

COUNCIL MEETING NOTICE and AGENDA
WEDNESDAY, JANUARY 12, 2011
9:00 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS
3371-A Wilcox Road
Līhu'e, Kaua'i, Hawai'i 96766

RECEIVED

MEETING CALLED TO ORDER.

'11 JAN -6 P4 :10

ROLL CALL.

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

APPROVAL OF AGENDA.

MINUTES of the following meeting of the Council:

Council Meeting of November 24, 2010
Inaugural Meeting of December 1, 2010
Council Meeting of December 8, 2010
Public Hearing of December 15, 2010 re: Bill No. 2385
Public Hearing of January 5, 2011 re: Resolution No. 2010-59

COMMUNICATIONS:

- C 2011-24 Communication (1/05/2011) from Council Vice Chair Yukimura, requesting agenda time for Cisco DeVries, Creator of Berkeley's Property Assessed Clean Energy (PACE) program, to brief the Council on Berkley's experience with PACE.
- C 2011-25 Communication (12/14/2010) from the Cost Control Commission, transmitting for Council information in accordance to Section 28.05 of the Kaua'i County Charter, the 2010 Annual Report of the Cost Control Commission relating to:
- (1) Expanding the Adopt-A-Park (Ho'olokahi) program
 - (2) Additional training for the County Attorney's Office
 - (3) Personnel and industrial relations trainings for County employees
- C 2011-26 Communication (12/29/2010) from Councilmember Rapozo, transmitting for Council consideration an amendment to Chapter 3 of the Kaua'i County Code 1987, as amended, relating to the Salaries of County Officers and Employees, to conform with Section 29.03 of the Kaua'i County Charter. (*see proposed draft Bill No. 2395*)

- C 2011-27 Communication (12/29/2010) from Mayor Bernard P. Carvalho, Jr., transmitting for Council consideration and confirmation the following appointees to the various Boards and Commissions for the County of Kaua'i: *(copies on file in the Clerk's Office)*
- (1) Board of Review
Jose Diogo – term ending 12/31/2013
 - (2) Board of Ethics
Kathleen Clark – term ending 12/31/2012
 - (3) Board of Water Supply
Daryl Kaneshiro – term ending 12/31/2012
 - (4) Charter Review Commission
Charles Stack – term ending 12/31/2013
 - (5) Cost Control Commission
Laurie Yoshida – term ending 12/31/2012
Brant Fuchigami – term ending 12/31/2013
Glen Takenouchi – term ending 12/31/2013
 - (6) Fire Commission
Guy Croydon – term ending 12/31/2013
Darnney Proudfoot – term ending 12/31/2013
 - (7) Salary Commission
Randy Finlay – term ending 12/31/2011
- C 2011-28 Communication (12/3/2010) from Fire Chief, requesting Council approval to accept a donation of eight (8) advanced filtration/purification point of use drinking water systems valued at \$996.60 from Bernard Frank, CEO, Global Water Filtration & Purification systems. These drinking water systems would be installed in each of the Kaua'i Fire Department's fire stations.
- C 2011-29 Communication (12/7/2010) from the Chief of Police, requesting Council approval to expend approximately \$7,500.00 from asset forfeiture funds to purchase three (3) laptop computers which will be used by the Administrative and Technical Bureau for police recruitment, community relations, and taser maintenance.
- C 2011-30 Communication (12/13/2010) from the Director of Parks and Recreation, requesting Council approval to accept a monetary donation of \$200.00 from Les & Gigi Drent.
- C 2011-31 Communication (12/21/2010) from the Executive on Aging, Agency on Elderly Affairs, requesting Council approval to apply for, receive, and expend \$43,030.00 in Federal funds from the State Executive Office on Aging and to indemnify the State to sustain the implementation of the EnhanceFitness evidence-based, physical activity program which provides the opportunity for Kaua'i's older adults 60+ to take charge of their health through participation in the EnhanceFitness program. This award will be for a one-year period.

- C 2011-32 Communication (12/03/2010) from the Director of Parks and Recreation, requesting Council approval to accept a donated painted picnic table to be located at Waioli Beach Park, with an estimated value of \$900.00 from Andy Melamed.
- C 2011-33 Communication (11/16/2010) from the Director of Parks and Recreation, requesting Council approval on a grant application from Kaua'i Senior Citizen Softball Association for \$5,000.00 of County funding for the construction of various improvements to Kaumakani Park, funded under the General Fund CIP Kaumakani Pavilion (materials only).
- C 2011-34 Communication (12/7/2010) from Councilmember Kawakami, requesting Council consideration and approval of the following:
- Councilmember Mel Rapozo to replace Daryl W. Kaneshiro as the Alternate Kaua'i Representative to the Hawai'i State Association of Counties (HSAC) Executive Committee for the term ending June 30, 2011;
 - Councilmember Mel Rapozo to replace Councilmember Dickie Chang as the Western Interstate Region (WIR) Board of Director, and
 - Councilmember Dickie Chang to be the alternate Kaua'i Representative to the Western Interstate Region (WIR) Board for the term ending June 30, 2011.

CLAIMS:

- C 2011-35 Communication (12/21/2010) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Lyle S. Kobashigawa for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
- C 2011-36 Communication (12/22/2010) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Alii Landscaping for damage to his trailer, pursuant to Section 23.06, Charter of the County of Kaua'i.

COMMITTEE REPORTS:

COMMITTEE OF THE WHOLE:

- CR-COW 2011-01: on COW 2011-01 Communication (12-23-2010) from Council Chair Jay Furfaro, requesting Council consideration of a proposed resolution to establish a Human Resources Sub-Committee to the Committee of the Whole to review and propose revisions to the personnel of the County Council and Council Services of the County of Kaua'i. **(Received for the record.)**

- CR-COW 2011-02:** on COW 2011-02 Communication (12-23-2010) from Council Chair Jay Furfaro, requesting Council consideration of a proposed resolution to establish a Rules Sub-Committee to the Committee of the Whole to review and propose amendments to the Rules of the County Council of the County of Kauai. **(Received for the record.)**
- CR-COW 2011-03:** on Resolution No. 2011-04 RESOLUTION TO ESTABLISH A HUMAN RESOURCES SUB-COMMITTEE TO THE COMMITTEE OF THE WHOLE TO REVIEW AND PROPOSE REVISIONS TO THE PERSONNEL OF THE COUNTY COUNCIL AND COUNCIL SERVICES OF THE COUNTY OF KAUAI **(Approved as amended.)**
- CR-COW 2011-04:** on Resolution No. 2011-05 RESOLUTION TO ESTABLISH A RULES SUB-COMMITTEE TO THE COMMITTEE OF THE WHOLE TO REVIEW AND PROPOSE AMENDMENTS TO THE RULES OF THE COUNTY COUNCIL OF THE COUNTY OF KAUAI **(Approved as amended.)**
- CR-COW 2011-05:** on Bill No. 2385 A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2010-705, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$90,211-County Auditor) **(Approved.)**

RESOLUTIONS:

Resolution No. 2010-59, RESOLUTION AUTHORIZING THE ACQUISITION OF THE FEE SIMPLE INTEREST IN LANDS REQUIRED FOR PUBLIC USE TO WIT: AN ADDITION TO THE PUBLIC PARK SYSTEM, SITUATED AT HANAIEI, DISTRICT OF HALELE'A, COUNTY OF KAUAI, STATE OF HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN
(Public Hearing 1/5/2011)

Resolution No. 2011-04 Draft 1, RESOLUTION TO ESTABLISH A HUMAN RESOURCES SUB-COMMITTEE TO THE COMMITTEE OF THE WHOLE TO REVIEW AND PROPOSE REVISIONS TO THE PERSONNEL OF THE COUNTY COUNCIL AND COUNCIL SERVICES OF THE COUNTY OF KAUAI

Resolution No. 2011-05 Draft 1, RESOLUTION TO ESTABLISH A RULES SUB-COMMITTEE TO THE COMMITTEE OF THE WHOLE TO REVIEW AND PROPOSE AMENDMENTS TO THE RULES OF THE COUNTY COUNCIL OF THE COUNTY OF KAUAI

Resolution No. 2011-06, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Brad R. Nagano*)

Resolution No. 2011-07, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Charles Chu Chun Iona*)

Resolution No. 2011-08, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Dane K. Oda*)

Resolution No. 2011-09, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Edgar Sevier Justus IV*)

Resolution No. 2011-10, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Gilbert F. Maerina*)

Resolution No. 2011-11, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*James E. Nishida, Jr., (Environmental)*)

Resolution No. 2011-12, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Kurt Seichi Akamine*)

Resolution No. 2011-13, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION (*Lawrence Chaffin, Jr.*)

Resolution No. 2011-14, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Leland K. Kahawai*)

Resolution No. 2011-15, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Mark S. Hubbard*)

Resolution No. 2011-16, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BUILDING BOARD OF APPEALS (*Michael S. Kano (Fire)*)

Resolution No. 2011-17, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BUILDING BOARD OF APPEALS (*Miles Akira Tanabe (At-Large)*)

Resolution No. 2011-18, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Randall T. Nishimura*)

Resolution No. 2011-19, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*Robert Blair Crowell*)

Resolution No. 2011-20, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*Sheri S. Kunioka-Volz*)

Resolution No. 2011-21, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Shirley T. Akita*)

Resolution No. 2011-22, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Stephanie A.M. Lani Aranio*)

Resolution No. 2011-23, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*William F. Gibson*)

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2395) - A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3, OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE SALARIES OF COUNTY OFFICERS AND EMPLOYEES

BILLS FOR SECOND READING:

Bill No. 2385 - A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2010-705, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$90,211-County Auditor)

EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. ("H.R.S.") §92-7(a), the Council may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

ES-475 Pursuant to Haw. Rev. Stat. sections 92-4, 92-5(a)(2), (4) and (8), and Kauai County Charter §3.07(E), the purposes of this executive session are to consider the evaluation of officers and/or employees where consideration of matters affecting privacy will be involved, salary consideration, and associated matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.
(Deferred 12/15/2010)

ES-476 Pursuant to Haw. Rev. Stat. sections 92-4 and 92-5(a)(4), and Kauai County Charter section 3.07(E), the purpose of this executive session is to provide Council with a briefing and update regarding Notice of Claim Against the County of Kauai filed by Shane N. Matias on June 2, 2010, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ADJOURNMENT.

NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for public hearings on the following. After the public hearings, the Council will reconvene to complete any unfinished business.

Bill No. 2387 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-706, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$1,571,001.00 – County 800 Mhz radio system P25 compliance upgrade)

Bill No. 2388 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$62,719.00 – Golf Fund and \$2,704,873.00 – Sewer Fund)

Bill No. 2389 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE VARIOUS FUNDS AND MAKING THE APPROPRIATE TEXT CHANGES AS IT RELATES TO FURLOUGHS (\$2,328,554.00)

Bill No. 2390 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$575,000.00 – Kauai Bus Services Expansion)

Bill No. 2391 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$200,000.00 – Kauai Visitors Bureau)

Bill (No. 2392) – A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2010-705, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011 BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$325,000.00 – County Auditor)

Bill No. 2393 – A BILL FOR AN ORDINANCE AUTHORIZING THE COUNTY AUDITOR TO PROCURE THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR AND FOR MORE THAN ONE FISCAL YEAR

For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the County Clerk's Office as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 3371-A WILCOX ROAD, LĪHU'E, KAUA'I. TELEPHONE NO. 241-4188.