

**COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, OCTOBER 24, 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 meetings of the Council:

1. September 12, 2018 Council Meeting
2. September 12, 2018 Public Hearing re: Bill No. 2717 and Bill No. 2718
3. September 26, 2018 Council Meeting
4. September 26, 2018 Public Hearing re: Bill No. 2719

E. INTERVIEW:

1. POLICE COMMISSION:

- [Dean A. Pigao](#) – Term ending 12/31/2020

F. CONSENT CALENDAR:

1. [C 2018-226](#) Communication (10/01/2018) from the First Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from July 1, 2018 through September 30, 2018.

G. COMMUNICATIONS:

1. [C 2018-227](#) Communication (10/03/2018) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$200,000.00 from the Claims and Judgments account in the litigation of Michael Sheehan Kocher, Sr., et al. vs. Kaua'i Police Department, et al., Civil No. 16-1-0108 (Fifth Circuit Court), and related matters.

2. [C 2018-228](#) Communication (10/04/2018) from Council Vice Chair Kagawa, transmitting for Council consideration, a Proposed Draft Bill to amend Section 5A-1.1 of the Kaua'i County Code, as amended, relating to Real Property Tax, by adding the definition of "claim," to prevent the potential reset of real property tax benefits as a result of a death when the surviving relative was also on the title of the property. **(See Proposed Draft Bill (No. 2723))**
  
3. [C 2018-229](#) Communication (10/05/2018) from the Emergency Management Administrator, requesting Council approval to receive and expend State funds, in the amount of \$780,000.00, from the United States Department of Homeland Security, via State of Hawai'i Department of Defense, to be used to enhance the capability of State and local units of government to prevent, deter, respond to, and recover from threats and incidents of terrorism, as well as "all hazards" catastrophic preparedness initiatives.
  
4. [C 2018-230](#) Communication (10/09/2018) from the Executive on Aging, requesting Council approval to receive and expend State General Funds for Fiscal Year 2019 and to indemnify the State Executive Office on Aging, in the amount of \$72,790.00 to be used by the County of Kauai, Agency on Elderly Affairs for the operating costs of the Aging and Disability Resource Center, which includes consultant services, inter-island travel, travel expenses for national conferences, postage, printing of a resource directory, online training programs, promotional items, replacement of electronic equipment, and supplies.
  
5. [C 2018-231](#) Communication (10/09/2018) from Adam P. Roversi, Deputy County Attorney, requesting Council approval of the indemnification provision contained in the Terms of Service Agreement for Logikcull, a cloud based eDiscovery software provider, to help streamline the Office of the County Attorney's discovery process making it both more efficient and reliable.
  - Terms of Service Agreement
  
6. [C 2018-232](#) Communication (10/12/2018) from Council Chair Rapozo, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 15, Article 4, Kaua'i County Code 1987, As Amended, Relating To Outdoor Signs, to allow nonprofit organizations to post temporary outdoor signs relating to their upcoming events without the requirement of a signage permit. **(See Proposed Draft Bill (No. 2724))**

7. [C 2018-233](#) Communication (10/15/2018) from the Emergency Management Administrator, requesting Council approval to accept a donation from the Federal Emergency Management Agency (FEMA), of 34 pallets of Aqua Liters emergency drinking water, for a total of 2,550 cases or 30,600 liters of water, valued at \$46,240 based on online pricing.
  
8. [C 2018-234](#) Communication (10/16/2018) from Councilmember Yukimura and Council Chair Rapozo, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 7A, Kaua'i County Code 1987, As Amended, Relating To Affordable Housing Preservation, to preserve the affordability of housing developed with public (taxpayer) moneys or required by State or County zoning and planning laws. (***See Proposed Draft Bill (No. 2725)***)

#### H. LEGAL DOCUMENT:

1. [C 2018-235](#) Communication (10/12/2018) from the Housing Director, recommending Council approval of a Dwelling Unit Revolving Fund (DURF) Loan Agreement and Loan Documents, in the amount of up to \$13,000,000.00, between the County of Kaua'i and the Hawai'i Housing Finance and Development Corporation (HHFDC), to fund the infrastructure improvements for Lima Ola Workforce Housing Development Phase I, and to authorize the County Clerk to sign the following legal documents related to the DURF Loan:
  - Loan Agreement;
  - Mortgage, Security Agreement, and Financing Statement;
  - Note;
  - Hazardous Materials Agreement; and
  - Monitoring Agreement

#### I. CLAIM:

1. [C 2018-236](#) Communication (10/03/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Lisa Bargayo-Camalliri, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

J. COMMITTEE REPORTS:1. PLANNING COMMITTEE:**a. CR-PL 2018-10:** on Bill No. 2719

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO AGRICULTURE DISTRICTS (ZA-2014-4) (*County of Kaua'i Planning Department, Applicant*)  
**[Received for the Record.]**

2. ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:**a. CR-EDIR 2018-04:** on Bill No. 2720

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SUNSHINE MARKETS **[Approved.]**

3. COMMITTEE OF THE WHOLE:**a. CR-COW 2018-05:** on Bill No. 2722

A BILL FOR AN ORDINANCE AUTHORIZING THE PROCUREMENT OF THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR **[Approved.]**

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2723\)](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 5A-1.1 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX

2. [Proposed Draft Bill \(No. 2724\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO OUTDOOR SIGNS

3. [Proposed Draft Bill \(No. 2725\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO AFFORDABLE HOUSING PRESERVATION

L. BILLS FOR SECOND READING:

1. [Bill No. 2719](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO AGRICULTURE DISTRICTS (ZA-2014-4) (*County of Kaua'i Planning Department, Applicant*) (*See also CR-PL 2018-10; the Planning Committee recommended Bill No. 2719 be received for the record.*)

2. [Bill No. 2720](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SUNSHINE MARKETS (*See also CR-EDIR 2018-04; the Economic Development & Intergovernmental Relations Committee recommended approval on second and final reading.*)

3. [Bill No. 2722](#) – A BILL FOR AN ORDINANCE AUTHORIZING THE PROCUREMENT OF THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR (*See also CR-COW 2018-05; 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-969 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 the litigation of Michael Sheehan Kocher, Sr., vs. Kaua'i Police Department, et al., Civil No. 16-1-0108 (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-970 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 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.
3. ES-971 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(2), (4), and (8), 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, liabilities, claims, potential claims, as such powers, duties, privileges, immunities, liabilities, claims, and/or potential claims relate to the foregoing item, and to take such action as the Council deems appropriate.
4. ES-972 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 update and request for authority to settle the case of Michael Sheehan Kocher, Sr., et al. vs. Kaua'i Police Department, et al., Civil No. 16-1-0108 (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.

#### 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, LĪHUʻE, KAUAʻI, 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).