

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, DECEMBER 20, 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. November 1, 2017 Public Hearing re: Bill No. 2669
2. November 29, 2017 Special Council Meeting

E. CONSENT CALENDAR:

1. [C 2017-274](#) Communication (11/13/2017) from the Acting County Engineer, transmitting for Council consideration, a Resolution Authorizing Nighttime Closure Of Mihi Road To Vehicular Traffic And Granting Partial Responsibility For The Enforcement Thereof To The Seacliff Plantation Community Association, Kīlauea Bay, Kaua‘i, Hawai‘i, to help alleviate drug dealing, vandalism, and property theft. (**See Resolution No. 2017-72**)
2. [C 2017-275](#) Communication (11/27/2017) from Councilmember Chock, transmitting for Council consideration, a Resolution Establishing A “No Parking At Anytime” And “Tow Away Zone” Along A Portion Of Kalihiwai Road, Kalihiwai, Hanalei District, County Of Kaua‘i. (**See Resolution No. 2017-73**)

F. COMMUNICATIONS:

1. [C 2017-276](#) Communication (11/30/2017) from Council Chair Rapozo, requesting the presence of the Director of Finance and N&K CPAs, Inc., to provide a briefing on the [Comprehensive Annual Financial Report \(CAFR\)](#), [Single Audit Reports](#), and [Management Advisory Report](#) for the Fiscal Year Ended June 30, 2017.

2. [C 2017-277](#) Communication (12/01/2017) from the Director of Finance, 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 roofing repairs at both the Kapa'a Armory & Hanalei Substation facilities, estimated at \$550,000.
(See Proposed Draft Bill (No. 2678))

3. [C 2017-278](#) Communication (12/07/2017) from the Housing Director, requesting the Council's approval to perform the following:
 - a. Acquire under the County's Community Development Block Grant (CDBG) Program a residential unit at 700 Akalei Street, 'Ele'ele, Kaua'i, Hawai'i, 96705, Tax Map Key (TMK) No.: (4) 2-1-009-090, for a purchase price of not more than \$450,000.00, based on the fee simple market appraisal, which will be obtained through this transaction;
 - b. Resell the unit (700 Akalei Street, 'Ele'ele, Kaua'i, Hawai'i, 96705), by leasehold market appraisal, which will be obtained through this transaction; and
 - c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.

4. [C 2017-279](#) Communication (12/11/2017) from Councilmember Kawakami, transmitting for Council consideration for inclusion in the 2018 County of Kaua'i Legislative Package, A Bill For An Act Relating To Government, to expand the provision for expenditure of revenue derived from a county general excise and use tax surcharge to include affordable housing.

5. [C 2017-280](#) Communication (12/11/2017) from Councilmember Kawakami, transmitting for Council consideration amendments to the County Fuel Tax and the Motor Vehicle Weight Tax rates to help alleviate the burden on residents as a result of a County surcharge on the State General Excise Tax that will be implemented January 1, 2019. ***(See Proposed Draft Bill (No. 2679), Proposed Draft Bill (No. 2680), and Resolution No. 2017-74)***

6. [C 2017-281](#) Communication (12/13/2017) from the Director of Finance and Acting County Engineer, transmitting for Council consideration, proposed amendments to Ordinance No. B-2017-821, as amended, relating to the Operating Budget of the County of Kauaʻi, for the Fiscal Year 2017-2018, by revising the amounts estimated in the Sewer Fund, to replenish funding of an emergency repair to a sewer manhole in Wailua, fund repairs to a partial failure of the Kapaia sewer line, acquire a new chlorine dosing system, and fund other unexpected equipment repairs for a total cost of \$712,000.00. ***(See Proposed Draft Bill (No. 2681))***

G. LEGAL DOCUMENT:

1. [C 2017-282](#) Communication (11/28/2017) from the Fire Chief, requesting Council approval of the indemnification provisions contained in the Department of Education, Hanalei Elementary School Application for use of School Buildings, Facilities, or Grounds, for the use of their facility to conduct the Community Emergency Response Training (CERT) program.

H. CLAIM:

1. [C 2017-283](#) Communication (12/01/2017) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Miles Greenberg, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kauaʻi.

I. COMMITTEE REPORTS:1. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2017-27:** on BF 2017-04 Communication (10/23/2017) from Committee Chair Kaneshiro, requesting the presence of Thomas Williams, Executive Director of the State of Hawai'i Employees' Retirement System, to provide a briefing on the State of Hawai'i Employees' Retirement System and the financial implications to the County of Kaua'i. **[Received for the Record.]**

2. PUBLIC SAFETY & TRANSPORTATION COMMITTEE:

- a. **CR-PST 2017-07:** on Bill No. 2673 A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUAI COUNTY CODE 1987, RELATING TO THE TRAFFIC CODE (*Prohibited Parking*) **[Approved.]**
- b. **CR-PST 2017-08:** on Bill No. 2674 A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE TRAFFIC CODE (*Vehicle Towing Authorization*) **[Approved.]**

J. RESOLUTIONS:

1. [Resolution No. 2017-72](#) – RESOLUTION AUTHORIZING THE NIGHTTIME CLOSURE OF MIHI ROAD TO VEHICULAR TRAFFIC AND GRANTING PARTIAL RESPONSIBILITY FOR THE ENFORCEMENT THEREOF TO THE SEACLIFF PLANTATION COMMUNITY ASSOCIATION, KĪLAUEA BAY, HANAIEI DISTRICT, COUNTY OF KAUAI
2. [Resolution No. 2017-73](#) – RESOLUTION ESTABLISHING A “NO PARKING AT ANY TIME” AND “TOW AWAY ZONE” ALONG A PORTION OF KALIHAIWAI ROAD, KALIHAIWAI, HANAIEI DISTRICT, COUNTY OF KAUAI
3. [Resolution No. 2017-74](#) – RESOLUTION DETERMINING THE COUNTY OF KAUAI FUEL TAX RATE AND REPEALING RESOLUTION NO. 2013-47, DRAFT 3

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2678\)](#) – 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 (*Kapa'a Armory & Hanalei Substation Roof Repairs - \$550,000.00*)

2. [Proposed Draft Bill \(No. 2679\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-1.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY FUEL TAX

3. [Proposed Draft Bill \(No. 2680\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE WEIGHT TAX

4. [Proposed Draft Bill \(No. 2681\)](#) – 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 SEWER FUND (*Sewer Line Emergency/Equipment Repairs - \$712,000.00*)

L. BILLS FOR SECOND READING:

1. [Bill No. 2673](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUAI COUNTY CODE 1987, RELATING TO THE TRAFFIC CODE (*Prohibited Parking*) (*See also CR-PST 2017-07; Public Safety & Transportation Committee recommended approval on second and final reading.*)

2. [Bill No. 2674](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE TRAFFIC CODE (*Vehicle Towing Authorization*) (*See also CR-PST 2017-08; Public Safety & Transportation Committee 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-934 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 Diana Gausepohl-White vs. County of Kaua'i, et al., Civil No. CV 16-00494 ACK-KSC (U.S. 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.

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. 2676](#) – 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 (*Information Technology Space Relocation/Renovation - \$140,000.00*)

- 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.**