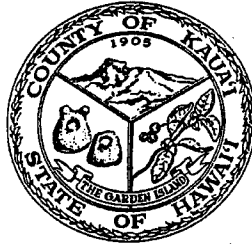


COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Arryl Kaneshiro
Derek S.K. Kawakami
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

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Facsimile: (808) 241-6349
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Council Services Division
4396 Rice Street, Suite 209
Līhu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

April 12, 2018

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Mel Rapozo, Council Chair *MR*
RE: **APRIL 11, 2018 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its April 11, 2018 Council Meeting:

CONSENT CALENDAR:

C 2018-90 Communication (03/05/2018) from the Director of Finance, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2017-2018, pursuant to Section 17 of Ordinance No. B-2017-821, the Operating Budget of the County of Kaua'i for Fiscal Year 2017-2018. *(Received for the Record.)*

C 2018-91 Communication (03/12/2018) from Councilmember Chock, transmitting for Council consideration and confirmation, the appointment of Erica Jolie Anuheha Taniguchi to the Public Access, Open Space, Natural Resources Preservation Fund Commission (*Anahola - Hā'ena*) – Term ending 12/31/2020. *(Received for the Record.)*

C 2018-92 Communication (03/12/2018) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2018 Action Plan (Home Investment Partnership Program) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title II Of The Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), As Amended. *(Received for the Record.)*

C 2018-93 Communication (03/12/2018) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2018 Action Plan (Community Development Block Grant) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title I Of The Housing And Community Development Act Of 1974 And 1987 (Public Laws 93-383 And 100-242), As Amended. *(Received for the Record.)*

Council Meeting Follow-up Memorandum to the Mayor

April 12, 2018

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C 2018-94 Communication (03/20/2018) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2698, the Mayor's Proposed Operating Budget for Fiscal Year 2018-2019 regarding the appropriation to Kaua'i Soil Conservation in the Department of Public Works – Grant-In-Aid, as he is the Director for the East Kaua'i Soil & Water Conservation District. ***(Received for the Record.)***

C 2018-95 Communication (03/20/2018) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2698, the Mayor's Proposed Operating Budget for Fiscal Year 2018-2019 regarding the appropriation to Grove Farm (Puhi Metals Recycling) Liabilities in the Department of Finance – Administration and 800 MHz Radio Site Lease: Grove Farm appropriation in the Emergency Management Agency, as he is a Project Manager employed by Grove Farm Company, Inc. ***(Received for the Record.)***

C 2018-96 Communication (03/20/2018) from Councilmember Chock, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2698, the Mayor's Proposed Operating Budget for Fiscal Year 2018-2019 regarding the appropriation for Leadership Kaua'i training in the Office of the Mayor, as he is a volunteer and facilitator for the annual Leadership Kaua'i adult class; and Leadership Kaua'i and his company, Kupu A'e Leadership Development, are partners in leadership initiatives on Kaua'i. ***(Received for the Record.)***

C 2018-97 Communication (03/27/2018) from the Director of Finance, transmitting for Council information, the Period 6 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detail Budget Report as of December 31, 2017, pursuant to Section 21 of Ordinance No. B-2017-821, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2017-2018. ***(Received for the Record.)***

C 2018-98 Communication (03/28/2018) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2698, the Mayor's Proposed Operating Budget for Fiscal Year 2018-2019 regarding the appropriation to the Kaua'i Philippine Cultural Center in the Office of the Mayor – Grant-In-Aid, as his immediate family member is a member of the Board of Directors and is a Corporate Officer of the organization. ***(Received for the Record.)***

C 2018-99 Communication (03/28/2018) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to C 2018-27, Grant of Easements from Grove Farm Properties, Inc., conveying easements to the County of Kaua'i, Tax Map Key No. (4) 3-3-018:009, Lihu'e, Kaua'i, Hawai'i, for access, utility, and drainage, due to his employment with Grove Farm Company, Inc. ***(Received for the Record.)***

C 2018-100 Communication (04/02/2018) from Councilmember Kawakami, transmitting for Council consideration, a Resolution Appointing Derek S.K. Kawakami As Representative And Ross Kagawa As Alternate To The Executive Committee Of The Hawai'i State Association Of Counties. ***(Received for the Record.)***

COMMUNICATIONS:

C 2018-101 Communication (03/20/2018) from the Life's Choices Kaua'i Coordinator, requesting Council approval to apply for, receive, and expend Federal funds from the Drug Free Communities Grant through the Office of National Drug Control Policy, and the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, in the amount of \$125,000.00 per year for a period of five (5) years, beginning September 29, 2018. *(Approved.)*

C 2018-102 Communication (03/20/2018) from the Emergency Management Administrator, requesting Council approval to receive and expend Hurricane Shelter Retrofit Program funds from the State of Hawai'i Emergency Management Agency, in a total amount of \$650,000.00, for the retrofits of the Kalāheo Gymnasium and Kaua'i War Memorial Convention Hall for evacuation shelter purposes. *(Approved.)*

C 2018-103 Communication (03/23/2018) 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, State of Hawai'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the General Fund, to increase funding of the Adolescent Treatment & Healing Center; and
- Ordinance No. B-2017-822, as amended, relating to the Capital Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the Bond Fund and the General Fund-CIP, to increase funding of the Adolescent Treatment & Healing Center.
(Received for the Record.)

C 2018-104 Communication (03/27/2018) from the Director of Human Resources, requesting Council approval of the provisions set forth in the CPS HR Consulting Test Rental and Use Agreement with regards to indemnification, attorney's fees, and interpretation; jurisdiction. *(Approved.)*

C 2018-105 Communication (03/27/2018) from Councilmember Kawakami and Councilmember Kaneshiro, transmitting for Council consideration, a proposal to amend Chapter 5A, Kaua'i County Code 1987, as amended, relating to Real Property Tax, to establish a real property tax exemption for residential homeowners who install an automatic fire suppression system which meets minimum design specifications. *(Received for the Record.)*

C 2018-106 Communication (03/28/2018) from the First Deputy County Attorney, requesting authorization to expend additional funds of up to \$100,000.00 from the Claims and Judgments account to satisfy the County of Kaua'i's self-insured retention limit concerning the litigation of Mark N. Begley vs. County of Kaua'i, et al., Civil No. CV16-00350, and related matters. *(Approved.)*

C 2018-107 Communication (03/29/2018) from the Deputy Planning Director, on behalf of the Public Access, Open Space, Natural Resources Preservation Fund Commission, transmitting for Council consideration, proposed amendments to the following:

- 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 Public Access, Open Space, Natural Resources Preservation Fund, to appropriate funds for the acquisition of the Pak Hook Tong Cemetery and vacant land on a property in Kekaha, Kaua'i, Hawai'i, further identified as Tax Map Key (4) 1-2-013:041; and
- Ordinance No. B-2017-822, as amended, relating to the Capital Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the Public Access, Open Space, Natural Resources Preservation Fund – CIP, to revise the amounts estimated in the newly created fund titled, the Public Access, Open Space, Natural Resources Preservation Fund – CIP, to be appropriated for the Kekaha Coastal Property, Tax Map Key (4) 1-2-013:041 - \$599,000.00. *(Received for the Record.)*

C 2018-108 Communication (03/29/2018) from the County Attorney, requesting authorization to expend funds of up to \$25,000.00 for Special Counsel services to represent the County of Kaua'i in pursuing opioid litigation against the manufacturers and distributors of opioid pain medications, and related matters. *(Approved.)*

LEGAL DOCUMENT:

C 2018-109 Communication (03/20/2018) from the Acting County Engineer, recommending Council approval of the Attorney Fee Provision in the Detention Basin Agreement for the Rice Camp Phase II Development between the County of Kaua'i and Rice Hoala Partners, LP, for the maintenance of detention basins located within the Rice Camp Phase II development.

- Rice Camp – PH II Detention Basin Agreement *(Approved.)*

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

Resolution No. 2018-16 – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION *(Erica Jolie Anuheā Taniguchi – Anahola – Hā'ena) (Approved.)*

Resolution No. 2018-17 – RESOLUTION AUTHORIZING THE FILING OF THE KAUA'I COUNTY 2018 ACTION PLAN (HOME INVESTMENT PARTNERSHIP PROGRAM) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE II OF THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT (PUBLIC LAW 101-625), AS AMENDED (*Approved.*)

Resolution No. 2018-18 – RESOLUTION AUTHORIZING THE FILING OF THE KAUA'I COUNTY 2018 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED (*Approved.*)

Resolution No. 2018-19 – RESOLUTION APPOINTING DEREK S.K. KAWAKAMI AS REPRESENTATIVE AND ROSS KAGAWA AS ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES (*Approved.*)

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2704) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Operating Budget Transfer to the Adolescent Treatment & Healing Center - \$400,000.00*) (*Approved on 1st reading, Public Hearing scheduled for May 16, 2018, and referred to the Budget & Finance Committee.*)

Proposed Draft Bill (No. 2705) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND AND GENERAL FUND-CIP (*CIP Budget Transfer to the Adolescent Treatment & Healing Center - \$1,900,000.00*) (*Approved on 1st reading, Public Hearing scheduled for May 16, 2018, and referred to the Budget & Finance Committee.*)

Proposed Draft Bill (No. 2706) – A BILL FOR AN ORDINANCE AMENDING ARTICLE 11, CHAPTER 5A, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Automatic Fire Suppression System Exemption*) (*Approved on 1st reading, Public Hearing scheduled for May 16, 2018, and referred to the Budget & Finance Committee.*)

Proposed Draft Bill (No. 2707) – 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 PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Operating Budget Transfer – Kekaha Coastal Property Acquisition - \$599,000.00*) (***Approved on 1st reading, Public Hearing scheduled for May 16, 2018, and referred to the Budget & Finance Committee.***)

Proposed Draft Bill (No. 2708) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL 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 PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*CIP Budget Transfer – Kekaha Coastal Property Acquisition - \$599,000.00*) (***Approved on 1st reading, Public Hearing scheduled for May 16, 2018, and referred to the Budget & Finance Committee.***)

BILL FOR SECOND READING:

Bill No. 2675 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Farm Worker Housing Use Permits*) (***Approved.***)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memorandum presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)
KCT CCs (*Via E-mail*)
Council Services Staff (*Via E-mail*)