

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, NOVEMBER 2, 2016

8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHU‘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. October 5, 2016 Council Meeting

E. CONSENT CALENDAR:

1. [C 2016-231](#) Communication (10/10/2016) from the Director of Finance, transmitting for Council information, the First Quarter Statement of Equipment Purchases for Fiscal Year 2016-2017, pursuant to Section 17 of Ordinance No. B-2016-812, the Operating Budget of the County of Kaua‘i for Fiscal Year 2016-2017.
2. [C 2016-232](#) Communication (10/19/2016) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal regarding C 2016-212, C 2016-222, and Resolution No. 2016-62, relating to an Intergovernmental Agreement with the State Of Hawai‘i, Department Of Health for a loan from the State Water Pollution Control Revolving Fund for the Hanamā‘ulu and Kapaia Sewage Pump Stations (SPS) Renovations, Project No. C150059-23, as these items involve a “Wastewater Facilities Cost-Share Agreement between Ha‘ili Moe, Inc. and County of Kaua‘i,” which provides for a public-private partnership between his employer, Grove Farm Company, Inc., and the County for renovation to the County’s existing Hanamā‘ulu and Kapaia SPS, as he is employed by Grove Farm Company, Inc. as a Project Manager.

3. [C 2016-233](#) Communication (10/24/2016) from Councilmember Yukimura, transmitting for Council consideration, a Resolution Amending Resolution No. 2015-02, Draft 1, And Resolution No. 2015-62, Relating To The Rules Of The Council Of The County Of Kaua'i For The Organization Of Committees And The Transaction Of Business, which proposes the following:
- Allows Councilmembers to speak up to a total of six (6) minutes on the same agenda item;
 - Removes the limitation which allows Councilmembers not more than twice to speak on the same questions without leave of the Presiding Officer, subject to the body;
 - Allows any person with time constraints to speak at the beginning of the agenda on any agenda item;
 - Allows Councilmembers to ask clarifying questions relating to the testimony being given;
 - Allows Councilmembers to ask clarifying questions of a person giving testimony during a public hearing; and
 - Allows a period for public speaking at the beginning of the meeting agenda.
- (See Resolution No. 2016-78)***

F. COMMUNICATIONS:

1. [C 2016-234](#) Communication (09/30/2016) from the Director of Economic Development, requesting Council approval to receive and expend funds, in the amount of \$70,000.00, and indemnify the Hawai'i Tourism Authority, to provide technical assistance for the revised Community Enrichment Program (CEP) (formerly known as CPEP), the Aloha Aina Program (formerly known as the Natural Resources Program), and the Kukulua Ola Program, to include, but not limited to, technical and non-substantive guidance for Kaua'i applicants wanting to respond to Request for Proposals (RFP); assist in the promotion of the programs; identify and recruit new applicants; provide a work plan for evaluation of the programs including timelines; provide final evaluations for each event or project; provide monthly evaluation reports; and complete final reports.
2. [C 2016-235](#) Communication (10/05/2016) from the Fire Chief, requesting Council approval to accept a donation from the Kaua'i Lifeguard Association (KLA), for a total value of \$43,717.74, of one (1) 2016 Dodge Ram 4x4 Pickup Truck (\$40,470.93), one (1) Pipe Rack (\$749.95), and one (1) Light Bar (\$2,496.86), to be utilized by the Ocean Safety Bureau East District roving patrol unit.

3. [C 2016-236](#) Communication (10/18/2016) from the County Attorney, requesting approval of its recommendation for authorization to expend funds up to \$25,000.00 to retain Special Counsel to act as Disclosure Counsel for the County of Kauaʻi, and related matters.
4. [C 2016-237](#) Communication (10/18/2016) from the County Attorney, requesting approval of its recommendation for authorization to expend funds up to \$25,000.00 to retain Special Counsel to act as Bond Counsel for the County of Kauaʻi, and related matters.

G. CLAIMS:

1. [C 2016-238](#) Communication (10/20/2016) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Bacon Universal Company Inc., for damage to their equipment, pursuant to Section 23.06, Charter of the County of Kauaʻi.
2. [C 2016-239](#) Communication (10/20/2016) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Wendell Gabriel, Jr., for property damage, pursuant to Section 23.06, Charter of the County of Kauaʻi.

H. RESOLUTION:

1. [Resolution No. 2016-78](#) – RESOLUTION AMENDING RESOLUTION NO. 2015-02, DRAFT 1, AND RESOLUTION NO. 2015-62, RELATING TO THE RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS

I. EXECUTIVE SESSION: *Pursuant to Hawaiʻi 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 in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)*

1. ES-874 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.
(Deferred October 19, 2016)
2. ES-875 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 on a recommendation for authority to expend funds up to \$25,000.00 to retain Special Counsel to act as Disclosure Counsel for the County of Kaua'i, and related matters. The 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-876 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 on a recommendation for authority to expend funds up to \$25,000.00 to retain Special Counsel to act as Bond Counsel for the County of Kaua'i, and related matters. The 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-877 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 case of Kaua'i Ferals dba Kaua'i Community Cat Project vs. Kaua'i County Council, et al., Civil No. 16-1-0142 (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.
5. ES-878 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, on behalf of the Council, requests an Executive Session with the Council to provide the Council with a briefing regarding the claim against the County of Kaua'i by Tyra-Lynn Constantino for damage to her vehicle, 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.

6. ES-879 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, on behalf of the Council, requests an Executive Session with the Council to provide the Council with a briefing regarding the claim against the County of Kaua'i by Shellie Redd for damage to her vehicle, 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.

7. ES-880 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(2), and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Kaua'i County Council, requests an Executive Session to brief the Council on matters regarding the Notice of Violation and Order (NOVO) from the State of Hawai'i Department of Health, Clean Water Branch for National Pollutant Discharge Elimination System (NPDES) Permit related violations and penalties at four (4) refuse transfer stations, 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.

8. ES-881 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 matter regarding a pre-litigation settlement offer in the case of Dylan Kekoa James v. County of Kaua'i et. al., to obtain settlement authority, 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.

9. ES-882 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 authority for a possible settlement proposal in a claim filed by Bacon Universal Company Inc., 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.

J. ADJOURNMENT.

K. 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, LĪHU‘E, KAUA‘I, HAWAI‘I 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

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