

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, AUGUST 8, 2018
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 meeting of the Council:

1. July 11, 2018 Public Hearing re: Bill No. 2687

E. INTERVIEWS:

1. PLANNING COMMISSION:

- [Elesther Calipjo](#) – Partial Term ending 12/31/2019

2. KAUA‘I HISTORIC PRESERVATION REVIEW COMMISSION:

- [Aubrey Summers](#) (*Architecture*) – Term ending 12/31/2020

F. CONSENT CALENDAR:

1. [C 2018-164](#) Communication (06/13/2018) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Trinette P. Kauai to the Salary Commission – Term ending 12/31/2020. (***See Resolution No. 2018-25***)

2. [C 2018-165](#) Communication (07/16/2018) from the Hawai‘i State Association of Counties (HSAC) President, transmitting for Council approval, the nomination of Riki Hokama, Maui County Council, Western Interstate Region (WIR) Board member for Fiscal Year 2018-2019, pursuant to Section 5, Section 5A, and Section 5C of the Bylaws of the Hawai‘i State Association of Counties, Inc. (***See Resolution No. 2018-26***)

3. [C 2018-166](#) Communication (07/19/2018) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to the Mayoral appointment of Elesther Calipjo to serve on the Planning Commission, as Mr. Calipjo is a member of his immediate family.

4. [C 2018-167](#) Communication (07/19/2018) from the Director of Finance, transmitting for Council information, the Period 12 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of June 30, 2018, pursuant to Section 21 of Ordinance No. B-2017-821, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2017-2018. (*Copies of Period 12 Financial Reports as of June 30, 2018 on file in the Office of the County Clerk.*)

G. COMMUNICATIONS:

1. [C 2018-168](#) Communication (07/13/2018) from the Acting County Engineer, transmitting for Council consideration, amendments to Chapter 13, Kauaʻi County Code 1987, as amended, relating to the Electrical Code for adoption of the National Electrical Code, 2017 Edition, as a standard for all electrical work and as an appropriate progression to adherence of current codes, while utilizing the latest technological advancements for safety of Kauaʻi's residents and visitors. (***See Proposed Draft Bill (No. 2717)***)

2. [C 2018-169](#) Communication (07/13/2018) from the Director of Finance, requesting Council approval to apply for, receive, and expend Federal Emergency Management Agency (FEMA) funding (total as of July 13, 2018 was \$22,679,114.00), for disaster related costs due to the April 2018 flooding event.

3. [C 2018-170](#) Communication (07/13/2018) from the Executive on Transportation, requesting Council approval to apply for, receive, and expend, a Fiscal Year 2018 Federal Transit Administration (FTA) Section 5339(c) Low or No Emission (Low-No) Bus Program competitive grant, in the amount of \$1,552,173.00, and to indemnify the FTA. This Section 5339(c) grant will provide eighty percent (80%) of the cost to replace three (3) diesel-powered buses exceeding their useful service lives with three (3) electric-powered buses, and provide for the design and construction of depot charger ports required for electric bus charging.

4. [C 2018-171](#) Communication (07/20/2018) from Council Chair Rapozo, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 23, Kaua'i County Code 1987, As Amended, Relating To Taxicabs. (*See Proposed Draft Bill (No. 2718)*)

5. [C 2018-172](#) Communication (07/26/2018) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$10,000.00 for Special Counsel's continued services provided in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters.

H. CLAIMS:

1. [C 2018-173](#) Communication (07/27/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sheila Ann Davis, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2018-174](#) Communication (07/27/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Veronica Cooney, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORT:

1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2018-03:** on COW 2018-01 Communication (07/09/2018) from Council Chair Rapozo, requesting the presence of the Director of Finance, the Planning Director, and the Acting County Engineer, to provide a comprehensive update on the flood response and post-flood response including how the Administration is applying new laws to homes that are being repaired/reconstructed, expenditures of all sources of emergency funding, Federal Emergency Management Agency (FEMA) reimbursements, et cetera. **[Received for the Record.]**

J. RESOLUTIONS:

1. [Resolution No. 2018-25](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*Trinette P. Kaui*)
2. [Resolution No. 2018-26](#) – RESOLUTION APPROVING THE NOMINATION OF COUNCILMEMBER RIKI HOKAMA, COUNTY OF MAUI, TO SERVE ON THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2019

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2717\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 13 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ELECTRICAL CODE
2. [Proposed Draft Bill \(No. 2718\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TAXICABS

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-954 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai 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 Kauai, 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.
2. ES-955 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai 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 and request for authority to settle the case of Cameron Raymond v. County of Kauai, et al., CV 15-00212 ACK-RLP (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.

3. ES-956 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 in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matter. 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.
4. ES-957 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 on behalf of the Kaua'i County Council, requests an Executive Session with the Council, to provide Council with a briefing regarding a claim filed by Kalani Construction Inc., 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.
5. ES-958 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 Council with a briefing and request authority for a possible settlement proposal in a County claim against Greg Von Kreiger and Steven Wolshin, 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.

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. 2715](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2018-842, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND AND HIGHWAY FUND-CIP (*Salt Pond Wastewater Improvements and Hanapēpē Moi Road Pedestrian Safety Improvement Projects - \$765,000.00*)
2. [Bill No. 2716](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 5A-6.4(C) AND SECTION 5A-11A.1 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Licensed Day Care Provider Homestead Tax Classification*)

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, LĪHUʻE, KAUAI, HAWAIʻI 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

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