

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, AUGUST 28, 2019
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. June 26, 2019 Council Meeting
2. July 31, 2019 Council Meeting
3. August 14, 2019 Public Hearing re: Bill No. 2756

E. INTERVIEW:

1. BOARD OF REVIEW:

- [Katherine Lewi Otsuji](#) – Term ending 12/31/2021

F. CONSENT CALENDAR:

1. [C 2019-188](#) Communication (07/25/2019) from the Director of Finance, transmitting for Council information, the Period 11 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of May 30, 2019, pursuant to Section 21 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kaua‘i for Fiscal Year 2018-2019. (*Copies of Period 11 Financial Reports as of May 30, 2019 on file in the Office of the County Clerk.*)

2. [C 2019-189](#) Communication (08/07/2019) 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, 2019, pursuant to Section 21 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kaua‘i for Fiscal Year 2018-2019. (*Copies of Period 12 Financial Reports as of June 30, 2019 on file in the Office of the County Clerk.*)

3. [C 2019-190](#) Communication (08/15/2019) from the Director of Finance and the Accounting Systems Administrator, transmitting for Council information, the Inventory Report for the Fiscal Year Ending June 30, 2019. *(Copy on file in the Office of the County Clerk.)*

G. COMMUNICATIONS:

1. [C 2019-191](#) Communication (08/01/2019) from the Director of Economic Development, requesting Council approval to receive and expend State funds in the amount of \$128,978.00, and to indemnify the State of Hawai'i Workforce Development Council for the Rapid Response and Business Engagement Program for the period of June 30, 2019 through June 30, 2020, and to receive the following equipment valued at \$3,771.52: three (3) HP ProBook 440 with Windows 10 Pro, three (3) Three-Year Warranty, one (1) EcoFlow River 412 Powerbank, three (3) HP USB-C Universal Dock, three (3) HP Essential Top Load Case, and three (3) Logitech Corded Mouse, to support technical guidance for Kaua'i and Ni'ihau applicants displaced from employment due to Emergency (flooding, hurricane, et cetera) or have been laid off from employment due to business closure.
2. [C 2019-192](#) Communication (08/02/2019) from the Deputy County Engineer, requesting Council approval to receive a reimbursement of funds from the State of Hawai'i Department of Land and Natural Resources (DLNR) in the amount of \$325,000.00 for the emergency work completed to remove debris and vegetation which clogged the Mamalahoa Stream posing a threat to the health and safety in the Waioli section of Hanalei pursuant to the signed Memorandum of Understanding (MOU) dated September 11, 2018.
3. [C 2019-193](#) Communication (08/15/2019) from Councilmember Chock and Councilmember Evslin, transmitting for Council consideration the following measures for inclusion in the 2020 Hawai'i State Association of Counties (HSAC) Legislative Package and the 2020 County of Kaua'i Legislative Package:
 - A Bill for An Act Relating to Highway Safety, to place the responsibility on the seller of a motor vehicle to properly report, in a timely manner, the transfer of ownership of such vehicle to the director of finance; and
 - A Bill for An Act Relating to Highway Safety, to establish a new fee to be paid by U-drive motor vehicles for each certificate of registration, which has the effect of assessing all motor vehicles (including U-drive motor vehicles) the same amount for beautification and costs related to the disposition of abandoned and derelict vehicles.

4. [C 2019-194](#) Communication (08/22/2019) from Councilmember Chock and Councilmember Kagawa, transmitting for Council consideration the following measure for inclusion in the 2020 Hawai'i State Association of Counties (HSAC) Legislative Package:
- A Bill for an Act Relating to the Employees' Retirement System, to amend Hawai'i Revised Statutes (HRS) Section 88-21.5(a) by reducing the amount of overtime that can be considered "compensation" for the purpose of calculating retirement benefits by fifty per cent (50%) of overtime earned after June 30, 2020 for those who are members before July 1, 2012.
5. [C 2019-195](#) Communication (08/22/2019) from Councilmember Chock and Councilmember Kagawa, transmitting for Council consideration the following measure for inclusion in the 2020 Hawai'i State Association of Counties (HSAC) Legislative Package:
- A Bill for an Act Relating to the Employees' Retirement System, to amend Hawai'i Revised Statutes (HRS) Section 88-63 by reducing the extended years of service for any public employee regarding unused sick leave that the employee has accrued to the employee's credit after June 30, 2020.

H. COMMITTEE REPORTS:

1. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2019-03:** on FED 2019-01 Communication (05/07/2019) from the Director of Economic Development, requesting agenda time to present an update on the Kaua'i Tourism Strategic Plan 2019-2021. **[Received for the Record.]**
- b. **CR-FED 2019-04:** on Bill No. 2756 A BILL FOR AN ORDINANCE AMENDING SECTION 5A-1.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX DEFINITIONS **[Approved as Amended.]**

I. BILL FOR SECOND READING:

1. [Bill No. 2756, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5A-1.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX DEFINITIONS (*See also CR-FED 2019-04; the Finance & Economic Development Committee recommended approval as amended to Bill No. 2756, Draft 1 on August 21, 2019.*)

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-1003 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(2), and (4), the purpose of this Executive Session is to consider matters that require confidentiality under state law, to wit, the hiring of a County Auditor, including interviewing any candidates, and terms and conditions of employment. The further purpose of this Executive Session is to meet with the Council's legal counsel on questions and issues relating to the Council's powers, duties, privileges, immunities, and liabilities as it relates to this agenda item.

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 in 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. 2757](#) – A BILL FOR AN ORDINANCE AMENDING ZONING MAPS AND DESIGNATIONS IN THE SOUTH KAUAI COMMUNITY PLAN (County of Kauai Planning Department, Applicant)

- M. NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

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