

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, APRIL 25, 2018

8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHU‘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 7, 2018 Public Hearing re: Bill No. 2682 and Bill No. 2683
2. February 21, 2018 Public Hearing re: Resolution No. 2018-03 and Bill No. 2686
3. March 14, 2018 Council Meeting
4. March 28, 2018 Council Meeting
5. April 11, 2018 Public Hearing re: Bill No. 2695, Bill No. 2697, and Bill No. 2700

E. CONSENT CALENDAR:

1. [C 2018-110](#) Communication (04/03/2018) from the First Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua‘i from January 1, 2018 through March 31, 2018.

F. COMMUNICATIONS:

1. [C 2018-111](#) Communication (03/29/2018) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in a total amount of \$312,928.00, and to indemnify the United States Department of Labor and the State Department of Labor & Industrial Relations, regarding the following Kaua‘i Workforce Development Board – Workforce Innovation & Opportunities Act (WIOA) programs:

- Adult Program (\$104,660);
- Dislocated Worker Program (\$73,015);
- Youth Program (\$103,962); and
- Administrative Costs (\$31,291).

2. [C 2018-112](#) Communication (04/11/2018) from the Acting County Engineer, transmitting for Council consideration, a Proposed Draft Bill for the adoption of the 2015 Edition of the International Energy Code based on the State Energy Conservation Code that was adopted on March 21, 2017, which is an appropriate progression to ensure achievable energy savings as the current Code is based on the 2009 Edition of the International Energy Conservation Code. ***(See Proposed Draft Bill (No. 2710))***

3. [C 2018-113](#) Communication (04/11/2018) 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, 2017 through June 30, 2019 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 Office of the County Clerk.)* ***(See Proposed Draft Bill (No. 2711))***

4. [C 2018-114](#) Communication (04/17/2018) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to discuss the current hours at the Kekaha Landfill and refuse transfer stations.

5. [C 2018-115](#) Communication (04/18/2018) from Council Chair Rapozo, transmitting for Council consideration, at the request of the County Administration, a proposed Emergency Ordinance pursuant to Charter Sections 4.02K and 18.02, in the amount of \$5,000,000.00 from the Reserve Fund (Disaster Response), which will be used to fund emergency expenditures resulting from the heavy rains and severe flooding that occurred on April 14, 2018. *(Emergency Proclamations issued by Governor David Ige (dated April 15, 2018) and Mayor Bernard P. Carvalho, Jr. (dated April 14, 2018) on file in the Office of the County Clerk.)* ***(See Proposed Draft Bill (No. 2709))***

G. LEGAL DOCUMENT:

1. [C 2018-116](#) Communication (04/18/2018) from the County Attorney, requesting Council approval of the following indemnification language that will be used as a template for various legal agreements that will be executed between the County and private landowners in order to provide emergency services to the public including, but not limited to, alternate access and evacuation routes, emergency staging areas, debris clearing, etc.

- April 14, 2018 Disaster Event Indemnification Language for Legal Agreements

“Responsibility. The County shall indemnify and defend _(landowner)_ against all claims, damages and expenses arising out of the exercise of this agreement and be responsible, to the extent permitted by law, for damage or injury caused by the County’s officers, employees, agents and contractors in the scope of their employment and any other use permitted by the County arising out of the exercise of this Agreement, subject, however, to the availability of funds by the County Council.”

H. CLAIMS:

1. [C 2018-117](#) Communication (03/29/2018) from the County Clerk, transmitting a claim filed against the County of Kaua‘i by Marilyn Luis, for personal expenses, pursuant to Section 23.06, Charter of the County of Kaua‘i.
2. [C 2018-118](#) Communication (04/02/2018) from the County Clerk, transmitting a claim filed against the County of Kaua‘i by Mario Tolentino, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua‘i.

I. COMMITTEE REPORTS:1. ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-EDIR 2018-01:** on Bill No. 2697 A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY
[Approved as Amended.]

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2018-15:** on Bill No. 2700 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COLLECTION OF BUS FARES
[Approved.]

3. PUBLIC SAFETY & TRANSPORTATION COMMITTEE:

- a. **CR-PST 2018-01:** on Bill No. 2695 A BILL FOR AN ORDINANCE AMENDING CHAPTER 19 AND ESTABLISHING A NEW ARTICLE 26, CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WHIPS AND WEAPONS ON COUNTY PROPERTY
[Approved as Amended.]

J. EMERGENCY BILL:

1. [Proposed Draft Bill \(No. 2709\)](#) – AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, FOR THE PURPOSE OF FUNDING EMERGENCY EXPENDITURES TO MEET THE PUBLIC EMERGENCY CAUSED BY HEAVY RAINS AND SEVERE FLOODING WHICH STARTED ON APRIL 14, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (\$5,000,000.00 – *Disaster Response*)

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2710\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ENERGY CODE

2. [Proposed Draft Bill \(No. 2711\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2017 AND JUNE 30, 2019

L. BILLS FOR SECOND READING:

1. [Bill No. 2695, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19 AND ESTABLISHING A NEW ARTICLE 26, CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WHIPS AND WEAPONS ON COUNTY PROPERTY (*See also CR-PST 2018-01; the Public Safety & Transportation Committee recommended approval as amended to Bill No. 2695, Draft 1 on April 18, 2018.*)

2. [Bill No. 2697, Draft 1](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY (*See also CR-EDIR 2018-01; the Economic Development & Intergovernmental Relations Committee recommended approval as amended to Bill No. 2697, Draft 1 on April 18, 2018.*)

3. [Bill No. 2700](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COLLECTION OF BUS FARES (*See also CR-BF 2018-15; the Budget & Finance Committee recommended approval on second and final reading.*)

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-945 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 an additional briefing update and request for authority to settle the case of Klaus H. Burmeister, et al. v. County of Kaua'i, CV 16-00402 LEK-KJM (United States District Court), 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. *(Deferred April 11, 2018)*

2. ES-949 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 the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. 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. 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. 2701](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Hanalei Coastal Property Acquisition (Operating Budget) – \$5,600,000.00*)

2. [Bill No. 2702](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Hanalei Coastal Property Acquisition (CIP Budget) – \$5,600,000.00*)

3. [Bill No. 2703](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO TAXICABS

P. 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, HAWAI‘I 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 41-6349.

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