

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, MAY 30, 2018

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 meeting of the Council:

1. May 9, 2018 Public Hearing re: Resolution No. 2018-14, Bill No. 2698, and Bill No. 2699
2. May 16, 2018 Council Meeting
3. May 16, 2018 Public Hearing re: Bill No. 2704, Bill No. 2705, Bill No. 2706, Bill No. 2708, and Bill No. 2709

E. CONSENT CALENDAR:

1. [C 2018-120](#) Communication (05/08/2018) from the Mayor, submitting his Supplemental Budget Communication for Fiscal Year 2018-2019 and Proposed Amendments to the Budget Bills, pursuant to Section 19.02A of the Kauaʻi County Charter. (***Public hearing held May 22, 2018***)
2. [C 2018-122](#) Communication (05/08/2018) from the Hawaiʻi State Association of Counties (HSAC) President, transmitting for Council approval, HSAC's slate of officers for the HSAC Executive Committee and Board of Director nominations for the National Association of Counties (NACo) and the Western Interstate Region (WIR) for the 2018-2019 term, pursuant to Section 5, Section 5A, and Section 5C of the Bylaws of the Hawaiʻi State Association of Counties, Inc. (***See Resolution No. 2018-20 and Resolution No. 2018-21***)

3. [C 2018-123](#) Communication (05/11/2018) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council consideration, a Resolution Approving The Fiscal Year 2019 Proposed Operating Budget For The Hawai'i State Association Of Counties. (*See Resolution No. 2018-22*)
4. [C 2018-124](#) Communication (05/14/2018) from Councilmember Yukimura, transmitting for Council consideration, a proposal to amend Kaua'i County Charter Section 19.15, Article XIX, to earmark a minimum of three percent (3%) of real property tax revenues for the purpose of affordable housing. (*See Resolution No. 2018-23*)

F. COMMUNICATIONS:

1. [C 2018-125](#) Communication (05/04/2018) from the Executive on Transportation, requesting Council approval to release and indemnify Wilcox Memorial Hospital per acceptance of the indemnification language contained in the revised Grant of Easement Document.
2. [C 2018-126](#) Communication (05/08/2018) from the Acting County Engineer, requesting Council approval to accept, receive, and expend State funds in the amount of \$254,433.82, from the State of Hawai'i Department of Health (DOH), and indemnify the State DOH, for the Fiscal Year 2019 grant cycle for the HI-5 Deposit Beverage Container program.
3. [C 2018-127](#) Communication (05/18/2018) from Councilmember Kawakami and Councilmember Kaneshiro, transmitting for Council consideration, a Proposed Draft Bill to amend Section 5A-9.1 of the Kaua'i County Code 1987, as amended, relating to Real Property Tax, to provide a one-time extension to dedicated agricultural parcels that have been damaged or destroyed as a result of the natural disaster on April 14, 2018 and to maintain their approved agricultural dedication without penalty, rollback taxes, or fair market value assessment. (*See Proposed Draft Bill (No. 2712)*)
4. [C 2018-128](#) Communication (05/22/2018) from the Director of Planning, transmitting for Council consideration, a proposed Emergency Ordinance pursuant to Charter Section 4.02K, which sets the permitting processes for those buildings, structures, and property damaged in the recent rains and floods on April 14th and 15th of this year. (*See Proposed Draft Bill (No. 2713)*)

G. COMMITTEE REPORTS:1. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2018-18:** on BF 2018-14 Communication (05/15/2018) from Budget & Finance Committee Chair Kaneshiro, transmitting for proposed increases to, deductions from, and other proposed amendments (plus/minus sheets) to the Mayor's Fiscal Year 2018-2019 Annual Operating and Capital Improvement Projects Budgets. **[Received for the Record.]**
- b. **CR-BF 2018-19:** on Resolution No. 2018-14 RESOLUTION
ESTABLISHING THE REAL
PROPERTY TAX RATES FOR
THE FISCAL YEAR
JULY 1, 2018 TO
JUNE 30, 2019 FOR THE
COUNTY OF KAUAI
[Approved as Amended.]
- c. **CR-BF 2018-20:** on Bill No. 2698 A BILL FOR AN ORDINANCE
RELATING TO THE OPERATING
BUDGET AND FINANCING
THEREOF FOR THE FISCAL YEAR
JULY 1, 2018 TO JUNE 30, 2019
(*Fiscal Year 2018-2019 Operating
Budget*) **[Approved as Amended.]**
- d. **CR-BF 2018-21:** on Bill No. 2699 A BILL FOR AN ORDINANCE
RELATING TO CAPITAL
IMPROVEMENTS AND FINANCING
THEREOF FOR THE FISCAL YEAR
JULY 1, 2018 TO JUNE 30, 2019
(*Fiscal Year 2018-2019 CIP Budget*)
[Approved as Amended.]
- e. **CR-BF 2018-22:** on Bill No. 2704 A BILL FOR AN 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, BY
REVISING THE AMOUNTS
ESTIMATED IN THE GENERAL
FUND (*Operating Budget Transfer to
the Adolescent Treatment & Healing
Center - \$400,000.00*) **[Approved.]**

f. CR-BF 2018-23: on Bill No. 2705

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND AND GENERAL FUND-CIP (*CIP Budget Transfer to the Adolescent Treatment & Healing Center - \$1,900,000.00*) **[Approved.]**

g. CR-BF 2018-24: on Bill No. 2706

A BILL FOR AN ORDINANCE AMENDING ARTICLE 11, CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Automatic Fire Suppression System Exemption*) **[Approved.]**

h. CR-BF 2018-25: on Bill No. 2707

A BILL FOR AN 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, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Operating Budget Transfer - Kekaha Coastal Property Acquisition - \$599,000.00*) **[Approved.]**

i. CR-BF 2018-26: on Bill No. 2708

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, 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 (*CIP Budget Transfer - Kekaha Coastal Property Acquisition - \$599,000.00*) **[Approved.]**

H. RESOLUTIONS:

1. [Resolution No. 2018-14, Draft 1](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018 FOR THE COUNTY OF KAUAI (See also CR-BF 2018-19; the Budget & Finance Committee recommended approval as amended to Resolution No. 2018-14, Draft 1 on May 22, 2018.)
2. [Resolution No. 2018-20](#) – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES SLATE OF OFFICERS FOR FISCAL YEAR 2019
3. [Resolution No. 2018-21](#) – RESOLUTION APPROVING NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS AND NOMINEES TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2019
4. [Resolution No. 2018-22](#) – RESOLUTION APPROVING THE FISCAL YEAR 2019 PROPOSED OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES
5. [Resolution No. 2018-23](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO AFFORDABLE HOUSING

I. EMERGENCY BILL:

1. [Proposed Draft Bill \(No. 2713\)](#) – AN EMERGENCY ORDINANCE RELATING TO STANDARDS, PERMITS, AND FEES FOR WORK ON BUILDINGS, STRUCTURES, AND PROPERTY DAMAGED IN THE HISTORIC RAIN EVENT OF APRIL 2018

J. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2712\)](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 5A-9.1 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX

K. BILLS FOR SECOND READING:

1. [Bill No. 2698, Draft 1](#) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019 (*Fiscal Year 2018-2019 Operating Budget*) (See also CR-BF 2018-20; the Budget & Finance Committee recommended approval as amended to Bill No. 2698, Draft 1 on May 22, 2018.)

2. [Bill No. 2699, Draft 1](#) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019 (*Fiscal Year 2018-2019 CIP Budget*) (See also CR-BF 2018-21; the Budget & Finance Committee recommended approval as amended to Bill No. 2699, Draft 1 on May 22, 2018.)

3. [Bill No. 2704](#) – A BILL FOR AN 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, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Operating Budget Transfer to the Adolescent Treatment & Healing Center - \$400,000.00*) (See also CR-BF 2018-22; the Budget & Finance Committee recommended approval on second and final reading.)

4. [Bill No. 2705](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND AND GENERAL FUND-CIP (*CIP Budget Transfer to the Adolescent Treatment & Healing Center - \$1,900,000.00*) (See also CR-BF 2018-23; the Budget & Finance Committee recommended approval on second and final reading.)

5. [Bill No. 2706](#) – A BILL FOR AN ORDINANCE AMENDING ARTICLE 11, CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Automatic Fire Suppression System Exemption*) (See also CR-BF 2018-24; the Budget & Finance Committee recommended approval on second and final reading.)

6. [Bill No. 2707](#) – A BILL FOR AN 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, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Operating Budget Transfer - Kekaha Coastal Property Acquisition - \$599,000.00*) (See also CR-BF 2018-25; the Budget & Finance Committee recommended approval on second and final reading.)

7. [Bill No. 2708](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, 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 (*CIP Budget Transfer - Kekaha Coastal Property Acquisition - \$599,000.00*) (See also CR-BF 2018-26; the Budget & Finance 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-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 May 16, 2018)**

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. 2710](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ENERGY CODE
2. [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

- 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.**