

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, MARCH 27, 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. MINUTES of the following meetings of the Council:

1. February 20, 2019 Council Meeting
2. March 13, 2019 Public Hearing re: Bill No. 2734

E. CONSENT CALENDAR:

1. [C 2019-59](#) Communication (02/22/2019) from the Director of Finance, transmitting for Council information, the 2019 Real Property Assessment List of the County of Kaua'i, pursuant to Section 5A-2.2, Kaua'i County Code 1987, as amended. *(2019 Real Property Assessment List on file in the Office of the County Clerk.)*

2. [C 2019-60](#) Communication (03/08/2019) from Council Chair Kaneshiro, transmitting for Council consideration, a Resolution appointing Vice Chair Kagawa and Councilmember Brun as Kaua'i's representative and alternate, respectively, to the HSAC Executive Committee for the term beginning July 1, 2019 to June 30, 2020 and Kaua'i County Council's nominations for consideration by the HSAC Executive Committee of Councilmember Kualii as a National Association of Counties Board Member and Councilmember Chock as a Western Interstate Region Board Member. *(See Resolution No. 2019-27 and Resolution No. 2019-28).*

3. [C 2019-61](#) Communication (03/14/2019) from Council Vice Chair Kagawa, providing written disclosure of a possible conflict of interest and recusal relating to the Mayoral appointment of Lori K. Koga to serve on the Charter Review Commission, because Ms. Koga was his former campaign treasurer.

4. [C 2019-62](#) Communication (03/14/2019) from the Acting Director of Human Resources, transmitting for Council information, the March 15, 2019 Human Resources Reports, pursuant to Section 24 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2018-2019, which includes new hires, transfers, reallocations, promotions, and vacancies for the period of July 1, 2019.

5. [C 2019-63](#) Communication (03/15/2019) from the Director of Finance, transmitting for Council information, supplemental real 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, factored with the existing real property tax rates, and based on the Real Property Assessment Certification for Fiscal Year 2020.

F. COMMUNICATIONS:

1. [C 2019-64](#) Communication (03/04/2019) from the Prosecuting Attorney, requesting Council approval to receive and expend an increase in funds, from \$165,337.00 to \$199,727.00, for contract 16-DJ-07, from the State of Hawai'i, Department of the Attorney General, to continue the Sexual Assault Prosecution Unit to June 30, 2020. The current contract is set to expire on March 31, 2019.

2. [C 2019-65](#) Communication (03/11/2019) from the Salary Commission, transmitting for the Council's information and consideration, the Salary Commission's Resolution No. 2019-1, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i, which was adopted by the Salary Commission at its March 7, 2019 meeting.
 - Salary Commission Resolution No. 2019-1

3. [C 2019-66](#) Communication (03/12/2019) from the Prosecuting Attorney requesting Council approval to receive and expend federal funds for the Domestic Violence Prosecution Unit in the amount of \$22,037.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General. This is a recurring grant and funds will be utilized to continue the program for the term commencing April 1, 2019 to June 30, 2019.

4. [C 2019-67](#) Communication (03/15/2019) from the Mayor, transmitting his Fiscal Year 2019-2020 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. 2738), Proposed Draft Bill (No. 2739), and the proposed Fiscal Year 2019-2020 Real Property Tax Rate Resolution No. 2019-23)***

G. CLAIM:

1. [C 2019-68](#) Communication (03/13/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Dale Rosenfeld, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORT:

1. COMMITTEE OF THE WHOLE:

a. CR-COW 2019-07: on 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 KAUAI, STATE OF HAWAII, 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*) **[Approved.]**

I. RESOLUTIONS:

1. [Resolution No. 2019-23](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020 FOR THE COUNTY OF KAUAI

2. [Resolution No. 2019-27](#) – RESOLUTION APPOINTING ROSS KAGAWA AS REPRESENTATIVE AND ARTHUR BRUN AS ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES

3. [Resolution No. 2019-28](#) – RESOLUTION NOMINATING KIPUKAI KUALI'I AS A DIRECTOR ON THE NATIONAL ASSOCIATION OF COUNTIES BOARD, AND NOMINATING MASON K. CHOCK AS A DIRECTOR ON THE WESTERN INTERSTATE REGION BOARD

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2738\)](#) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2019 (*Fiscal Year 2019-2020 Operating Budget*)

2. [Proposed Draft Bill \(No. 2739\)](#) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020 (*Fiscal Year 2019-2020 CIP Budget*)

K. BILL FOR SECOND READING:

1. [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 KAUAI, STATE OF HAWAII, 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*) (*See also CR-COW 2019-07; the Committee recommended approval on second and final reading.*)

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-984 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(2), (4), and (8), the purpose of this Executive Session is to consider matters that require confidentiality under state law, to wit, the hiring of a County Auditor, including interviewing any candidates, and terms and conditions of employment. The further purpose of this Executive Session is to meet with the Council's legal counsel on questions and issues relating to the Council's powers, duties, privileges and immunities and/or liabilities, claims and/or potential claims, as such powers, duties, privileges and immunities, and/or liabilities, claims and or potential claims relate to the foregoing item, and to take such action as the Council deems appropriate.
2. ES-985 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(3), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to discuss the acquisition of several large parcels of land for community-based needs, including affordable housing, park facilities, and the expansion of public utilities. 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-986 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 on the Habitat Conservation Plan for the County of Kaua'i. 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.
4. ES-987 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(2) and (4), the purpose of this Executive Session is to consult with the Council's legal counsel concerning the exercise of its authority to audit under Charter Section 3.12. 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. 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 at the Office of the County Clerk 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. 2736](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 2, ORDINANCE NO. 891, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS AND REFUNDING CERTAIN BONDS OF THE COUNTY; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC

2. [Bill No. 2737](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 2, ORDINANCE NO. 1019, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC; AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES; AND PROVIDING FOR OTHER MATTERS AND ACTIONS PERTAINING TO THE ISSUANCE AND SALE OF THE BONDS

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.**