

COUNTY COUNCIL

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OFFICE OF THE COUNTY CLERK

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

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

April 26, 2018

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Mel Rapozo, Council Chair *MR*
RE: **APRIL 25, 2018 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its April 25, 2018 Council Meeting:

CONSENT CALENDAR:

C 2018-110 Communication (04/03/2018) from the First Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from January 1, 2018 through March 31, 2018. ***(Received for the Record.)***

COMMUNICATIONS:

C 2018-111 Communication (03/29/2018) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in a total amount of \$312,928.00, and to indemnify the United States Department of Labor and the State Department of Labor & Industrial Relations, regarding the following Kaua'i Workforce Development Board – Workforce Innovation & Opportunities Act (WIOA) programs:

- Adult Program (\$104,660);
 - Dislocated Worker Program (\$73,015);
 - Youth Program (\$103,962); and
 - Administrative Costs (\$31,291).
- (Approved.)***

C 2018-112 Communication (04/11/2018) from the Acting County Engineer, transmitting for Council consideration, a Proposed Draft Bill for the adoption of the 2015 Edition of the International Energy Code based on the State Energy Conservation Code that was adopted on March 21, 2017, which is an appropriate progression to ensure achievable energy savings as the current Code is based on the 2009 Edition of the International Energy Conservation Code. ***(Received for the Record.)***

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C 2018-113 Communication (04/11/2018) from the Mayor, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 14 for the period July 1, 2017 through June 30, 2019 based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to Section 89-11 of the HRS and Section 19.13B of the Kaua'i County Charter. ***(Received for the Record.)***

C 2018-114 Communication (04/17/2018) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to discuss the current hours at the Kekaha Landfill and refuse transfer stations. ***(Received for the Record.)***

C 2018-115 Communication (04/18/2018) from Council Chair Rapozo, transmitting for Council consideration, at the request of the County Administration, a proposed Emergency Ordinance pursuant to Charter Sections 4.02K and 18.02, in the amount of \$5,000,000.00 from the Reserve Fund (Disaster Response), which will be used to fund emergency expenditures resulting from the heavy rains and severe flooding that occurred on April 14, 2018. ***(Received for the Record.)***

LEGAL DOCUMENT:

C 2018-116 Communication (04/18/2018) from the County Attorney, requesting Council approval of the following indemnification language that will be used as a template for various legal agreements that will be executed between the County and private landowners in order to provide emergency services to the public including, but not limited to, alternate access and evacuation routes, emergency staging areas, debris clearing, etc.

- April 14, 2018 Disaster Event Indemnification Language for Legal Agreements

“Responsibility. The County shall indemnify and defend _(landowner)_ against all claims, damages and expenses arising out of the exercise of this agreement and be responsible, to the extent permitted by law, for damage or injury caused by the County’s officers, employees, agents and contractors in the scope of their employment and any other use permitted by the County arising out of the exercise of this Agreement, subject, however, to the availability of funds by the County Council.”

(Approved.)

CLAIMS:

C 2018-117 Communication (03/29/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Marilyn Luis, for personal expenses, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2018-118 Communication (04/02/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Mario Tolentino, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: APPROVED.

EMERGENCY BILL:

Proposed Draft Bill (No. 2709) – AN EMERGENCY 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, FOR THE PURPOSE OF FUNDING EMERGENCY EXPENDITURES TO MEET THE PUBLIC EMERGENCY CAUSED BY HEAVY RAINS AND SEVERE FLOODING WHICH STARTED ON APRIL 14, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (\$5,000,000.00 – Disaster Response) ***(Approved.)***

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2710) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ENERGY CODE ***(Approved on 1st reading, Public Hearing scheduled for May 30, 2018, and referred to the Public Works / Parks & Recreation Committee.)***

Proposed Draft Bill (No. 2711) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2017 AND JUNE 30, 2019 ***(Approved on 1st reading, Public Hearing scheduled for May 30, 2018, and referred to the Committee of the Whole.)***

BILLS FOR SECOND READING:

Bill No. 2695, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19 AND ESTABLISHING A NEW ARTICLE 26, CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WHIPS AND WEAPONS ON COUNTY PROPERTY ***(Approved.)***

Bill No. 2697, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY ***(Approved.)***

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Bill No. 2700 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COLLECTION OF BUS FARES (*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*)