

**COUNCIL MEETING NOTICE AND AGENDA**  
**WEDNESDAY, MAY 18, 2016**  
**8:30 A.M. OR SOON THEREAFTER**  
COUNCIL CHAMBERS  
HISTORIC COUNTY BUILDING  
4396 RICE STREET, SUITE 201  
LIHU'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. January 27, 2016 Council Meeting
2. March 9, 2016 Council Meeting
3. April 6, 2016 Council Meeting
4. April 6, 2016 Public Hearing re: Bill No. 2619

E. CONSENT CALENDAR:

1. [C 2016-120](#)      Communication (04/06/2016) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee William J. Fernandez to the Board of Ethics – Term ending 12/31/2018. (***See Resolution No. 2016-44***)
  
2. [C 2016-121](#)      Communication (04/29/2016) from the Director of Human Resources, transmitting for Council information, the May 1, 2016 Human Resources Reports, pursuant to Section 19 of Ordinance No. B-2015-796, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2015-2016, which includes new hires, transfers, reallocations, promotions, and vacancies for the period of March 16, 2016 to April 30, 2016.

F. COMMUNICATIONS:

1. [C 2016-122](#) Communication (04/21/2016) from the Executive on Transportation, requesting Council approval to apply for, receive, and expend, the Federal Transit Administration (FTA) Section 5339(b) Buses and Bus Facilities Program competitive grant, in the amount of \$1,648,000 and to indemnify the FTA, to provide eighty percent (80%) of the cost to replace twelve (12) buses exceeding their useful service lives, of which matching funds have been included in the Transportation Agency's Fiscal Year 2017 budget request.
2. [C 2016-123](#) Communication (04/22/2016) from the Director of Finance, transmitting for Council information, the Period 9 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of March 31, 2016, pursuant to Section 21 of Ordinance No. B-2015-796, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2015-2016. *(Copies of the Period 9 Financial Reports as of March 31, 2016 on file in the County Clerk's Office.)*
3. [C 2016-124](#) Communication (04/26/2016) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2015-796, as amended, relating to the Operating Budget of the County of Kaua'i, for Fiscal Year July 1, 2015 through June 30, 2016, by revising the amounts estimated in the General Fund and Golf Fund, to fund excess pension costs pursuant to Act 153 (Session Laws of Hawai'i (SLH) 2012)/Hawai'i Revised Statutes (HRS) Section 88-100, as billed by the State Employees' Retirement System (ERS). *(Employees' Retirement System Excess Pension Cost - \$330,096) (See Proposed Draft Bill (No. 2632))*
4. [C 2016-125](#) Communication (04/26/2016) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council approval, HSAC's proposed Fiscal Year 2017 Budget and the slate of officers for the HSAC Executive Committee and Board of Director nominations for the National Association of Counties (NACo) and the Western Interstate Region (WIR) for the 2016-2017 term, pursuant to Section 5c of the Bylaws of the Hawai'i State Association of Counties, Inc. *(See Resolution No. 2016-45 and Resolution No. 2016-46)*
5. [C 2016-126](#) Communication (05/06/2016) from the Mayor, submitting his Supplemental Budget Communication for Fiscal Year 2016-2017 and Proposed Amendments to the Budget Bills, pursuant to Section 19.02A of the Kaua'i County Charter.

6. [C 2016-127](#) Communication (05/06/2016) from Council Chair Rapozo, transmitting for Council consideration, a Proposed Draft Bill to amend Chapter 5A, Section 5A-11A.1, Kaua'i County Code 1987, as amended, which allows for tax year 2017, a beneficial tax rate for owners of long-term affordable rental units, provided that their rental rates are at or below the 2015 rates established by the Kaua'i County Housing Agency Affordable Rental Housing Guidelines. **(See Proposed Draft Bill (No. 2633))**

#### G. CLAIM:

1. [C 2016-128](#) Communication (05/06/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by GEICO Insurance as subrogee for Jenica Springer, for damages to her vehicle and personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

#### H. COMMITTEE REPORTS:

##### 1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2016-07:** on PWPR 2016-06 Communication (05/03/2016) from Council Chair Rapozo, requesting the presence of the Director of Parks & Recreation to provide a briefing on the Administration's future plans for the expansion of Black Pot Beach Park in Hanalei. **[Received for the Record.]**

##### 2. PLANNING COMMITTEE:

- a. **CR-PL 2016-03:** on Bill No. 2609 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS **[Received for the Record.]**
- b. **CR-PL 2016-04:** on Bill No. 2619, Draft 1 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS (*Restricting Homestays to the Visitor Destination Areas County of Kaua'i, Applicant*) **[Approved as Amended.]**

**3. BUDGET & FINANCE COMMITTEE:**

- a. **CR-BF 2016-13:** on BF 2016-07 Communication (03/17/2016) from the Director of Finance, requesting agenda time to provide the Council with an update relating to the County's Long-Term Financial Plan project contracted with the Government Finance Officers Association (GFOA). **[Received for the Record.]**
- b. **CR-BF 2016-14:** on Bill No. 2610, Draft 1 A BILL FOR AN ORDINANCE TO ESTABLISH A GENERAL EXCISE AND USE TAX SURCHARGE FOR THE COUNTY OF KAUAI **[Received for the Record.]**

**4. COMMITTEE OF THE WHOLE:**

- a. **CR-COW 2016-06:** on Resolution No. 2016-42 RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE INSTITUTION OF A COUNCIL-MANAGER FORM OF GOVERNMENT **[Received for the Record.]**

**I. RESOLUTIONS:**

1. [Resolution No. 2016-42](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO THE INSTITUTION OF A COUNCIL-MANAGER FORM OF GOVERNMENT (*See also CR-COW 2016-06; the Committee of the Whole recommended Resolution No. 2016-42 be received for the record.*)

2. [Resolution No. 2016-44](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*William J. Fernandez*)

3. [Resolution No. 2016-45](#) – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES SLATE OF OFFICERS, NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS, AND NOMINEES TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2017

4. [Resolution No. 2016-46](#) – RESOLUTION APPROVING THE FISCAL YEAR 2017 PROPOSED OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2629\)](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 22-8.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SMOKING IN A MOTOR VEHICLE (*Deferred April 20, 2016*)
2. [Proposed Draft Bill \(No. 2632\)](#) – A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND GOLF FUND (*Employees' Retirement System Excess Pension Cost - \$330,096*)
3. [Proposed Draft Bill \(No. 2633\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 5A-11A.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE BENEFICIAL TAX RATE FOR PROPERTY USED FOR LONG-TERM AFFORDABLE RENTAL

K. BILLS FOR SECOND READING:

1. [Bill No. 2609](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS (*See also CR-PL 2016-03; the Planning Committee recommended Bill No. 2609 be received for the record.*)
2. [Bill No. 2610, Draft 1](#) – A BILL FOR AN ORDINANCE TO ESTABLISH A GENERAL EXCISE AND USE TAX SURCHARGE FOR THE COUNTY OF KAUAI (*See also CR-BF 2016-14; the Budget & Finance Committee recommended Bill No. 2610, Draft 1 be received for the record.*)
3. [Bill No. 2619, Draft 2](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS (*Restricting Homestays to the Visitor Destination Areas County of Kauai, Applicant*) (*See also CR-PL 2016-04; the Planning Committee recommended approval as amended to Bill No. 2016, Draft 1 on May 11, 2016.*)

L. 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-848 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, 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 May 4, 2016)***

#### M. ADJOURNMENT.

- N. 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. [Bill No. 2628](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY

- O. 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, LĪHUʻE, KAUAI, HAWAIʻI 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

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