

**COUNCIL MEETING NOTICE AND AGENDA**  
**WEDNESDAY, NOVEMBER 6, 2019**  
**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 meeting of the Council:

1. October 23, 2019 Public Hearing re: Bill No. 2740, Bill No. 2741, Bill No. 2742, Bill No. 2743, Bill No. 2744, and Bill No. 2745

E. CONSENT CALENDAR:

1. [C 2019-238](#) Communication (10/25/2019) from the Director of Finance, transmitting for Council consideration, a Resolution providing for the issuance of special tax revenue bonds for public facilities relating to County of Kaua‘i Community Facilities District No. 2008-1 (Kukui‘ula Development Project), for the purpose of funding the costs of public facilities relating to the District, including the costs of certain transportation improvement projects in Kōloa and Po‘ipū as identified in Figure 4-4 of the South Kaua‘i Community Plan and Pa‘anau Village Phase I & II energy self-sufficiency upgrades through the issuance of special tax revenue bonds payable solely from and secured solely by special taxes levied on taxable properties within the District pursuant to Chapter 26 and certain funds held in trust for the bondholders under the bond indenture. (*Supplemental Indenture, Second Amendment to Acquisition and Funding Agreement, Preliminary Official Statement, Appraisal and Bring Forward Letter, Bond Purchase Agreement, County’s Continuing Disclosure Agreement, and Developer’s Disclosure Agreement on file in the County Clerk’s Office.*) (**See Resolution No. 2019-54**)

2. [C 2019-239](#) Communication (10/24/2019) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of August 9, 2019.

#### F. COMMUNICATIONS:

1. [C 2019-240](#) Communication (10/04/2019) from the Prosecuting Attorney, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2019-856, As Amended, Relating To the Operating Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2019 Through June 30, 2020, By Revising The Amounts Estimated In The General Fund, to reallocate a portion of funding in the "Regular Salaries" account appropriated for Position No. 2804, Victim Witness Counselor II, to other Victim Witness Counselor II positions, identified in the Operating Budget as Position Nos. 2824 and 2825. (***See Proposed Draft Bill (No. 2762)***)
  
2. [C 2019-241](#) Communication (10/21/2019) from the Mayor, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 13 for the period July 1, 2019 to June 30, 2021, pursuant to Hawai'i Revised Statutes (HRS) Section 89-11 Kaua'i County Charter Section 19.13B. The terms of the Collective Bargaining Agreement were recently ratified by the employees of Bargaining Unit 13. (***See Proposed Draft Bill (No. 2763)***)

#### G. CLAIMS:

1. C 2019-242 Communication (10/16/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Anne Laurel Bennett, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.
  
2. C 2019-243 Communication (10/21/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Margret Louise Gullikson, for personal injury, medical bills, and loss of income, pursuant to Section 23.06, Charter of the County of Kaua'i.
  
3. C 2019-244 Communication (10/24/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Gregory T. Preston, for damage to his personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

4. C 2019-245 Communication (10/24/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Norm J. Caris, for reimbursement to remove dead animal carcass, pursuant to Section 23.06, Charter of the County of Kaua'i.

#### H. COMMITTEE REPORTS:

##### 1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2019-07:** on Bill No. 2743 A BILL FOR AN ORDINANCE AMENDING CHAPTER 25, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WASTEWATER TREATMENT CAPACITY ASSESSMENT **[Approved as Amended.]**
- b. **CR-PWVS 2019-08:** on Bill No. 2744 A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUILDING PERMIT FEES **[Approved as Amended.]**

##### 2. PLANNING COMMITTEE:

- a. **CR-PL 2019-14:** on Bill No. 2740 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL RENTAL UNITS **[Approved as Amended.]**
- b. **CR-PL 2019-15:** on Bill No. 2741 A BILL FOR AN ORDINANCE AMENDING CHAPTER 11A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ENVIRONMENTAL IMPACT ASSESSMENT ON LAND DEVELOPMENT **[Approved.]**

**3. HOUSING & INTERGOVERNMENTAL RELATIONS COMMITTEE:****a. CR-HIR 2019-02: on Bill No. 2742**

A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE HOUSING DEVELOPMENT FUND  
**[Approved.]**

**I. RESOLUTION:**

1. [Resolution No. 2019-54](#) – RESOLUTION APPROVING THE ISSUANCE OF UP TO \$23,000,000 AGGREGATE PRINCIPAL AMOUNT OF SPECIAL TAX REVENUE BONDS OF THE COUNTY OF KAUAI FOR THE COUNTY'S COMMUNITY FACILITIES DISTRICT NO. 2008-1 (KUKUI'ULA DEVELOPMENT PROJECT); AUTHORIZING THE APPLICATION OF THE PROCEEDS OF THE BONDS, TOGETHER WITH CERTAIN OTHER AVAILABLE FUNDS, TO FUND THE COSTS OF CERTAIN FACILITIES RELATING TO SUCH DISTRICT; APPROVING THE FORMS OF THE FIRST SUPPLEMENTAL TRUST INDENTURE, SECOND AMENDMENT TO ACQUISITION AND FUNDING AGREEMENT, PRELIMINARY OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT AND CONTINUING DISCLOSURE AGREEMENTS RELATING TO THE BONDS; CLARIFYING CERTAIN MATTERS RELATING TO THE RATE AND METHOD OF APPORTIONMENT FOR THE DISTRICT; AND AUTHORIZING THE TAKING OF FURTHER ACTIONS RELATING TO THE BONDS AND THE DISTRICT

**J. BILLS FOR FIRST READING:**

1. [Proposed Draft Bill \(No. 2762\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the Prosecuting Attorney, Victim Witness Counselor II Positions – \$23,069.00*)

2. [Proposed Draft Bill \(No. 2763\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 13 BETWEEN JULY 1, 2019 AND JUNE 30, 2021

K. BILLS FOR SECOND READING:

1. [Bill No. 2740, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL RENTAL UNITS (*See also CR-PL 2019-14; the Planning Committee recommended approval as amended to Bill No. 2740, Draft 1 on October 30, 2019.*)

2. [Bill No. 2741](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 11A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ENVIRONMENTAL IMPACT ASSESSMENT ON LAND DEVELOPMENT (*See also CR-PL 2019-15; the Planning Committee recommended approval on second and final reading.*)

3. [Bill No. 2742](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE HOUSING DEVELOPMENT FUND (*See also CR-HIR 2019-02; the Housing & Intergovernmental Relations Committee recommended approval on second and final reading.*)

4. [Bill No. 2743, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 25, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WASTEWATER TREATMENT CAPACITY ASSESSMENT (*See also CR-PWVS 2019-07; the Public Works & Veterans Services Committee recommended approval as amended to Bill No. 2743, Draft 1 on October 30, 2019.*)

5. [Bill No. 2744, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUILDING PERMIT FEES (*See also CR-PWVS 2019-08; the Public Works & Veterans Services Committee recommended approval as amended to Bill No. 2744, Draft 1 on October 30, 2019.*)

L. 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.)*

M. ADJOURNMENT.

N. NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

\*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: [WWW.KAUAI.GOV/WEBCASTMEETINGS](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).