety Awareness.
7. [C 2016-74](#) Communication (03/02/2016) from the Mayor, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 14 for the period July 1, 2015 and June 30, 2017 based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to Section 89-11 of the HRS and Section 19.13B of the Kaua'i County Charter. *(Arbitration Panel's Award and Decision for Bargaining Unit 14 on file in the County Clerk's Office.)*
(See Proposed Draft Bill (No. 2624))
8. [C 2016-75](#) Communication (03/10/2016) 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, in the amount of \$162,529.00, to be used towards continued funding of 1.00 Full-Time Equivalent (FTE) Special Prosecuting Attorney, travel, and training.

9. [C 2016-76](#) Communication (03/14/2016) from the Mayor, transmitting his Fiscal Year 2016-2017 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 County Clerk's Office.) (See Proposed Draft Bill (No. 2625) and Proposed Draft Bill (No. 2626), including the proposed Fiscal Year 2016-2017 Real Property Tax Rate Resolution No. 2016-35)*

H. COMMITTEE REPORTS:

1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2016-04:** on PWPR 2016-03 Communication (02/04/2016) from Committee Chair Kagawa, requesting the presence of the County Engineer and Deputy County Engineer, to discuss the circumstances relating to the Management Advisory Report for the Fiscal Year Ended June 30, 2015, Current Findings and Recommendations, 2015-003 (Improve Monitoring of Delinquent Receivable Accounts). **[Received for the Record.]**
- b. **CR-PWPR 2016-05:** on PWPR 2016-04 Communication (02/18/2016) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to provide a briefing and status update on the Hanapēpē Bridge. **[Received for the Record.]**

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2016-07:** on 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 **[Approved.]**

b. CR-BF 2016-08: on 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 KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kauai Humane Society Barking Dog Enforcement - \$33,901*)
[Received for the Record.]

c. CR-BF 2016-09: on C 2016-44

Communication (02/12/2016) from the Salary Commission, transmitting for Council information, the Salary Commission's Resolution No. 2016-01, Relating to the Salaries of Certain Officers and Employees of the County of Kauai for the Fiscal Year 2016-2017, which was adopted by the Salary Commission at its February 5, 2016 meeting.

- Salary Commission Resolution No. 2016-1
[Referred to the March 23, 2016 Council Meeting.]

3. COMMITTEE OF THE WHOLE:**a. CR-COW 2016-04:** on Bill No. 2614, Draft 2

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 **[Approved as Amended.]**

I. RESOLUTIONS:

1. [Resolution No. 2016-29](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUA‘I COUNTY 2016 ACTION PLAN (HOME INVESTMENT PARTNERSHIPS PROGRAM) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE II OF THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT (PUBLIC LAW 101-625), AS AMENDED (*Deferred March 9, 2016*)

2. [Resolution No. 2016-30](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUA‘I COUNTY 2016 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED (*Deferred March 9, 2016*)

3. [Resolution No. 2016-33](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Gary A. Pacheco*)

4. [Resolution No. 2016-34](#) – RESOLUTION APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES AND NOMINATING A REPRESENTATIVE TO SERVE AS A BOARD MEMBER OF THE NATIONAL ASSOCIATION OF COUNTIES

5. [Resolution No. 2016-35](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017 FOR THE COUNTY OF KAUA‘I

6. [Resolution No. 2016-36](#) – RESOLUTION EXPRESSING THE SUPPORT OF THE COUNCIL OF THE COUNTY OF KAUA‘I FOR THE PROPOSED ADOLESCENT TREATMENT AND HEALING CENTER

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2623\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 15A OF THE KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE KAUA‘I COUNTY FIRE CODE

2. [Proposed Draft Bill \(No. 2624\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2015 AND JUNE 30, 2017

3. [Proposed Draft Bill \(No. 2625\)](#) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017 (*Fiscal Year 2016-2017 Operating Budget*)

4. [Proposed Draft Bill \(No. 2626\)](#) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2016 TO JUNE 30, 2017 (*Fiscal Year 2016-2017 CIP Budget*)

K. BILLS FOR SECOND READING:

1. [Bill No. 2614, Draft 3](#) – 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 (*See also CR-COW 2016-04; the Committee of the Whole recommended approval as amended to Bill No. 2614, Draft 3 on March 16, 2016.*)

2. [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 (*See also CR-BF 2016-07; the Budget & Finance Committee recommended approval on second and final reading.*)

3. [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 KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kauai Humane Society Barking Dog Enforcement - \$33,901*) (*See also CR-BF 2016-08; the Budget & Finance Committee recommended Bill No. 2617 be received for the record.*)

L. EXECUTIVE SESSION: Pursuant to Hawaii 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.)

M. ADJOURNMENT.

- N. 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. 2618 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING 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 GENERAL FUND (*Deputy County Attorney, Kauai Police Department Legal Support – \$30,933*)

- 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, 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.**