

**COUNCIL MEETING NOTICE AND AGENDA**  
**WEDNESDAY, MAY 16, 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. April 11, 2018 Council Meeting
2. April 25, 2018 Council Meeting
3. April 25, 2018 Public Hearing re: Bill No. 2701, Bill No. 2702, and Bill No. 2703

E. CONSENT CALENDAR:

1. [C 2018-119](#) Communication (05/01/2018) from the Director of Human Resources, transmitting for Council information, the May 1, 2018 Vacancy Report, pursuant to Section 23 of Ordinance No. B-2017-821, relating to the Operating Budget of the County of Kaua‘i for the Fiscal Year 2017-2018.

F. COMMUNICATION:

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 Kaua‘i County Charter.

G. LEGAL DOCUMENT:

1. [C 2018-121](#) Communication (04/25/2018) from the Housing Director, requesting Council approval to write off the mortgage loan totaling \$80,534.04 inclusive of unpaid accrued interest and late fees for foreclosed property located at 2080 Manawalea Street, #604, Līhu‘e, Kaua‘i, Hawai‘i, acquired via Commissioner’s Deed dated December 4, 2017 and recorded in the State of Hawai‘i Bureau of Conveyances on December 18, 2017, TMK: (4) 3-3-003-036-0032. The property will be sold to a household whose income is at or below 80% of the Kaua‘i Median Household Income (KMHI).

- Commissioner’s Deed

H. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **CR-PL 2018-05:** on PL 2018-02 Communication (03/28/2018) from Council Chair Rapozo, requesting the presence of the Public Access, Open Space, Natural Resources Preservation Fund Commission, to provide a briefing on projects being considered for recommendation by the Commission. **[Received for the Record.]**

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2018-16:** on 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*) **[Approved.]**

**b. CR-BF 2018-17:** on 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 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 (*Hanalei Coastal Property Acquisition (CIP Budget) – \$5,600,000.00*) **[Approved.]**

**3. PUBLIC SAFETY & TRANSPORTATION COMMITTEE:****a. CR-PST 2018-02:** on PST 2018-01

Communication (03/27/2018) from Council Vice Chair Kagawa, requesting the presence of the American Red Cross, Hawai'i State Chapter, Kaua'i County Director Padraic Gallagher, to provide a presentation on the programs offered by the American Red Cross on Kaua'i. **[Received for the Record.]**

**I. BILLS FOR SECOND READING:**

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 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 (*Hanalei Coastal Property Acquisition (Operating Budget) – \$5,600,000.00*) (See also CR-BF 2018-16; the Budget & Finance Committee recommended approval on second and final reading.)

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 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 (*Hanalei Coastal Property Acquisition (CIP Budget) – \$5,600,000.00*) (See also CR-BF 2018-17; the Budget & Finance Committee recommended approval on second and final reading.)

**J. 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 25, 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. **(Deferred April 25, 2018)**

#### K. ADJOURNMENT.

- L. 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. 2704 – 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 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*)

2. [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*)
3. [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*)
4. [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*)
5. [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*)

M. 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](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).