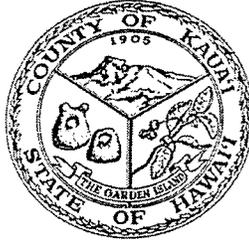


COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii'i
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

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

Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

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

MEMORANDUM

August 4, 2016

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Mel Rapozo, Council Chair *MR*
RE: **AUGUST 3, 2016 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its August 3, 2016 Council Meeting:

SPECIAL ORDER OF THE DAY:

C 2016-162 Communication (07/08/2016) from the County Attorney, requesting authorization to expend additional funds up to \$30,000.00 for Special Counsel's continued representation of Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court); CAAP NOS. CAAP-12-0001123 & 13-0000015 (Hawai'i Supreme Court, Intermediate Court of Appeals), and related matters. (Received for the Record.)

C 2016-163 Communication (07/08/2016) from the Office of the County Attorney, requesting authorization to expend additional funds up to \$15,000.00 for Special Counsel's continued representation of the Kaua'i Police Commission and the Kaua'i Police Commission Members, in their official capacity, in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court); CAAP NOS. CAAP-12-0001123 & 13-0000015 (Hawai'i Supreme Court, Intermediate Court of Appeals) and related matters. (Approved.)

CONSENT CALENDAR:

C 2016-167 Communication (07/13/2016) from the Director of Finance, transmitting for Council information, the Fourth Quarter Statement of Equipment Purchases for Fiscal Year 2015-2016, pursuant to Section 17 of Ordinance No. B-2015-796, the Operating Budget of the County of Kaua'i for Fiscal Year 2015-2016. (Received for the Record.)

C 2016-168 Communication (07/15/2016) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing A School Zone With A 15-Mile Per Hour (MPH) Speed Limit For A Portion Of Kukuihale Road, Kawaihau District, County Of Kaua'i. ***(Received for the Record.)***

C 2016-169 Communication (07/20/2016) from the Director of Finance, transmitting for Council information, the Period 12 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of June 30, 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. ***(Received for the Record.)***

COMMUNICATIONS:

C 2016-170 Communication (07/01/2016) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds, in the amount of \$15,000, from the Hawai'i Lodging and Tourism Authority Charity Walk, to be used for the 2016-2017 Kaua'i Tourism Strategic Implementation Plan. ***(Received for the Record.)***

C 2016-171 Communication (07/08/2016) from the Housing Director, requesting Council approval of the following:

- a. The fee simple sale of property located at 2080 Manawalea Street, #604, Lihu'e, Hawai'i 96766 Tax Map Key (TMK): (4) 3-3-003-036-0032, for not more than \$275,000.00, to a participant of the County's Affordable Housing Waitlist whose household income does not exceed 140% of the Kaua'i Median Household Income (KMHI); and
- b. Authorize the County Clerk to sign legal documents related to the sale transaction.
(Approved.)

C 2016-172 Communication (07/11/2016) from Council Chair Rapozo, transmitting for Council consideration for inclusion in the 2017 Hawai'i State Association of Counties (HSAC) and County of Kaua'i Legislative Packages, A Bill for An Act Relating to Tort Liability, to delete the sunset provision for the liability exceptions for county lifeguards. ***(Approved.)***

C 2016-173 Communication (07/12/2016) from the Executive on Aging, requesting Council approval to receive and expend State General Funds for Fiscal Year 2017 and to indemnify the State Executive Office on Aging, in the amount of \$88,863.00 to be used by the County of Kaua'i, Agency on Elderly Affairs for the operating costs of the Aging and Disability Resource Center. ***(Approved.)***

C 2016-174 Communication (07/15/2016) from Council Chair Rapozo, transmitting for Council consideration for inclusion in the 2017 Hawai'i State Association of Counties (HSAC) and County of Kaua'i Legislative Packages, a proposed amendment to Chapter 291C, Hawai'i Revised Statutes (HRS), that would direct the traffic fines and forfeitures collected for uncontested traffic infractions to the county in which the citation was issued. Further, should the Bill be approved by the State Legislature, all funds derived from unadjudicated traffic infractions be directed towards addressing the County's backlog in road resurfacing, repairs, or reconstruction. *(Approved.)*

C 2016-175 Communication (07/15/2016) from the Deputy Planning Director, requesting Council approval to apply for, receive, and expend State Fiscal Year 2017 funds, and indemnify the State of Hawai'i Department of Land and Natural Resources, State Historic Preservation Division and the National Park Service, in the amount of \$2,000.00 with an anticipated in-kind match of \$1,200.00 from the County of Kaua'i Planning Department, to be used to procure services of a consultant to promote historic preservation at the grass roots level and to nominate the Hanapēpē Bridge to the State of Hawai'i and National Register of Historic Places. *(Approved.)*

C 2016-176 Communication (07/18/2016) from the Executive on Aging, requesting Council approval to receive and expend Federal funds for Fiscal Year 2017 and to indemnify the State Executive Office on Aging, in the amount of \$551,641.00 to be used by the County of Kaua'i, Agency on Elderly Affairs for the provision of Title III services of the Older Americans Act which includes information and referral, outreach, legal assistance, congregate meals, home delivered meals, evidence based programs such as EnhanceFitness or Better Choices, Better Health, and caregiver support services. *(Approved.)*

C 2016-177 Communication (07/21/2016) from Council Chair Rapozo, transmitting for Council consideration for inclusion in the 2017 Hawai'i State Association of Counties (HSAC) and County of Kaua'i Legislative Packages, A Bill for An Act making an appropriation for Emergency Medical Services, to appropriate funds to the Department of Health for Fiscal Year 2017-2018 for the purchase of an ambulance vehicle and the operational costs for one ambulance unit, including equipment, supplies, and personnel costs for state-certified emergency medical services personnel, for a 24-hour, 7-days-a-week ambulance unit for the County of Kaua'i. *(Approved.)*

C 2016-178 Communication (07/22/2016) from Councilmember Yukimura, transmitting for Council consideration for inclusion in the 2017 Hawai'i State Association of Counties (HSAC) and County of Kaua'i Legislative Packages, a proposed amendment to Section 76-77, Hawai'i Revised Statutes (HRS), that would exempt from civil services positions of non-elected chief executive officers or heads of the executive branch of county government. This would facilitate a Council-Manager form of governance should the people of a county choose to institute that form of government. *(Approved.)*

Council Meeting Follow-up Memorandum to the Mayor

August 4, 2016

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C 2016-179 Communication (07/25/2016) from Council Vice Chair Kagawa, transmitting for Council consideration, proposed amendments to Chapter 19, Kaua'i County Code 1987, as amended, to make legal both the consumption and purchase of alcohol/intoxicating liquor beverages throughout the entirety of the Wailua Golf Course. *(Received for the Record.)*

CLAIM:

C 2016-180 Communication (07/22/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Charles M. Cecil, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

COMMITTEE REPORT: **APPROVED.**

RESOLUTIONS:

Resolution No. 2016-50 – RESOLUTION ESTABLISHING A COUNTY BUS STOP ALONG KAWAIHAU ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUA'I *(Approved.)*

Resolution No. 2016-52 – RESOLUTION ESTABLISHING A SCHOOL ZONE WITH A 15-MILE PER HOUR (MPH) SPEED LIMIT FOR A PORTION OF KUKUIHALE ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUA'I *(Approved.)*

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2635) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 19, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE WAILUA GOLF COURSE *(Approved on 1st reading, Public Hearing scheduled for September 7, 2016 and referred to the Public Works / Parks & Recreation Committee.)*

BILL FOR SECOND READING:

Bill No. 2627, Draft 2 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUA'I COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 5B, RELATING TO THE LIHU'E PLANNING DISTRICT *(County of Kaua'i, Applicant) (Amended to Bill No. 2627, Draft 3 and referred to the August 10, 2016 Planning Committee Meeting.)*

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)*