

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, NOVEMBER 16, 2016
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. INTERVIEWS:

1. POLICE COMMISSION:

- [Roy M. Morita](#) – Term ending 12/31/2019

2. BOARD OF ETHICS:

- [Mia R. Shiraishi](#) – Term ending 12/31/2018

3. PLANNING COMMISSION:

- [Donna Apisa](#) – Term ending 12/31/2018

4. BOARD OF WATER SUPPLY:

- [Thomas J. Canute](#) – Term ending 12/31/2019

E. CONSENT CALENDAR:

1. [C 2016-240](#) Communications (09/29/2016 & 10/26/2016) from Michael P. Victorino, 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 2017 HSAC Legislative Package, which were approved by the HSAC Executive Committee on August 23, 2016, September 26, 2016, and October 24, 2016:

2017 HSAC LEGISLATIVE PACKAGE PROPOSALS:

1. A Bill For An Act Relating To Tort Liability (*County of Kaua'i*)
2. A Bill For An Act Relating To Unadjudicated Traffic Fines (*County of Kaua'i*)
3. A Bill For An Act Making An Appropriation For Emergency Medical Services (*County of Kaua'i*)
4. A Bill For An Act Relating To Unmanned Aerial Vehicles (*City & County of Honolulu*)
5. A Bill For An Act Relating To Noise Control (*City & County of Honolulu*)
6. A Bill For An Act Relating To Community Meetings (*County of Maui*)
7. A Bill For An Act Relating To Identification Cards For Persons With Disabilities (*County of Maui*)
8. A Bill For An Act Relating To Transient Accommodations Tax (*County of Maui*)
9. A Bill For An Act Relating To The Conveyance Tax (*County of Maui*)
10. A Bill For An Act Relating To Government Records (*County of Maui*)
11. A Bill For An Act Relating To Important Agricultural Lands (*County of Maui*)
12. A Bill For An Act Relating To Land Use (*County of Maui*)
13. A Bill For An Act Relating To Collective Bargaining (*County of Maui*)

(See Resolution No. 2016-79)

F. COMMUNICATIONS:

1. [C 2016-241](#) Communication (10/17/2016) from the Chief of Police, requesting Council approval to receive and expend Fiscal Year 2014 STOP Violence Against Women Formula Grant Federal funds for the Sex Assault Nurse Examiners (SANE) program, in the amount of \$48,595.00, which will be used to provide stand-by pay, training, and non-reporting exams for SANE nurses; and approval to indemnify the State of Hawai'i, Department of the Attorney General for the term commencing December 1, 2016 to June 30, 2017.

2. [C 2016-242](#) Communication (10/31/2016) from the Executive on Transportation, requesting Council approval of indemnification provisions contained in the Donation, Wavier of Liability, and Indemnification Agreement for Surplus Personal Property, by and between the County of Kaua'i and the University of Hawai'i, for the benefit of Kaua'i Community College, to utilize the vehicles in connection with the University's vehicle maintenance, repair, and mechanic programs at Kaua'i Community College, including allowing Kaua'i Community College to use engines and related operating and safety systems as educational instructional aides.
 - Donation, Wavier of Liability, and Indemnification Agreement for Surplus Personal Property
3. [C 2016-243](#) Communication (11/04/2016) from Council Chair Rapozo, requesting the presence of the Managing Director, to provide the Council with a briefing on the auction and relocation of the old Kapa'a Police Substation building near Kapa'a Beach Park.
4. [C 2016-244](#) Communication (11/04/2016) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to provide the Council with an update on 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 and related violations and penalties at the four (4) refuse transfer stations.

G. CLAIMS:

1. [C 2016-245](#) Communication (10/26/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by GEICO Insurance Company as subrogee of Bruce Finnilla, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2016-246](#) Communication (11/02/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Michelle Melendez, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. RESOLUTION:

1. [Resolution No. 2016-79](#) – RESOLUTION APPROVING PROPOSALS FOR INCLUSION IN THE 2017 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

I. EXECUTIVE SESSION: *Pursuant to Hawaii 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-865 Pursuant to Hawaii 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 Randal Miyashiro of Kalani Construction, Inc. 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 August 17, 2016)***
2. ES-883 Pursuant to Hawaii Revised Statutes (HRS) Sections 92-4, 92-5(a)(2), 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 Hawaii 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.
3. ES-884 Pursuant to Hawaii 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 Carl A. Ragasa vs. County of Kaua'i, et al., Civil No. CV14-00309 DKW BMK (United States District Court for the District of Hawaii) 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. 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 in the County Clerk's Office 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. [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
2. [Bill No. 2639](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-812, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kauai Fire Department, Training Bureau, Other Small Equipment, Fifty (50) Automated External Defibrillators – \$151,000.00*)
3. [Bill No. 2640](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-812, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kauai Fire Department, Fire Operations Public Safety, Sixty (60) Self-Contained Breathing Apparatus (SCBA) – \$390,000.00*)

- L. 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.**