

**COUNTY COUNCIL**  
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Ross Kagawa, Vice Chair  
Arthur Brun  
Mason K. Chock  
Felicia Cowden  
Luke A. Evslin  
KipuKai Kualii



**OFFICE OF THE COUNTY CLERK**


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4396 Rice Street, Suite 209  
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**MEMORANDUM**

September 12, 2019

**TO:** Derek S.K. Kawakami, Mayor  
**FROM:** Ross Kagawa, Council Vice Chair   
**RE:** **SEPTEMBER 11, 2019 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its September 11, 2019 Council Meeting:

**SPECIAL ORDER OF THE DAY.**

C 2019-194 Communication (08/22/2019) from Councilmember Chock and Councilmember Kagawa, transmitting for Council consideration the following measure for inclusion in the 2020 Hawaii State Association of Counties (HSAC) Legislative Package:

- A Bill for an Act Relating to the Employees' Retirement System, to amend Hawaii Revised Statutes (HRS) Section 88-21.5(a) by reducing the amount of overtime that can be considered "compensation" for the purpose of calculating retirement benefits by fifty per cent (50%) of overtime earned after June 30, 2020 for those who are members before July 1, 2012. ***(Received for the Record.)***

**CONSENT CALENDAR:**

C 2019-196 Communication (07/31/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Katherine Lewi Otsuji to the Board of Review – Term ending 12/31/2021. ***(Received for the Record.)***

COMMUNICATIONS:

C 2019-193 Communication (08/15/2019) from Councilmember Chock and Councilmember Evslin, transmitting for Council consideration the following measures for inclusion in the 2020 Hawai'i State Association of Counties (HSAC) Legislative Package and the 2020 County of Kaua'i Legislative Package:

- A Bill for An Act Relating to Highway Safety, to place the responsibility on the seller of a motor vehicle to properly report, in a timely manner, the transfer of ownership of such vehicle to the director of finance; and ***(Received for the Record.)***
- A Bill for An Act Relating to Highway Safety, to establish a new fee to be paid by U-drive motor vehicles for each certificate of registration, which has the effect of assessing all motor vehicles (including U-drive motor vehicles) the same amount for beautification and costs related to the disposition of abandoned and derelict vehicles. ***(Approved the measure for inclusion in the County Legislative Package and approved to forward the measure to HSAC for inclusion in the HSAC Legislative Package.)***

C 2019-197 Communication (08/15/2019) from the Executive on Transportation, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 17A, Kaua'i County Code 1987, As Amended, Relating To County Bus Fares, And Adding A New Chapter, Relating To County Bus And Paratransit Code Of Conduct. ***(Received for the Record.)***

C 2019-198 Communication (08/15/2019) from the Executive on Transportation, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008) as amended, which have been kept for over seven (7) years and are no longer of use or value:

- Payroll/Timesheets (Timesheets and Leave of Absence forms from July 1, 2008 through June 30, 2012)
- Weekly Schedules/Daily Change Forms (Driver/Dispatch/Mechanic Weekly Schedules and Daily Change Forms for Payroll from July 1, 2010 through June 30, 2012)
- Severed Employees (Employee Files that resigned or were terminated from July 1, 1995 through June 30, 2010)
- Budget Files (All Budget Proposals and Related Documents from Fiscal Year (FY) 2001 through FY 2008)
- Fixed Asset Disposal (Disposal paperwork up until FY 2012 from FY 2000 through FY 2012)
- Fixed Asset Inventory (Fixed Asset Inventory up until 2009 from FY 2004 through FY 2009)
- Legal Documents-(2 boxes) (Lawsuit for AnQuin 2010 for 2010)
- Grants 5310 & Federal/State (Federal and State (5310) Grants from 1997 through 2004)

- UPW Strike (UPW Strike of 2000 for 2000)
- Paratransit Files (Miscellaneous Paratransit Files from 1995 through 2008)
- Single Audit Reports (CAFR) (Audit Reports (CAFR) from 2000 through 2008)
- CIP Contracts (Capital Improvement Projects from 2006 through 2008)
- Bus Bids (Bus Bids and Bid Specifications from 2006 through 2007)
- Administrative Documents (Miscellaneous documents from 1994 through 2009)
- Fuel Receipts (Fuel Receipts for FY 2012 and July 2012 )
- Grant Audits (Grant Audit Files for FY 2012)
- Baseyard Office Contracts (Contracts for Baseyard Office and Facility from 1999 through 2010)
- Driver Shifts (Shift Selection Sign Up and Work Schedules for FY 2004 through FY 2012)
- Interview Materials (Expired Interview Materials and Applications for FY 2002 through FY 2012)
- Salary/DPS Circulars/Union Documents (Salary Documentation Purchasing Circulars Union Documents from 1994 through 2009)
- Paratransit Client Files (Client Application and Files from 1996 through 2012) (***Approved.***)

C 2019-199 Communication (08/21/2019) from the Deputy County Engineer, requesting Council approval to accept a donation from Elemental Excelsior of four (4) Juicebox Pro 40c electric vehicle chargers valued at \$999.00 each, for a total of \$3,996.00, which will be utilized by the Department of Public Works, Roads Division to replace existing broken chargers which will be attached to existing pedestals in the Pi'ikoi Parking Lot, the donation is exclusive of the following:

- \$10.00/month software cost per charger; and
- Estimated shipping costs of \$150.00. (***Approved with thank-you letter to follow.***)

C 2019-200 Communication (08/22/2019) from the Mayor, transmitting for Council consideration the following measures for inclusion in the 2020 Hawai'i State Association of Counties (HSAC) Legislative Package and the 2020 County of Kaua'i Legislative Package:

- A Bill for An Act Relating to Registration of Vehicles, Amends Hawai'i Revised Statutes (HRS) Section 286, to allow the Director of Finance to require payment of outstanding charges owed to the County for towing, removal, or disposal of an abandoned or derelict vehicle within the County before renewal or issuance of a Motor Vehicle Certificate of Registration; and

- A Bill for An Act Relating to Tort Liability, to provide an exemption from Tort Liability for the State and Counties arising from Lifeguard Services, except for Gross Negligence, Wanton Acts, or Omissions. ***(Approved for inclusion in the County Legislative Package and approved to forward measures to HSAC for inclusion in the HSAC Legislative Package.)***

C 2019-201 Communication (08/27/2019) from the County Attorney, requesting Council authorization to expend funds up to \$50,000.00, to retain Special Counsel to represent the County of Kaua'i in general civil litigation matters. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations. ***(Approved.)***

C 2019-202 Communication (08/28/2019) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds, in the amount of \$27,055.00, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Fiscal Year 2019 Local Solicitation Grant, to continue employment of the 1.00 Full-Time Equivalent (FTE) Process Server to continue process serving for the Office of the Prosecuting Attorney, purchase office supplies, and allow officers of the Kaua'i Police Department to attend training sessions. The grant will commence October 1, 2018 through September 30, 2022. ***(Approved.)***

C 2019-203 Communication (08/28/2019) from the Prosecuting Attorney, requesting Council approval to receive and expend an increase of \$11,658.00, from \$199,727.00 to \$211,385.00, for contract 16-DJ-07, from the State of Hawai'i, Department of the Attorney General, to continue the Sexual Assault Prosecution Unit to April 30, 2020. ***(Approved.)***

**LEGAL DOCUMENT:**

C 2019-204 Communication (08/26/2019) from the Deputy County Engineer, recommending Council approval of the following Property Adjustment Agreements for the Lihu'e Town Core Mobility and Revitalization Project – TGR-0700(073):

- Property Adjustment Agreement by and between the County of Kaua'i and Carvalho Enterprises Inc., 4302 Rice Street, Tax Map Key (TMK) No. (4) 3-6-003:014; and
- Property Adjustment Agreement by and between the County of Kaua'i and Satta Gumi LLC, 2991 Umi Street, TMK No. (4) 3-6-007:024. ***(Approved.)***

CLAIMS:

C 2019-205 Communication (08/20/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Richard Jasper on behalf of Sun Village-Kaua'i, for damage to their property, 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 2019-206 Communication (08/26/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Tamara Chapman, for reimbursement of funds due to the increase in her water bill, 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 2019-207 Communication (08/26/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Waste Management of Hawai'i Inc., 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.)***

C 2019-208 Communication (08/26/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Allstate Insurance as subrogee for Dwight and Penny Matsushima, 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.)***

COMMITTEE REPORTS: APPROVED.

RESOLUTION:

Resolution No. 2019-49 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF REVIEW *(Katherine Lewi Otsuji)* ***(Approved.)***

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2758) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COUNTY BUS FARES, AND ADDING A NEW CHAPTER, RELATING TO COUNTY BUS AND PARATRANSIT CODE OF CONDUCT ***(Approved on 1<sup>st</sup> reading, Public Hearing scheduled for October 9, 2019, and referred to the Parks & Recreation / Transportation Committee.)***

BILL FOR SECOND READING:

Bill No. 2757, Draft 1 – A BILL FOR AN ORDINANCE AMENDING ZONING MAPS AND DESIGNATIONS IN THE SOUTH KAUAI COMMUNITY PLAN *(County of Kaua'i Planning Department, Applicant)* ***(Referred to the October 16, 2019 Planning Committee Meeting.)***

Council Meeting Follow-up Memorandum to the Mayor

September 12, 2019

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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*)