

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, AUGUST 9, 2017
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 26, 2017 Public Hearing re: Bill No. 2658 and Bill No. 2659

E. CONSENT CALENDAR:

1. [C 2017-173](#) Communication (06/21/2017) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointees to the Charter Review Commission:
 - Virginia M. Kapali – Term ending 12/31/2018
(*See Resolution No. 2017-40*)
 - Galen T. Nakamura – Term ending 12/31/2018
(*See Resolution No. 2017-41*)
2. [C 2017-174](#) Communication (06/23/2017) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Alfred Levinthol to the Fire Commission – Partial Term ending 12/31/2017. (*See Resolution No. 2017-42*)
3. [C 2017-175](#) Communication (07/20/2017) from the Director of Finance, transmitting for Council information, the Period 12 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of June 30, 2017, pursuant to Section 21 of Ordinance No. B-2016-812, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2016-2017. (*Copies of the Period 12 Financial Reports as of June 30, 2017 on file in the Office of the County Clerk.*)

4. [C 2017-176](#) Communication (07/21/2017) from Councilmember Kawakami, providing written disclosure of a possible conflict of interest and recusal regarding all matters involving N.F. Kawakami Store, due to his familial and potential business relationship with N.F. Kawakami Store.

F. COMMUNICATIONS:

1. [C 2017-168](#) Communication (07/12/2017) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Hawai'i Community Foundation, in the amount of \$50,000.00, and from Partners for Places, in the amount of \$50,000.00, for a total amount of \$100,000.00, for the development of a Climate Action Plan (CAP) for the County of Kaua'i. *(See also CR-EDIR 2017-06; the Economic Development & Intergovernmental Relations Committee recommended C 2017-168 be Received for the Record.)*
2. [C 2017-177](#) Communication (07/13/2017) from the Mayor, requesting agenda time for a briefing from Smith Dawson & Andrews, Inc., Washington, D.C. consultants, to provide a recap of the services and activities they provided to the County during the past year as part of their professional services contract.
3. [C 2017-178](#) Communication (07/14/2017) from the Director of Finance, requesting Council approval to accept and expend appropriations of \$3,500,000.00 which has been provided to the County of Kaua'i in the Supplemental Appropriations Act of 2017 – Act 49, Session Laws of Hawai'i 2017 from the State of Hawai'i, for Appropriation Warrant No. 223 for the following projects:
 - Bryan J. Baptiste Sports Complex Improvements - \$2,500,000.00; and
 - Captain Cook Memorial Park Improvements - \$1,000,000.00.
4. [C 2017-179](#) Communication (07/17/2017) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds, in the amount of \$222,628.00, to be used towards funding one (1) Full-Time Equivalent (FTE) Deputy Prosecuting Attorney and partial fringe benefits for the Career Criminal Prosecution Unit, and to indemnify the State of Hawai'i Department of the Attorney General.

5. [C 2017-180](#) Communication (07/18/2017) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend State of Hawai'i Department of Labor and Industrial Relations (DLIR) funds, in the amount of \$6,000.00, which will be used in addition to the original \$30,000.00 that was already approved by the Council to complete the work with the Department of Education (DOE) – Natural Resources Pathway and Future Farmers of America (FFA) programs at Kaua'i, Kapa'a, and Waimea High Schools, provide summer internship programs for students to work on Kaua'i farms, ranches, and agriculture-related businesses.

6. [C 2017-181](#) Communication (07/26/2017) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$551,641.00 for Fiscal Year 2018, to be used by the County of Kaua'i, Agency on Elderly Affairs for the provision of Title III services of the Older Americans Act, which includes information and referral, outreach, legal assistance, in-home fall prevention, congregate meals, home delivered meals, evidence based programs like EnhanceFitness or Better Choices, Better Health, and caregiver support services, and to indemnify the State Executive Office on Aging

7. [C 2017-182](#) Communication (08/01/2017) from Council Chair Rapozo, transmitting for Council consideration, proposed amendments to Chapter 16, by adding a new subsection to Section 16-2.1 "County Council to Exercise Functions by Resolution," which negates the Council's authority to establish school bus stops, leaving this function to the State of Hawai'i.
(See Proposed Draft Bill (No. 2661))

G. LEGAL DOCUMENT:

1. [C 2017-183](#) Communication (07/12/2017) from the Mayor, recommending Council approval of a Dedication Deed from Edward S. Bittner, Trustee of the Ko'ohio Realty Trust, conveying Roadway Lot 2, Pīla'a, Hanalei, Kaua'i, Hawai'i, Tax Map Key (TMK) No. (4) 5-1-004-034, to the County of Kaua'i for road widening purposes.

- Dedication Deed

H. CLAIM:

1. [C 2017-184](#) Communication (07/26/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sun Fuye, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-EDIR 2017-06:** on C 2017-168 Communication (07/12/2017) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Hawai'i Community Foundation, in the amount of \$50,000.00, and from Partners for Places, in the amount of \$50,000.00, for a total amount of \$100,000.00, for the development of a Climate Action Plan (CAP) for the County of Kaua'i. **[Received for the Record.]**

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2017-15:** on Bill No. 2659 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 **[Approved as Amended.]**

- b. **CR-BF 2017-16:** on BF 2017-02 Communication (07/27/2017) from Council Chair Rapozo, requesting the presence of the Mayor, the Managing Director, and the Director of Finance, to discuss the Administration's decision to lift the six (6) month moratorium on the filling of vacant positions which was highlighted in Mayor Carvalho's Fiscal Year 2017-2018 budget plan. **[Received for the Record.]**

c. CR-BF 2017-17: on Bill No. 2658

A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, ARTICLE 11 AND 11A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX **[Approved as Amended.]**

J. RESOLUTIONS:

1. [Resolution No. 2016-60](#) – RESOLUTION AUTHORIZING THE ACQUISITION OF A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT IN LAND REQUIRED FOR PUBLIC USE, TO WIT: A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT TO KUKUI'ULA BAY, KUKUI'ULA, COUNTY OF KAUAI, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN
(Deferred May 17, 2017)

2. [Resolution No. 2017-40](#) - RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION
(Virginia M. Kapali)

3. [Resolution No. 2017-41](#) - RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION
(Galen T. Nakamura)

4. [Resolution No. 2017-42](#) - RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION *(Alfred Levinthol)*

K. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2661\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 16 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE TRAFFIC CODE

L. BILLS FOR SECOND READING:

1. [Bill No. 2658, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, ARTICLE 11 AND 11A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX *(See also CR-BF 2017-17; the Budget & Finance Committee recommended approval as amended to Bill No. 2658, Draft 1 on August 2, 2017.)*

2. [Bill No. 2659, Draft 1](#) – 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 (*See also CR-BF 2017-15; the Budget & Finance Committee recommended approval as amended to Bill No. 2659, Draft 1 on August 2, 2017.*)

M. 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.)*

N. ADJOURNMENT.

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, 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.