

**COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, JUNE 15, 2016**

**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. April 20, 2016 Council Meeting
2. May 4, 2016 Council Meeting
3. May 4, 2016 Public Hearing re: Resolution No. 2016-39 and Bill No. 2627
4. May 11, 2016 Public Hearing re: Resolution No. 2016-35, Bill No. 2625, and Bill No. 2626
5. May 24, 2016 Special Council Meeting
6. May 24, 2016 Public Hearing re: C 2016-126 (Mayor's Supplemental Budget Communication for FY 2016-2017)

E. CONSENT CALENDAR:

1. [C 2016-138](#) Communication (05/16/2016) from the Director of Finance, transmitting for Council information, the following reports:
  1. County of Kaua'i Bond Summary of General Long-Term Debt Amount Outstanding as of July 1, 2015;
  2. County of Kaua'i Bond Supplemental Summary of General Long-Term Debt Amount Outstanding as of June 30, 2016; and Excluded County of Kaua'i Bond Supplemental Summary of Long-Term Debt Amount Outstanding as of June 30, 2016: CFD No. 2008-1 (Kukui'ula Development Project) Special Tax Bonds, Series 2012, sold April 25, 2012.  
*(Copy on file in the County Clerk's Office.)*

2. [C 2016-139](#) Communication (06/03/2016) from Councilmember Kualii, transmitting for Council consideration, a proposed Charter Amendment Resolution establishing a County Roads Resurfacing / Reconstruction Backlog Fund which would be funded with One Million Dollars (\$1,000,000) of real property tax revenues and One Million Dollars (\$1,000,000) of transient accommodations tax revenues each year.  
**(See Resolution No. 2016-48)**

#### F. COMMUNICATIONS:

1. [C 2016-140](#) Communication (05/18/2016) from the Director of Human Resources, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008) as amended, which have been kept for over seven (7) years and are no longer of use or value:
  - General Correspondence (Prior to 2008)
  - Payroll Records (Prior to 2008)
  - Recruitment and Exams (Prior to 2008)
  - OSHA Forms (Prior to 2008)
  - Workers' Compensation (WC) Records (Prior to 2007 (last payment longer than 8 years))
  - Official Personnel Folders (Prior to 1985 (30-year retention))
  
2. [C 2016-141](#) Communication (05/24/2016) from the Acting County Engineer, requesting Council approval to apply for remaining available Federal grant funds, in the amount of \$714,007.00, on a 45% local match basis to be earmarked for the design and construction of the Waimea Wastewater Treatment Plant (WWTP) R-1 Reclaimed Water Distribution System improvements.
  
3. [C 2016-142](#) Communication (05/20/2016) from the Director of Economic Development, requesting Council approval to receive unspent grant funds from Garden Island Resource Conservation and Development Inc. (GIRC&D) in the amount of \$40,183.00 due to the resignation of the Sunshine Market monitor in July 2015; the funds will be returned to the County's General Fund.

4. [C 2016-143](#) Communication (05/25/2016) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Global Philanthropy Partnership, in the amount of \$5,000.00, for a peer exchange to take place during September 2016 allowing city staff from other municipalities in the United States to travel to Kaua'i and assist in preparing a scope of work for a future Climate Action Plan.
  
5. [C 2016-144](#) Communication (06/01/2016) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds, in a total amount of \$300,000.00, from the Hawai'i Tourism Authority (HTA) for the following:
  1. Cultural support for the work of the Maka'āinana o Makana in Hā'ena (\$140,000); and
  2. To run a three-month summer North Shore Shuttle program (\$160,000).
  
6. [C 2016-145](#) Communication (06/02/2016) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds, in the amount of \$34,116.00, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Fiscal Year 2016 Local Solicitation Grant to be used towards funding one (1) full-time equivalent (FTE) Process Server for the Office of the Prosecuting Attorney (5.5 months), purchase office supplies, and allow Officers of the Kaua'i Police Department the ability to attend training sessions. The grant period commenced on October 1, 2015 and runs through September 30, 2019.

#### G. CLAIMS:

1. [C 2016-146](#) Communication (05/23/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Randall Miyashiro of Kalani Construction, Inc., for negligent processing of a building permit, pursuant to Section 23.06, Charter of the County of Kaua'i.
  
2. [C 2016-147](#) Communication (05/31/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Shellie Redd, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **CR-PL 2016-06:** on Bill No. 2601, Draft 1 A BILL FOR AN ORDINANCE AMENDING SUBSECTION 8-15.1(d), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL DWELLING UNIT ON OTHER THAN RESIDENTIALLY ZONED LOTS [Approved.]

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2016-19:** on Bill No. 2632 A BILL FOR AN ORDINANCE TO AMEND 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 AND GOLF FUND (*Employees' Retirement System Excess Pension Cost - \$330,096*) [Approved.]

I. RESOLUTIONS:

1. [Resolution No. 2016-42](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE INSTITUTION OF A COUNCIL-MANAGER FORM OF GOVERNMENT (*Deferred May 18, 2016*)

2. [Resolution No. 2016-48](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT TO ESTABLISH A COUNTY ROADS RESURFACING / RECONSTRUCTION BACKLOG FUND

J. BILLS FOR SECOND READING:

1. [Bill No. 2601, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING SUBSECTION 8-15.1(d), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL DWELLING UNIT ON OTHER THAN RESIDENTIALLY ZONED LOTS (*See also CR-PL 2016-06; the Planning Committee recommended approval on second and final reading.*)

2. [Bill No. 2632](#) – A BILL FOR AN ORDINANCE TO AMEND 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 AND GOLF FUND (*Employees' Retirement System Excess Pension Cost - \$330,096*) (See also CR-BF 2016-19; the Budget & Finance Committee recommended approval on second and final reading.)

**K. EXECUTIVE SESSION:** Pursuant to Hawaii's 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.)

#### **L. ADJOURNMENT.**

M. 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. 2629](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 22-8.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SMOKING IN A MOTOR VEHICLE
2. [Bill No. 2633](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 5A-11A.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE BENEFICIAL TAX RATE FOR PROPERTY USED FOR LONG-TERM AFFORDABLE RENTAL

N. 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).