

**COUNCIL MEETING NOTICE AND AGENDA**  
**WEDNESDAY, DECEMBER 4, 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. INTERVIEWS:

1. BOARD OF REVIEW:

- [Stella Bumacod Fujita](#) – Term ending 12/31/2020

2. BOARD OF WATER SUPPLY:

- [Julie Anne Simonton](#) – Term ending 12/31/2022

E. CONSENT CALENDAR:

1. [C 2019-253](#)      Communication (11/21/2019) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, a Resolution Urging The Board Of Water Supply To Reduce The Facilities Reserve Charge For Multi-Family Units, Smaller Homes, And Additional Rental Units Certified As Affordable By The Housing Agency (***See Resolution No. 2019-68***)

F. COMMUNICATIONS:

1. [C 2019-254](#)      Communication (11/14/2019) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds for the Project Safe Neighborhood Grant – Project Safe Kaua‘i, in the amount of \$35,300.00, to be used towards funding overtime for Special Investigators and Legal Clerks, computers, and update software to the Justware Management System, and to indemnify the State of Hawai‘i Department of the Attorney General.

2. [C 2019-255](#) Communication (11/15/2019) from the Acting Director of Human Resources, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 2 for the period July 1, 2019 to June 30, 2021, pursuant to Hawai'i Revised Statutes (HRS) Section 89-11 and Kaua'i County Charter Section 19.13B. The terms of the Collective Bargaining Agreement were recently ratified by the employees of Bargaining Unit 2. **(See Proposed Draft Bill (No. 2766))**
  
3. [C 2019-256](#) Communication (11/21/2019) from Councilmember Cowden, requesting the presence of the Deputy County Engineer, to provide a briefing on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) appeal process.
  
4. [C 2019-257](#) Communication (11/22/2019) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, Relating To Real Property Taxes. **(See Proposed Draft Bill (No. 2767))**
  
5. [C 2019-258](#) Communication (11/26/2019) from Joey Manahan, 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 2020 HSAC Legislative Package, which were approved by the HSAC Executive Committee on November 25, 2019:
  - A Bill For An Act Relating To Housing Development *(County of Hawai'i)*
  - A Bill For An Act Relating To Transient Accommodations Tax *(County of Hawai'i)*
  - A Bill For An Act Relating To Tobacco Products *(City & County of Honolulu)*
  - A Bill For An Act Relating To Registration of Vehicles (Outstanding Charges) *(County of Kaua'i)*
  - A Bill For An Act Relating To Registration of Vehicles (U-Drive Additional Fee) *(County of Kaua'i)*
  - A Bill For An Act Relating To Tort Liability *(County of Kaua'i)*
  - A Bill For An Act Relating To The Use Of Intoxicants While Operating A Vehicle *(County of Maui)*
  - A Bill For An Act Relating To Cesspools (Tax Credits) *(County of Maui)* **(See Resolution No. 2019-69)**

G. LEGAL DOCUMENTS:

1. [C 2019-259](#) Communication (11/15/2019) from the Deputy County Engineer, recommending Council approval of the Property Adjustment Agreement for the Lydgate–Kapa‘a Bike/Pedestrian Path Phases C&D (STP-0700(064)):
  - Property Adjustment Agreement by and between the County of Kaua‘i and Village Manor Inc., 4461 Kamao Road, Kapa‘a, Parcel Tax Map Key (4) 4-3-007:013.
  
2. [C 2019-260](#) Communication (11/18/2019) from the Deputy County Engineer, recommending Council approval of the following Property Adjustment Agreements for the Līhu‘e Town Core Mobility and Revitalization Project – TGR-0700(073):
  - Property Adjustment Agreement by and between the County of Kaua‘i and Trustee of The Association of Apartment Owners of Līhu‘e Townhouse, 4156 Rice Street, Līhu‘e, Tax Map Key (TMK) No. (4) 3-6-009:031; and
  - Property Adjustment Agreement by and between the County of Kaua‘i and Commercial Properties Limited, 4281 Rice Street, Līhu‘e, Parcel TMK No. (4) 3-6 009:031.

H. CLAIMS:

1. [C 2019-261](#) Communication (11/15/2019) from the County Clerk, transmitting a claim filed against the County of Kaua‘i by State Farm Fire and Casualty Company, as subrogee for Warren G. Racca, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua‘i.
  
2. [C 2019-262](#) Communication (11/20/2019) from the County Clerk, transmitting a claim filed against the County of Kaua‘i by GEICO Insurance, as subrogee for Justin Odell, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua‘i.

3. [C 2019-263](#) Communication (11/21/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Christina Menor, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

#### I. RESOLUTIONS:

1. [Resolution No. 2019-53](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO QUALIFICATIONS FOR THE CHIEF OF POLICE (*Public Hearing held on November 20, 2019*)

2. [Resolution No. 2019-68](#) – RESOLUTION URGING THE BOARD OF WATER SUPPLY TO REDUCE THE FACILITIES RESERVE CHARGE FOR MULTI-FAMILY UNITS, SMALLER HOMES, AND ADDITIONAL RENTAL UNITS CERTIFIED AS AFFORDABLE BY THE HOUSING AGENCY

3. [Resolution No. 2019-69](#) – RESOLUTION APPROVING PROPOSALS FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

#### J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2766\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 2 BETWEEN JULY 1, 2019 AND JUNE 30, 2021

2. [Proposed Draft Bill \(No. 2767\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES

K. EXECUTIVE SESSION: *Pursuant to Hawaii's 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.)*

#### L. ADJOURNMENT.

M. 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 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. 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. [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

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](mailto: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).