

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
Līhu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

September 13, 2018

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Mel Rapozo, Council Chair *MR*
RE: **SEPTEMBER 12, 2018 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its September 12, 2018 Council Meeting:

CONSENT CALENDAR:

C 2018-191 Communication (08/15/2018) from the Director of Finance and Accounting Systems Administrator, transmitting for Council information, the Inventory Report for the Fiscal Year Ending June 30, 2018. *(Received for the Record.)*

C 2018-192 Communication (08/24/2018) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing Crosswalks On 'Elepaio Road And 'Alae Road, Waimea District, County Of Kaua'i. *(Received for the Record.)*

C 2018-193 Communication (08/24/2018) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing A Crosswalk On Papālina Road At Pu'u Road, Kōloa District, County Of Kaua'i. *(Received for the Record.)*

C 2018-194 Communication (08/27/2018) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing Maximum Speed Limits Of Twenty-Five (25 MPH), Thirty-Five (35 MPH), Forty (40 MPH), And Forty-Five Miles Per Hour (45 MPH) Along Ala Kinoiki, Kōloa District, County Of Kaua'i, State Of Hawai'i. *(Received for the Record.)*

C 2018-195 Communication (09/04/2018) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Designating September 2018 As National Suicide Prevention Month For The County Of Kaua'i. ***(Received for the Record.)***

COMMUNICATIONS:

C 2018-184 Communication (08/13/2018) from Councilmember Kawakami, transmitting for Council consideration the following measures for inclusion in the 2019 Hawai'i State Association of Counties (HSAC) Legislative Package and the 2019 County of Kaua'i Legislative Package:

- A Bill for An Act Relating to Tort Liability, to make an exemption from tort liability for the State and Counties arising from lifeguard services, except for gross negligence or wanton acts or omissions.
- 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.
- 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.
- A Bill for An Act Relating to Zoning, to allow Counties with populations less than one hundred thousand to enact a zoning ordinance to amortize or phase out nonconforming single-family transient vacation rental units over a reasonable period of time.
- A Bill for An Act Relating to Transient Accommodations, to proscribe licensing requirements and enforcement provisions for transient vacation rentals under the department of commerce and consumer affairs, which takes effect on January 1, 2020. ***(Approved with the exception of A Bill for An Act Relating to Transient Accommodations.)***

C 2018-185 Communication (08/13/2018) from Council Chair Rapozo, transmitting for Council consideration the following measure for inclusion in the 2019 Hawai'i State Association of Counties (HSAC) Legislative Package and the 2019 County of Kaua'i Legislative Package:

- A Bill for An Act Relating to Unadjudicated Traffic Fines, to transfer certain fines and forfeitures collected for uncontested traffic infractions to the counties. ***(Approved.)***

C 2018-196 Communication (08/16/2018) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds, in the amount of \$27,591.00, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Fiscal Year 2018 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, 2017 through September 30, 2021. **(Approved.)**

C 2018-197 Communication (08/21/2018) from Council Chair Rapozo, transmitting for Council consideration, a Proposed Draft Bill to authorize the procurement of the services of a contract auditor, a certified public accountant, or firm of certified public accountants to conduct the independent audits of all County funds and accounts as required pursuant to Sections 3.12 and 32.02(A)(1) of the Charter of the County of Kaua'i, as amended, and the Single Audit Act of 1984 and to approve a contract from appropriations of a later fiscal year for more than one fiscal year. **(Received for the Record.)**

C 2018-198 Communication (08/29/2018) from the Housing Director, requesting the Council's approval to perform the following:

- a. Acquire under the County's Community Development Block Grant (CDBG) Program a residential unit at 1633 Kuahale Street, Kapa'a, Kaua'i, Hawai'i, 96746, Tax Map Key (TMK): (4) 4-6-38-45, for a purchase price of not more than \$485,000.00, based on the fee simple market appraisal, which will be obtained through this transaction;
- b. Resale of 1633 Kuahale Street, Kapa'a, Kaua'i, Hawai'i, 96746, by leasehold for not more than the leasehold market appraisal, which will be obtained through this transaction; and
- c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions. **(Approved.)**

C 2018-199 Communication (08/29/2018) from the Fire Chief, requesting Council approval to establish one (1) Temporary As Needed (TAN) operator position to accommodate emergency staffing needs, pursuant to the Hawai'i Fire Fighters Association Contract Agreement as outlined in Section 27, for an additional brush truck assigned to the Hanalei Fire Station to use in emergency situations, including but not limited to, incident management, natural disasters, flooding, emergency proclamations, evacuation, isolation, and to shelter-in-place. **(Approved.)**

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C 2018-200 Communication (08/31/2018) from the County Attorney, requesting authorization to expend funds of up to \$5,000.00 for Special Counsel services to prepare an amicus brief on behalf of the County of Kaua'i for the Ninth Circuit appeal entitled Young v. State of Hawai'i et al. (*Approved.*)

C 2018-201 Communication (08/31/2018) from the First Deputy County Attorney, requesting Council approval of the indemnification provisions contained in the User Agreement for the Grammar Refresher (Self-Paced Tutorial) course, to be taken by each staff member of the Office of the County Attorney to better support the needs of the attorneys. (*Approved.*)

LEGAL DOCUMENT:

C 2018-202 Communication (08/29/2018) from the Acting County Engineer, recommending Council approval of a Department of Water Elevation Agreement and indemnification language contained therein, between the County of Kaua'i Department of Public Works and the County of Kaua'i Department of Water, for Tax Map Key (TMK) (4) 3-8-018:012 (4940-C Maalo Road), Lihu'e, Kaua'i, Hawai'i, to document that the Department of Public Works is aware that the subject property is at such an elevation that it cannot be assured of dependable water supply.

- Elevation Agreement for TMK (4) 3-8-018:012
(*Approved.*)

CLAIM:

C 2018-203 Communication (08/29/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kresta Painter, for damage to her 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.

RESOLUTIONS:

Resolution No. 2018-29 – RESOLUTION ESTABLISHING CROSSWALKS ON 'ELEPAIO ROAD AND 'ALAE ROAD, WAIMEA DISTRICT, COUNTY OF KAUAI (*Approved.*)

Resolution No. 2018-30 – RESOLUTION ESTABLISHING A CROSSWALK ON PAPĀLINA ROAD AT PU'U ROAD, KŌLOA DISTRICT, COUNTY OF KAUAI (*Approved.*)

Resolution No. 2018-31 – RESOLUTION ESTABLISHING MAXIMUM SPEED LIMITS OF TWENTY-FIVE (25 MPH), THIRTY-FIVE (35 MPH), FORTY (40 MPH), AND FORTY-FIVE MILES PER HOUR (45 MPH) ALONG ALA KINOIKI, KŌLOA DISTRICT, COUNTY OF KAUA‘I, STATE OF HAWAII ***(Deferred.)***

Resolution No. 2018-32 – RESOLUTION DESIGNATING SEPTEMBER 2018 AS NATIONAL SUICIDE PREVENTION MONTH FOR THE COUNTY OF KAUA‘I ***(Approved.)***

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2720) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 23, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO SUNSHINE MARKETS ***(Approved as Amended on 1st reading, Public Hearing scheduled for October 10, 2018, and referred to the Economic Development & Intergovernmental Relations Committee.)***

Proposed Draft Bill (No. 2722) – A BILL FOR AN ORDINANCE AUTHORIZING THE PROCUREMENT OF THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR ***(Approved on 1st reading, Public Hearing scheduled for October 10, 2018, 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)*