

**COUNCIL MEETING NOTICE AND AGENDA**

**WEDNESDAY, OCTOBER 18, 2017**

**8:30 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHU‘E, KAUA‘I, HAWAI‘I 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. September 6, 2017 Council Meeting
2. September 20, 2017 Council Meeting
3. September 20, 2017 Public Hearing re: Bill No. 2662, Bill No. 2663, Bill No. 2664, and Bill No. 2665

E. INTERVIEW:

1. CHARTER REVIEW COMMISSION:

- [Marissa L. Sandblom – Term ending 12/31/2017](#)

F. CONSENT CALENDAR:

1. [C 2017-231](#) Communication (09/28/2017) from Dru Kanuha, Hawai‘i State Association of Counties (HSAC) President, transmitting for the Kaua‘i County Council’s consideration, the following proposals to be included in the 2018 HSAC Legislative Package, which were approved by the HSAC Executive Committee on September 11, 2017:

2018 HSAC Legislative Package Proposals:

1. A Bill For An Act Relating To Zoning (*County of Kaua‘i*)

2. A Bill For An Act Relating To Taxation; Income Tax Credit For Hiring An Individual With A Disability (*County of Kaua'i*)
3. A Bill For An Act Relating To Taxation; Income Tax Credit For Hiring An Elderly Individual
4. A Bill For An Act Relating To Transient Accommodations Tax (*County of Kaua'i*)
5. A Bill For An Act Relating To Automatic Fire Suppression Systems (*County of Kaua'i*)
6. A Bill For An Act Relating To The Conveyance Tax (*County of Maui*)
7. A Bill For An Act Relating To Transient Accommodations Tax; To Require Online Travel Companies And Other Transient Accommodations Remarketers To Pay Transient Accommodations Tax On Their Respective Portions Of Gross Rental Proceeds From The Payment Of Accommodations (*County of Maui*)
8. A Bill For An Act Relating To Government Records (*Carry over from 2017 HSAC Package - County of Maui*)
9. A Bill For An Act Relating To Important Agricultural Lands (*Carry over from 2017 HSAC Package - County of Maui*)
10. A Bill For An Act Relating To Collective Bargaining (*Carry over from 2017 HSAC Package - County of Maui*)
11. A Bill For An Act Relating To Tort Liability (*Carry over from 2017 HSAC Package - County of Kaua'i*)
12. A Bill For An Act Relating to Unadjudicated Traffic Fines (*Carry over from 2017 HSAC Package - County of Kaua'i*)
13. A Bill For An Act Relating To Emergency Medical Services (*Carry over from 2017 HSAC Package - Kaua'i County Council*)
14. A Bill For An Act Relating To Unmanned Aerial Vehicles (*Carry over from 2017 HSAC Package - City & County of Honolulu*)
15. A Bill For An Act Relating To Community Meetings (*Carry over from 2017 HSAC Package - County of Maui*)
16. A Bill For An Act Relating To Identification Cards For Persons With Disabilities (*Carry over from 2017 HSAC Package - County of Maui*)
17. A Bill For An Act Relating To Transient Accommodations Tax (*Carry over from 2017 HSAC Package - County of Maui*)  
**(See Resolution No. 2017-49)**

2. [C 2017-232](#)

Communication (10/04/2017) from the Managing Director, transmitting for Council consideration, a Resolution Renaming The Kamalani Kai Bridge Located At Lydgate Beach Park "Bynum Bridge" In Honor Of The Late Councilmember Tim Bynum. **(See Resolution No. 2017-50)**

G. COMMUNICATIONS:

1. [C 2017-233](#) Communication (09/22/2017) from the Fire Chief, requesting Council approval, to accept a donation from the Kaua'i Lifeguard Association (KLA), of one (1) Trailer, valued at \$16,561.51, which will be used as an educational trailer to present Ocean Safety Awareness in Kaua'i's schools, as well as benefit the Junior Lifeguard Program, and to also be utilized for any special functions in the community that requires education on Ocean Safety awareness and prevention.
2. [C 2017-234](#) Communication (09/29/2017) from the County Attorney, requesting authorization to expend additional funds up to \$25,000.00 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.
3. [C 2017-235](#) Communication (09/29/2017) from the Director of Finance, transmitting for Council consideration, a Bill For An Ordinance To Establish A General Excise And Use Tax Surcharge For The County Of Kaua'i, to establish a General Excise and Use Tax Surcharge of up to one-half percent (0.5%) for the County of Kaua'i and to provide for receipt and expenditure of these moneys. **(See Proposed Draft Bill (No. 2670))**
4. [C 2017-236](#) Communication (10/02/2017) from Councilmember Chock and Council Chair Rapozo, transmitting for Council consideration, proposed amendments to the Shoreline Setback Ordinance. **(See Proposed Draft Bill (No. 2671))**
5. [C 2017-237](#) Communication (10/03/2017) from the Prosecuting Attorney, requesting Council approval, to receive and expend the State of Hawai'i, Department of Transportation Highway Safety Grant award for the Fiscal Year 2018, in the amount of \$153,239.00, which will be used toward continued funding of 1.00 Full-Time Equivalent (FTE) Traffic Resource Prosecuting Attorney, travel, and training.

6. [C 2017-238](#) Communication (10/04/2017) from the Acting County Engineer, requesting Council approval of the associated Release and Hold Harmless Agreement for the Department of Defense Civil-Military Innovative Readiness Training (IRT) program grant which was previously approved by the Kaua'i County Council at its September 20, 2017 Council Meeting, to construct a portion of the Lydgate-Kapa'a Bicycle/Pedestrian Path Phases C & D to include upgrading the existing County-owned parking lot located behind Kapa'a Missionary Church, and the construction of a new comfort station.
  
7. [C 2017-239](#) Communication (10/05/2017) from the Acting County Engineer, requesting Council approval, to purchase a liquid chlorine dosing system, at an estimated cost of \$42,000.00 (funding will be from the Wastewater Management Division's Repair & Maintenance (R&M) Equipment Account), to continue to provide R-2 recycled water to irrigate the Wailua Golf Course after December 31, 2017, as the existing chlorine gas system is old and needs to be replaced.
  
8. [C 2017-240](#) Communication (10/04/2017) from the County Attorney, transmitting for Council consideration, proposed amendments to Ordinance No. B-2017-821, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the General Fund, to fund Special Counsel.  
***(See Proposed Draft (No. 2672))***
  
9. [C 2017-241](#) Communication (10/05/2017) from the First Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims which were filed against the County of Kaua'i from July 1, 2017 through September 30, 2017.

#### H. CLAIM:

1. [C 2017-242](#) Communication (10/02/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Arlene Miyake, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. COMMUNITY ASSISTANCE & VETERANS SERVICES COMMITTEE:

- a. **CR-CAVS 2017-02:** on CAVS 2017-02      Communication (09/19/2017) from Council Chair Rapozo, requesting the presence of the Mayor and the Managing Director, to provide a briefing/update on its efforts and plans to address homelessness in the County of Kaua'i; a list of agencies/organizations partnering with the County in this effort, a list of available programs, if any, an explanation of each of the program's goals, objectives, and timeline, including related costs and funding source; and a list of other programs that are available to assist homeless individuals and families. **[Received for the Record.]**

2. PUBLIC SAFETY & TRANSPORTATION COMMITTEE:

- a. **CR-PST 2017-06:** on Resolution No. 2017-48      RESOLUTION ACCEPTING AND ENDORSING THE SHORT-RANGE TRANSIT PLAN AS A POLICY GUIDELINE FOR THE COUNTY OF KAUA'I  
**[Approved.]**

3. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2017-10:** on Bill No. 2667      A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2017 AND JUNE 30, 2021  
**[Approved.]**

J. RESOLUTIONS:

1. [Resolution No. 2017-48](#) RESOLUTION ACCEPTING AND ENDORSING THE SHORT-RANGE TRANSIT PLAN AS A POLICY GUIDELINE FOR THE COUNTY OF KAUAI (See also CR-PST 2017-06; the Public Safety & Transportation Committee recommended approval on October 11, 2017.)

2. [Resolution No. 2017-49](#) – RESOLUTION APPROVING PROPOSALS FOR INCLUSION IN THE 2018 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

3. [Resolution No. 2017-50](#) – RESOLUTION RENAMING THE KAMALANI KAI BRIDGE LOCATED AT LYDGATE BEACH PARK “BYNUM BRIDGE” IN HONOR OF THE LATE COUNCILMEMBER TIM BYNUM

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2670\)](#) – A BILL FOR AN ORDINANCE TO ESTABLISH A GENERAL EXCISE AND USE TAX SURCHARGE FOR THE COUNTY OF KAUAI

2. [Proposed Draft Bill \(No. 2671\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Shoreline Setback*)

3. [Proposed Draft Bill \(No. 2672\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the County Attorney–Special Counsel Account - \$150,000.00*)

L. BILL FOR SECOND READING:

1. [Bill No. 2667](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2017 AND JUNE 30, 2021 (See also CR-COW 2017-10; the Committee of the Whole recommended approval on second and final reading.)

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-921 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 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 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-922 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 and request for authority to settle the case of Cameron Raymond v. County of Kaua'i, 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-923 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 and request for authority to settle the case of Klaus H. Burmeister, et al. v. County of Kaua'i, 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.
4. ES-924 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 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. This briefing and consultation involves the 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-925 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 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 regarding the claim filed against the County of Kaua'i by Jared Smith, and related matters. This briefing and consultation involves the 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. 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. 2668](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (2017 Bond Issuance Projects - \$25,750,000.00)

- P. 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](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).**