

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, SEPTEMBER 11, 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. SPECIAL ORDER OF THE DAY.

1. [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. (***Pursuant to Council Rule No. 5(e), Council Absence, Tie Vote***)

E. CONSENT CALENDAR:

1. [C 2019-196](#) Communication (07/31/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Katherine Lewi Otsuji to the Board of Review – Term ending 12/31/2021. (***See Resolution No. 2019-49***)

F. COMMUNICATIONS:

1. [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 *(See also CR-HIR 2019-01; the Housing & Intergovernmental Relations Committee recommended the measure be Received for the Record on September 4, 2019.)*
 - 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. *(See also CR-HIR 2019-01; the Housing & Intergovernmental Relations Committee recommended approval of the measure as amended for inclusion in the County of Kaua'i Legislative Package and approval to forward the measure as amended to HSAC for inclusion in the HSAC Legislative Package on September 4, 2019.)*

2. [C 2019-197](#) Communication (08/15/2019) from the Executive on Transportation, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 17A, Kaua'i County Code 1987, As Amended, Relating To County Bus Fares, And Adding A New Chapter, Relating To County Bus And Paratransit Code Of Conduct. ***(See Proposed Draft Bill (No. 2758))***

3. [C 2019-198](#) Communication (08/15/2019) from the Executive on Transportation, 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:

- Payroll/Timesheets (Timesheets and Leave of Absence forms from July 1, 2008 through June 30, 2012)
- Weekly Schedules/Daily Change Forms (Driver/Dispatch/Mechanic Weekly Schedules and Daily Change Forms for Payroll from July 1, 2010 through June 30, 2012)
- Severed Employees (Employee Files that resigned or were terminated from July 1, 1995 through June 30, 2010)
- Budget Files (All Budget Proposals and Related Documents from Fiscal Year (FY) 2001 through FY 2008)
- Fixed Asset Disposal (Disposal paperwork up until FY 2012 from FY 2000 through FY 2012)
- Fixed Asset Inventory (Fixed Asset Inventory up until 2009 from FY 2004 through FY 2009)
- Legal Documents-(2 boxes) (Lawsuit for AnQuin 2010 for 2010)
- Grants 5310 & Federal/State (Federal and State (5310) Grants from 1997 through 2004)
- UPW Strike (UPW Strike of 2000 for 2000)
- Paratransit Files (Miscellaneous Paratransit Files from 1995 through 2008)
- Single Audit Reports (CAFR) (Audit Reports (CAFR) from 2000 through 2008)
- CIP Contracts (Capital Improvement Projects from 2006 through 2008)
- Bus Bids (Bus Bids and Bid Specifications from 2006 through 2007)
- Administrative Documents (Miscellaneous documents from 1994 through 2009)
- Fuel Receipts (Fuel Receipts for FY 2012 and July 2012)
- Grant Audits (Grant Audit Files for FY 2012)
- Baseyard Office Contracts (Contracts for Baseyard Office and Facility from 1999 through 2010)
- Driver Shifts (Shift Selection Sign Up and Work Schedules for FY 2004 through FY 2012)
- Interview Materials (Expired Interview Materials and Applications for FY 2002 through FY 2012)
- Salary/DPS Circulars/Union Documents (Salary Documentation Purchasing Circulars Union Documents from 1994 through 2009)
- Paratransit Client Files (Client Application and Files from 1996 through 2012)

4. [C 2019-199](#) Communication (08/21/2019) from the Deputy County Engineer, requesting Council approval to accept a donation from Elemental Excelerator of four (4) Juicebox Pro 40c electric vehicle chargers valued at \$999.00 each, for a total of \$3,996.00, which will be utilized by the Department of Public Works, Roads Division to replace existing broken chargers which will be attached to existing pedestals in the Pi'ikoi Parking Lot, the donation is exclusive of the following:
 - \$10.00/month software cost per charger; and
 - Estimated shipping costs of \$150.00.

5. [C 2019-200](#) Communication (08/22/2019) from the Mayor, 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 Registration of Vehicles, Amends Hawai'i Revised Statutes (HRS) Section 286, to allow the Director of Finance to require payment of outstanding charges owed to the County for towing, removal, or disposal of an abandoned or derelict vehicle within the County before renewal or issuance of a Motor Vehicle Certificate of Registration; and
 - A Bill for An Act Relating to Tort Liability, to provide an exemption from Tort Liability for the State and Counties arising from Lifeguard Services, except for Gross Negligence, Wanton Acts, or Omissions.

6. [C 2019-201](#) Communication (08/27/2019) from the County Attorney, requesting Council authorization to expend funds up to \$50,000.00, to retain Special Counsel to represent the County of Kaua'i in general civil litigation matters. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations.

7. [C 2019-202](#) Communication (08/28/2019) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds, in the amount of \$27,055.00, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Fiscal Year 2019 Local Solicitation Grant, to continue employment of the 1.00 Full-Time Equivalent (FTE) Process Server to continue process serving for the Office of the Prosecuting Attorney, purchase office supplies, and allow officers of the Kaua'i Police Department to attend training sessions. The grant will commence October 1, 2018 through September 30, 2022.

8. [C 2019-203](#) Communication (08/28/2019) from the Prosecuting Attorney, requesting Council approval to receive and expend an increase of \$11,658.00, from \$199,727.00 to \$211,385.00, for contract 16-DJ-07, from the State of Hawai'i, Department of the Attorney General, to continue the Sexual Assault Prosecution Unit to April 30, 2020.

G. LEGAL DOCUMENT:

1. [C 2019-204](#) Communication (08/26/2019) from the Deputy County Engineer, recommending Council approval of the following Property Adjustment Agreements for the Lihu'e Town Core Mobility and Revitalization Project – TGR-0700(073):
 - Property Adjustment Agreement by and between the County of Kaua'i and Carvalho Enterprises Inc., 4302 Rice Street, Tax Map Key (TMK) No. (4) 3-6-003:014; and
 - Property Adjustment Agreement by and between the County of Kaua'i and Satta Gumi LLC, 2991 Umi Street, TMK No. (4) 3-6-007:024.

H. CLAIMS:

1. [C 2019-205](#) Communication (08/20/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Richard Jasper on behalf of Sun Village-Kaua'i, for damage to their property, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2019-206](#) Communication (08/26/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Tamara Chapman, for reimbursement of funds due to the increase in her water bill, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2019-207](#) Communication (08/26/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Waste Management of Hawai'i Inc., for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
4. [C 2019-208](#) Communication (08/26/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Allstate Insurance as subrogee for Dwight and Penny Matsushima, for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. PLANNING COMMITTEE:a. **CR-PL 2019-10:** on 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*) [**Approved as Amended.**]

2. HOUSING & INTERGOVERNMENTAL RELATIONS COMMITTEE:a. **CR-HIR 2019-01:** on 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 Kauai 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 [**Received for the Record.**]
- 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. [**Approved the measure as amended for inclusion in the County of Kauai Legislative Package and approved to forward the measure as amended to HSAC for inclusion in the HSAC Legislative Package.**]

J. RESOLUTION:

1. [Resolution No. 2019-49](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF REVIEW (*Katherine Lewi Otsuji*)

K. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2758\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COUNTY BUS FARES, AND ADDING A NEW CHAPTER, RELATING TO COUNTY BUS AND PARATRANSIT CODE OF CONDUCT

L. BILL FOR SECOND READING:

1. [Bill No. 2757, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING ZONING MAPS AND DESIGNATIONS IN THE SOUTH KAUAI COMMUNITY PLAN (*County of Kauai Planning Department, Applicant*) (*See also CR-PL 2019-10; the Planning Committee recommended approval as amended to Bill No. 2757, Draft 1 on September 4, 2019.*)

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.)*

1. ES-1004 Pursuant to Hawai'i Revised Statutes Sections (HRS) 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 [Brandi Sabedra v. County of Kauai](#), Civil No. RC 19-1-0366 (District Court of the Fifth Circuit), 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-1005 Pursuant to Hawai'i Revised Statutes Sections (HRS) 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 on the retention of Special Counsel to represent the County of Kauai in general civil litigation matters. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations. 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.

N. ADJOURNMENT.

- O. 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.