

**COUNTY COUNCIL**

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**MEMORANDUM**

September 7, 2017

**TO:** Bernard P. Carvalho, Jr., Mayor  
**FROM:** Mel Rapozo, Council Chair *MR*  
**RE:** **SEPTEMBER 6, 2017 COUNCIL MEETING RECAP**

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This is to inform you of the action taken by the Council at its September 6, 2017 Council Meeting:

**COMMUNICATIONS:**

C 2017-197 Communication (08/30/2017) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Requesting That The Hawai'i State Legislature Amend Chapter 92 Of Hawai'i Revised Statutes To Require Itself To Be Subject To The Sunshine Law. ***(Received for the Record.)***

C 2017-198 Communication (08/09/2017) from Michael A. Dahilig, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 7, Article 1, Kaua'i County Code 1987, as amended, Relating to the Update of the General Plan for the County of Kaua'i. ***(Received for the Record.)***

C 2017-199 Communication (08/15/2017) from the Housing Director, requesting Council approval to apply for, receive, expend, and indemnify grant money from the United States Department of Housing and Urban Development (HUD), in the amount of \$144,000.00, for the continuation of the two (2) Housing Choice Voucher Family Self-Sufficiency (HCVFSS) Program Coordinators' salaries. ***(Approved.)***

C 2017-200 Communication (08/21/2017) from the Executive on Aging, requesting Council approval to receive and expend State General Funds for Fiscal Year 2018 in the amount of \$62,815.00, and to indemnify the State Executive Office on Aging, for the County of Kaua'i, Agency on Elderly Affairs' Kupuna Caregivers Services, which includes adult day care, assisted transportation, chore, home-delivered meals, homemaker, personal care, respite, and transportation. ***(Approved.)***

Council Meeting Follow-up Memorandum to the Mayor

September 7, 2017

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C 2017-201 Communication (08/22/2017) from the Mayor, requesting Council approval to accept a donation of one (1) Automated External Defibrillator (AED) Unit in a carry case from the Rotary Club of Hanalei Bay, valued at \$2,370.00, which includes accessories with one (1) installed battery and one (1) backup each with a four (4) year warranty plan, and a one (1) year service contract. ***(Approved with thank-you letter to follow.)***

C 2017-202 Communication (08/22/2017) from the County Attorney, requesting authorization to expend funds up to \$300,000.00 to retain Special Counsel to represent various County Defendants in their respective individual capacities as it relates to Civil No. CV16-00350 filed in the United States District Court for the District of Hawai'i against the County of Kaua'i, Kaua'i Police Department, et al., and related matters. ***(Approved.)***

C 2017-203 Communication (08/23/2017) from Councilmember Kawakami, transmitting for Council consideration the following measures for inclusion in the 2018 Hawai'i State Association of Counties (HSAC) Legislative Package:

- A Bill for An Act Relating to Transient Accommodations Tax, to remove the cap for distribution of transient accommodations tax revenues to the counties;
- A Bill for An Act Relating to Fire Sprinklers, to establish a tax credit of twenty-five percent (25%) of the total cost, including installation, of an automatic fire sprinkler or automatic fire sprinkler system in any new detached one- or two-family dwelling unit in a structure used only for residential purposes;
- A Bill for An Act Relating to Taxation, to provide a taxpayer who hires an individual with a disability a nonrefundable tax credit for the six-month period after the individual is initially hired by the taxpayer; and
- A Bill for An Act Relating to Taxation, to provide a taxpayer who hires an elderly individual a nonrefundable tax credit for the six-month period after the individual is initially hired by the taxpayer.

***(Received for the Record.)***

C 2017-204 Communication (08/24/2017) from Council Chair Rapozo, transmitting for Council consideration for inclusion in the 2018 Hawai'i State Association of Counties (HSAC) Legislative Package, A Bill for An Act Relating to Zoning, to clarify County zoning authority by distinguishing Single-Family residential use from Single-Family vacation rental use and allowing amortization by ordinance for Single-Family Transient Vacation Rentals over a reasonable period. ***(Approved.)***

C 2017-205 Communication (08/24/2017) from the Mayor, transmitting for Council consideration, the cost items for the United Public Workers (UPW) Bargaining Unit 1 for the period July 1, 2017 through June 30, 2021, which was recently ratified by the employees of Bargaining Unit 1. ***(Received for the Record.)***

C 2017-206 Communication (08/25/2017) from the County Attorney, requesting authorization to expend additional funds up to \$100,000.00 from the Claims and Judgments account in relation to the Mediation of: Michael S. Kocher, Sr., individually and on behalf of the Estate of Michael S. Kocher, Jr.; Patricia Kocher and the County of Kaua'i; Irvin Magayanes, Mediation No. 15-0482-M, and related matters. ***(Approved authorization to expend additional funds up to one hundred thousand dollars (\$100,000.00) from the appropriate insurance account with the Department of Finance.)***

LEGAL DOCUMENTS:

C 2017-207 Communication (08/28/2017) from the Housing Director, recommending Council approval of an Amendment to Lease and Declaration of Covenants and Restrictions, situated at Tax Map Key (TMK) No. (4) 4-6-036-041, 5178 Kome Street Kapa'a, Kaua'i, Hawai'i, for the Transitional Rental Housing.

- Amendment to Lease
- Declaration of Covenants And Restrictions ***(Approved.)***

C 2017-208 Communication (08/28/2017) from the Housing Director, recommending Council approval of an Amendment to Lease and Declaration of Covenants and Restrictions, situated at Tax Map Key (TMK) No. (4) 3-7-005-100:0004, 3934 Lawehana Street Līhu'e, Kaua'i, Hawai'i, for the Transitional Rental Housing.

- Amendment to Lease
- Declaration of Covenants And Restrictions ***(Approved.)***

CLAIM:

C 2017-209 Communication (08/22/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by EAN Holdings/Damage Recovery Unit, for damage to their 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.)***

RESOLUTIONS:

Resolution No. 2017-45 – RESOLUTION REQUESTING THAT THE HAWAII STATE LEGISLATURE AMEND CHAPTER 92 OF HAWAII REVISED STATUTES TO REQUIRE ITSELF TO BE SUBJECT TO THE SUNSHINE LAW ***(Approved.)***

Resolution No. 2017-46 – RESOLUTION APPROVING AND RECOMMENDING PROPOSALS FOR INCLUSION IN THE 2018 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE ***(Approved as Amended to Resolution No. 2017-46, Draft 1.)***

**BILLS FOR FIRST READING:**

Proposed Draft Bill (No. 2666) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE UPDATE OF THE GENERAL PLAN FOR THE COUNTY OF KAUAI (ZA-2017-3) (***Approved on 1<sup>st</sup> reading, Public Hearing scheduled for October 4, 2017 at 8:30 a.m., and referred to the Planning Committee.***)

Proposed Draft Bill (No. 2667) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2017 AND JUNE 30, 2021 (***Approved on 1<sup>st</sup> reading, Public Hearing scheduled for October 4, 2017 at 8:30 a.m., and referred to the Committee of the Whole.***)

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*)