

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, JULY 20, 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. May 18, 2016 Council Meeting
2. May 18, 2016 Public Hearing re: Bill No. 2628
3. June 15, 2016 Council Meeting
4. June 15, 2016 Public Hearing re: Bill No. 2629 and Bill No. 2633
5. July 6, 2016 Public Hearing re: Resolution No. 2016-48

E. CONSENT CALENDAR:

1. [C 2016-156](#) Communication (06/01/2016) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Beth A. Tokioka to the Board of Water Supply – Term ending 12/31/2018. (*See Resolution No. 2016-49*)
2. [C 2016-157](#) Communication (06/22/2016) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of May 10, 2016.
3. [C 2016-158](#) Communication (06/27/2016) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing A County Bus Stop Along Kawaihau Road, Kawaihau District, County Of Kaua'i. (*See Resolution No. 2016-50*)

4. [C 2016-159](#) Communication (07/07/2016) from the Acting County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Kekaha Landfill Lateral Expansion Cell 2, Project No. NPS0047-12, to secure the funds for the landfill expansion project.
(See Resolution No. 2016-51)

5. [C 2016-160](#) Communication (07/08/2016) from the County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims which were filed against the County of Kaua'i from April 1, 2016 through June 30, 2016.

F. COMMUNICATIONS:

1. [C 2016-161](#) Communication (07/08/2016) from the County Attorney, requesting authorization to expend additional funds up to \$30,000.00 for Special Counsel's continued services provided for the Planning Department in Transient Vacation Rental (TVR) Appeals, and related matters.

2. [C 2016-162](#) Communication (07/08/2016) from the County Attorney, requesting authorization to expend additional funds up to \$30,000.00 for Special Counsel's continued representation of Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court); CAAP NOS. CAAP-12-0001123 & 13-0000015 (Hawai'i Supreme Court, Intermediate Court of Appeals), and related matters.

3. [C 2016-163](#) Communication (07/08/2016) from the Office of the County Attorney, requesting authorization to expend additional funds up to \$15,000.00 for Special Counsel's continued representation of the Kaua'i Police Commission and the Kaua'i Police Commission Members, in their official capacity, in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court); CAAP NOS. CAAP-12-0001123 & 13-0000015 (Hawai'i Supreme Court, Intermediate Court of Appeals) and related matters.

G. LEGAL DOCUMENTS:

1. [C 2016-164](#) Communication (06/13/2016) from the Fire Chief, requesting Council approval of the indemnification provisions contained in the Hale Halawai 'Ohana 'O Hanalei, Hanalei Community Center Facility Use Guidelines and Application Forms, for the use of their facility to conduct the Community Emergency Response Training (CERT) program.

2. [C 2016-165](#) Communication (06/22/2016) from the Executive on Aging, requesting Council approval to enter into a Memorandum of Understanding (MOU) and Network Partner Agreement with various community organizations, which will be involved with the Aging and Disability Resource Center (ADRC):
 - (21) Memorandums of Understanding Between the County of Kaua'i Agency on Elderly Affairs and named Community Partner; and
 - County of Kaua'i Agency on Elderly Affairs Network Partner Agreement.

H. CLAIM:

1. [C 2016-166](#) Communication (07/08/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Joanna Martin, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2016-08:** on PWPR 2016-07 Communication (06/09/2016) from Committee Chair Kagawa, requesting the presence of the Acting County Engineer, to address landscape maintenance concerns around County facilities. **[Received for the Record.]**

- b. **CR-PWPR 2016-09:** on PWPR 2016-08 Communication (06/28/2016) from Committee Chair Kagawa, requesting the presence of the Director of Parks & Recreation, to provide a briefing regarding the issues of maintenance and health concerns at the Eastside Happy Dog Playground in Wailua Homesteads. **[Received for the Record.]**

2. PUBLIC SAFETY COMMITTEE:

a. **CR-PS 2016-04:** on 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 [Approved.]

J. RESOLUTIONS:

1. [Resolution No. 2016-48, Draft 1](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT TO ESTABLISH A COUNTY ROADS RESURFACING / RECONSTRUCTION BACKLOG FUND (*Public hearing held July 6, 2016*)

2. [Resolution No. 2016-49](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Beth A. Tokioka*)

3. [Resolution No. 2016-50](#) – RESOLUTION ESTABLISHING A COUNTY BUS STOP ALONG KAWAIHAU ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUAI

4. [Resolution No. 2016-51](#) – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE KEKAHA LANDFILL LATERAL EXPANSION CELL 2, PROJECT NO. NPS0047-12

K. BILL FOR SECOND READING:

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 (*See also CR-PS 2016-04; the Public Safety 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 in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

1. ES-859 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 Special Counsel's continued representation of the Planning Department in Transient Vacation Rental (TVR) Appeals and related matters. The 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.

2. ES-860 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), (6) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing as it relates to Bernard P. Carvalho, Jr., in his official capacity as Mayor of the County of Kaua'i, in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court); CAAP NOS. CAAP-12-0001123 & 13-0000015 (Hawai'i Supreme Court, Intermediate Court of Appeals), and related matters. The 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-861 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), (6) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing as it relates to the Kaua'i Police Commission and the Kaua'i Police Commission Members, in their official capacity, in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court); CAAP NOS. CAAP-12-0001123 & 13-0000015 (Hawai'i Supreme Court, Intermediate Court of Appeals), and related matters. The 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.

4. ES-862 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. The 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. 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, LĪHUʻE, KAUAʻI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

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