

Tim

**COUNCIL MEETING NOTICE and AGENDA**

**WEDNESDAY, NOVEMBER 4, 2009**

**9:00 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS  
Historic County Building  
4396 Rice Street, Room 201  
Līhu'e, Kaua'i, Hawai'i

RECEIVED

'09 OCT 29 P 6:04

OFFICE OF THE  
CLERK OF THE  
COUNTY OF KAUAI

MEETING CALLED TO ORDER.

ROLL CALL.

APPROVAL OF AGENDA.

MINUTES of the following meetings of the Council:

Special Council Meeting of October 14, 2009  
Public Hearing of October 21, 2009 re: Bill No. 2328 and Bill No. 2329

COMMUNICATIONS:

- C 2009-334 Communication (10/22/2009) from Bill "Kaipo" Asing, Council Chair, requesting an update by Dr. Karl Kim and the Planning Department on the Important Agriculture Lands Study.
- C 2009-335 Communication (09/18/2009) from the Chief of the Engineering Division, Department of Public Works, transmitting for Council approval, resolutions to establish crosswalks, stops, stop lines, speed limits, school bus stops, and public transportation bus stops within the Port Allen Residential Subdivision, Kōloa District. (*See Resolution Nos. 2009-63, 2009-64, 2009-65, 2009-66, and 2009-67*)
- C 2009-336 Communication (10/01/2009) from the Chief of the Building Division, Department of Public Works, transmitting for Council information, the Building Permit Information Reports for August 2009 that includes the following:
- 1) Building Permit Processing Report
  - 2) Building Permit Estimated Value of Plans Summary
  - 3) Building Permits Tracking Report
  - 4) Building Permits Status

- C 2009-337 Communication (10/01/2009) from the Chief of the Building Division, Department of Public Works, transmitting for Council information, the Building Permit Information Reports for September 2009 that includes the following:
- 1) Building Permit Processing Report
  - 2) Building Permit Estimated Value of Plans Summary
  - 3) Building Permits Tracking Report
  - 4) Building Permits Status
- C 2009-338 Communication (10/07/2009) from the Assistant Chief Procurement Officer, transmitting for Council information, the Fiscal Year 2009-2010 First Quarter Statement of Equipment Purchases. *(Report on file in the County Clerk's Office.)*
- C 2009-339 Communication (10/08/2009) from the Chief of the Engineering Division, Department of Public Works, transmitting for Council approval, a resolution which establishes a 15 m.p.h. speed limit for the entire length along Makamae Place for the Canela Residential Subdivision in Hanalei. *(See Resolution No. 2009-68)*
- C 2009-340 Communication (10/09/2009) from Councilmember Derek S.K. Kawakami, transmitting for Council consideration, amendments to Chapter 16, Article 20, of the Kaua'i County Code 1987, by adding a new section relating to the use of mobile electronic devices while operating a vehicle. *(See Proposed Draft Bill No. 2336)*
- C 2009-341 Communication (10/15/2009) from Council Vice Chair Jay Furfaro, transmitting for Council consideration, amendments to Chapter 5A, Article 11A, Section 5A-11A.1, of the Kaua'i County Code 1987, by amending the Limitations to Taxes For Property Used for Long Term Affordable Rental. *(See Proposed Draft Bill No. 2337)*
- C 2009-342 Communication (10/23/2009) from Councilmember Tim Bynum, transmitting for Council consideration, a resolution amending the County Council's rules to permit the Council Chair to place items received after the deadline set forth in Rule 15 on the agenda, provided that notice meets the requirements of Section 92-7 of the Hawai'i Revised Statutes. *(See Resolution No. 2009-69)*

- C 2009-343 Communication (10/23/2009) from the Housing Director, transmitting for Council consideration, an amendment to the 2009-2010 Capital Budget Ordinance – General Fund appropriation for Affordable Housing which intends to expand the proposed use of said funds beyond just infrastructure improvements. *(See Proposed Draft Bill No. 2338)*
- C 2009-344 Communication (10/01/2009) from the County Engineer, requesting Council approval to write-off delinquent tipping fees in the amount of \$6,044.98 for Eric Taniguchi dba Eric Taniguchi Trucking & Equipment (“Taniguchi”) (Account #55445-432027), pursuant to Kaua’i County Code Section 21-9.4, relating to uncollectible delinquent tipping fee accounts (Department of Public Works Solid Waste Division).
- C 2009-345 Communication (10/01/2009) from the Office of Economic Development Director, requesting Council approval to apply for, receive, indemnify, and expend approximately \$100,000 in grant funds from the Hawai’i Tourism Authority’s Natural Resources Program which will help to fund the Po’ipū Beach Restoration Study.
- C 2009-346 Communication (10/06/2009) from the Housing Director, requesting Council approval to apply for, receive, indemnify, and expend \$132,000 in Fiscal Year 2009 Administration Fee Funding for Housing Choice Voucher Family Self-Sufficiency Program Coordinator salaries from the U.S. Department of Housing and Urban Development which will be utilized to fund two (2) existing positions, and applicable fringe benefits associated with the positions.
- C 2009-347 Communication (10/12/2009) from the Boards and Commissions Administrator, requesting Council approval to erase and/or dispose of all stored analog and digital audio recordings from various boards and commissions meetings, all of which have been transcribed into minutes and approved by the respective board or commission. *(Hawai’i Revised Statutes §92-F-12 (a) (16) and OIP Opinion Letter No. 08-02 on file in the County Clerk’s Office.)*
- C 2009-348 Communication (10/13/2009) from the Housing Director, requesting Council approval to decline repurchase of Unit No. 73, Villas at Puali, located at 1978 Hokulei Place, Līhu‘e, Hawai’i 96766, and provide the owners a one-year waiver of the County’s repurchase right effective the date of the Council’s decision.

- C 2009-349 Communication (10/13/2009) from the Housing Director, requesting Council approval to decline repurchase of Unit No. 81, Villas at Puali, located at 1481 Haleukana Street, Līhu'e, Hawai'i 96766, and provide the owners a one-year waiver of the County's repurchase right effective the date of the Council's decision.
- C 2009-350 Communication (10/13/2009) from the Housing Director, requesting Council approval to decline repurchase of Unit No. 35, Villas at Puali, located at 1961 Hokunui Place, Līhu'e, Hawai'i 96766, and provide the owners a one-year waiver of the County's repurchase right effective the date of the Council's decision.
- C 2009-351 Communication (10/16/2009) from the Executive on Aging, Agency on Elderly Affairs, requesting Council approval to receive, expend three (3) Federal grant funds, and indemnify the State Executive Office on Aging, in the amount of \$271,399 which is the combined total that covers funding from July 1, 2009 through September 29, 2012 as follows:
- 1) "Development and Implementation of a Person-Centered Hospital Discharge Model" is for the period of July 1, 2009 through September 29, 2012 in the amount of \$154,750 over a three (3) year period;
  - 2) "Aging and Disability Resource Centers: Empowering Individuals to Navigate Their Health and Long Term Support Options" is for the period of September 30, 2009 through September 29, 2012 in the amount of \$58,286 over a three (3) year period; and
  - 3) "Hawai'i's Community Living Program: Supporting Choice and Independence in the Community" for the period September 30, 2009 through September 29, 2011 in the amount of \$58,383 over a two (2) year period.
- C 2009-352 Request (10/29/2009) from the Office of the County Attorney for authorization to expend additional funds up to \$65,000 to engage special counsel to represent Defendants Department of Transportation and County of Kaua'i in the lawsuit entitled Kathleen Ah Quin v. County of Kaua'i, Department of Transportation (USDCT) Civ. No. CV 08-00507 JMS/BMK and related matters.

C 2009-353 Request (10/29/2009) from the Office of the County Attorney requesting approval to expend up to \$25,000 for special counsel's continued representation of County defendants in Michael G. Ching v. Kaua'i County Council, Civil No. 05-1-0080 (Fifth Circuit Court); County of Kaua'i, et al. v. Office of Information Practices, et al., Civil No. 05-1-0088 (Fifth Circuit Court) and Raymond L. Chuan and Walter S. Lewis v. County of Kaua'i, et al., Civil No. 05-1-0168 (Fifth Circuit Court) and related matters.

LEGAL DOCUMENT:

C 2009-354 Communication (10/19/2009) from the Housing Director, requesting Council approval of Contract No. 4359, Pa'anau Development Sewage Treatment Agreement, Third Amendment as follows:

- Third Amendment to Contract No. 4359 between Kukui'ula South Shore Community Services ("KUSSCS") and the County of Kaua'i establishing new fees for sewage treatment services to the Pa'anau Development for a five (5) years period beginning July 1, 2009 which establishes a new base fee of \$4 per thousand gallons and a minimum monthly charge of \$2,600.

CLAIMS:

C 2009-355 Communication (10/19/2009) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Juliette Souza for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

COMMITTEE REPORTS:

ECONOMIC DEVELOPMENT/HOUSING COMMITTEE REPORT:

CR-EDH 2009-09: on EDH 2009-8 Communication (10/20/2009) from Committee Chair Dickie Chang, requesting the presence of George Costa, Director of Economic Development, to provide an update on the Office of Economic Development's activities relating to the Kaua'i Marathon and to hear from Bob Craver, Director, Kaua'i Marathon.  
[Received for the record.]

RESOLUTIONS:

Resolution No. 2009-62, RESOLUTION AMENDING RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS (Travel Requests) (Deferred 10/21/2009)

Resolution No. 2009-63, RESOLUTION ESTABLISHING A CROSSWALK AT PORT ALLEN RESIDENTIAL SUBDIVISION, KŌLOA DISTRICT, COUNTY OF KAUA'I

Resolution No. 2009-64, RESOLUTION ESTABLISHING A SCHOOL BUS STOP AT 'ŌKUPU STREET, PORT ALLEN RESIDENTIAL SUBDIVISION, KŌLOA DISTRICT, COUNTY OF KAUA'I

Resolution No. 2009-65, RESOLUTION ESTABLISHING SPEED LIMITS WITHIN PORT ALLEN RESIDENTIAL SUBDIVISION, KŌLOA DISTRICT, COUNTY OF KAUA'I

Resolution No. 2009-66, RESOLUTION ESTABLISHING A PUBLIC TRANSPORTATION BUS STOP AT 'ŌKUPU STREET, PORT ALLEN RESIDENTIAL SUBDIVISION, KŌLOA DISTRICT, COUNTY OF KAUA'I

Resolution No. 2009-67, RESOLUTION ESTABLISHING STOP SIGNS AND STOP LINES ON COUNTY ROADWAYS WITHIN PORT ALLEN RESIDENTIAL SUBDIVISION, KŌLOA DISTRICT, COUNTY OF KAUA'I

Resolution No. 2009-68, RESOLUTION ESTABLISHING SPEED RESTRICTION FOR MAKAMAE PLACE, HANAIEI DISTRICT, COUNTY OF KAUA'I

Resolution No. 2009-69, RESOLUTION AMENDING RULES OF THE COUNCIL OF THE COUNTY OF KAUA'I FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS

BILLS FOR FIRST READING:

Proposed Draft Bill No. 2336 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 16, ARTICLE 20, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE TRAFFIC CODE

Proposed Draft Bill No. 2337 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUA'I COUNTY CODE 1987, RELATING TO LIMITATION OF TAXES ON PROPERTY USED FOR LONG TERM AFFORDABLE RENTAL

Proposed Draft Bill No. 2338 – AN ORDINANCE AMENDING ORDINANCE NO. B-2009-691, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2009 THROUGH JUNE 30, 2010, BY REVISING PROJECT DESCRIPTION IN THE GENERAL FUND (Affordable Housing - \$1,000,000.00)

BILLS FOR SECOND READING:

Bill No. 2319, Draft 1 - A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (Amending Article 27, Chapter 8, Kauai County Code 1987, relating to Shoreline Setbacks and Coastal Protection) *(Deferred 10/21/2009)*

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, H.R.S. §92-5(a), and Kauai County Charter §3.07E. (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-407 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 to request authority for a possible settlement proposal in the case of County of Kauai vs. Kauai Village Associates, et al., Civil No. 09-1-0153 (Fifth Circuit Court) 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.

ES-408 Pursuant to Haw.Rev.Stat. §§92-4 and 92-5(a)(4), (6) and (8), and Kauai County Charter section 3.07(E), the purpose of this executive session is to provide the Council a briefing on Kathleen Ah Quin v. County of Kauai, Department of Transportation (USDCT) Civ. No.08-00507 JMS/BMK 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.

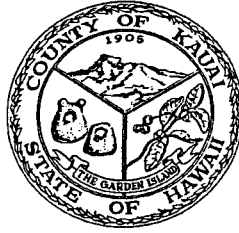
- ES-409 Pursuant to Haw.Rev.Stat. §§92-4 and 92-5(a)(4), (6) and (8), and Kaua'i County Charter section 3.07(E), the purpose of this executive session is to provide the Council a briefing on Michael G. Ching v. Kaua'i County Council, Civil No. 05-1-0080 (Fifth Circuit Court); County of Kaua'i, et al. v. Office of Information Practices, et al., Civil No. 05-1-0088 (Fifth Circuit Court) and Raymond L. Chuan and Walter S. Lewis v. County of Kaua'i, et al., Civil No. 05-1-0168 (Fifth Circuit Court) 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: 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, 4396 RICE STREET, ROOM 206, LĪHU'E, KAUA'I. TELEPHONE NO. 241-6371.

**COUNTY COUNCIL**

Bill "Kaipo" Asing, Chair  
Jay Furfaro, Vice Chair  
Tim Bynum  
Dickie Chang  
Daryl W. Kaneshiro  
Lani T. Kawahara  
Derek S. K. Kawakami



**OFFICE OF THE COUNTY CLERK**

Peter A. Nakamura, County Clerk

Telephone (808) 241-6371

Fax (808) 241-6349

Email [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov)

**Council Services Division**  
4396 Rice Street, Room 206  
Līhu'e, Kaua'i, Hawai'i 96766-1371

RECEIVED

MEMORANDUM

'09 OCT 23 AM 11:37

October 22, 2009

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

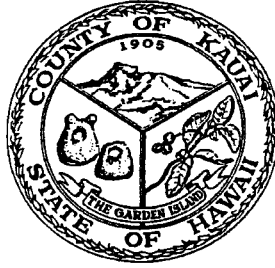
TO: Members of the Kaua'i County Council  
*B.K.K.*  
FROM: Bill "Kaipo" Asing, Council Chair  
SUBJECT: NOVEMBER 4, 2009 COUNCIL MEETING REQUEST  
TO HEAR UPDATE ON IMPORTANT AGRICULTURAL  
LANDS STUDY AT 9:00 A.M.

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This is to request that the Kaua'i County Council hear the update by Dr. Karl Kim and the Planning Department on the Important Agricultural Lands Study at 9:00 a.m. on the County Council's November 4, 2009 agenda. Thank you for your consideration.

*07009-334*

BERNARD P. CARVALHO, JR.  
MAYOR



DONALD M. FUJIMOTO  
COUNTY ENGINEER  
TELEPHONE 241-4992

GARY K. HEU  
ADMINISTRATIVE ASSISTANT

EDMOND P.K. RENAUD  
DEPUTY COUNTY ENGINEER  
TELEPHONE 241-4992

AN EQUAL OPPORTUNITY EMPLOYER  
COUNTY OF KAUAI  
DEPARTMENT OF PUBLIC WORKS  
4444 RICE STREET  
MO'IKEHA BUILDING, SUITE 275  
LIHU'E, KAUAI, HAWAII 96766-1340

RECEIVED

September 18, 2009

'09 OCT -7 AM :12

William "Kaipo" Asing , Council Chairman  
and Members of the County Council  
County of Kaua'i  
Lihu'e, HI 96766  
**Attention: Council Member Tim Bynum**

RECEIVED  
THE COUNTY ENGINEER  
COUNTY OF KAUAI

SUBJECT: TRAFFIC RESOLUTIONS FOR PORT ALLEN RESIDENTIAL SUBD,  
KŌLOA DISTRICT PW's 9.09.047, 9.09.49, 9.09.50, 9.09.051 & 9.09.052

Dear Chariman Asing and Members of the County Council,

Transmitted for your approval are the subject traffic resolutions for the Port Allen Residential Subdivision to establish crosswalks, stops, stop lines, speed limits, school bus stops and public transportation bus stop within the Port Allen Residential Subdivision. The dedication deeds for the subdivision roadway lots within the Port Allen Residential Subdivision have been approved and accepted by the County Council at its July 8, 2009 County Council meeting under agenda item C-2009-240, a copy of which is enclosed for your information and use.

We seek your favorable approval. Should you have any questions, please feel free to contact us.

Very truly yours,

CONCUR:

APPROVED:

WALLACE KUDO, P.E.  
Chief, Eng. Div.

DONALD M. FUJIMOTO, P.E.  
County Engineer

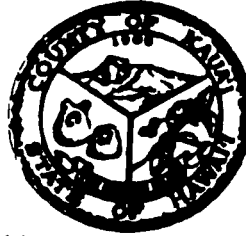
BERNARD P. CARVALHO, JR.  
MAYOR

PT/GO/WK  
Attachments

Design and Permitting w/attachments  
Construction and Inspection w/ attachments  
Road Maintenance w/attachments

C2009-335

COUNTY COUNCIL  
BILL "KAIPO" ASING, CHAIR  
JAY FURFARO, VICE CHAIR  
TIM BYNUM  
DICKIE CHANG  
DARYL W. KANESHIRO  
LANI T. KAWAHARA  
DEREK S.K. KAWAKAMI



4396 RICE STREET, ROOM 206  
LIHU'E, KAUAI, HAWAII 96766-1371  
E-mail: cokcouncil@kauai.gov

OFFICE OF THE COUNTY CLERK  
Council Services Division  
Elections Division

PETER A. NAKAMURA, County Clerk  
ERNESTO G. PASION, Deputy County Clerk  
Telephone: (808) 241-6371  
Facsimile: (808) 241-6349

**MEMORANDUM**

July 9, 2009

**TO: BERNARD P. CARVALHO, JR., MAYOR**  
**FROM: BILL "KAIPO" ASING, COUNCIL CHAIR**

*PKA*

**SUBJECT: JULY 8, 2009 COUNCIL MEETING**

This is to inform you of the action taken by the Council at its July 8, 2009 Council meeting and any follow-up that was requested:

C 2009-224 Communication (06/01/2009) from the Chief of the Building Division, Department of Public Works, transmitting for Council information, the Building Permit Information Reports for May 2009 that includes the following:

- 1) Building Permit Processing Report
- 2) Building Permit Estimated Value of Plans Summary
- 3) Building Permits Tracking Report
- 4) Building Permits Status

***Received for the record.***

C 2009-225 Communication (06/08/2009) from the Director of Personnel Services, transmitting for Council information, the following classification request which the Department of Personnel Services will be reviewing and taking appropriate action:

- Finance Department, Position No. 222 (Redescription – Review of Real Property Appraiser V)
- Finance Department, Position No. 216 (Redescription – Review of Real Property Appraiser IV)
- Finance Department, Position 225 (Reallocation of Student Intern to Tax Clerk) ***Received for the record.***

C 2009-226 Communication (06/10/2009) from the Director of Personnel Services, transmitting for Council information, the following classification request which the Department of Personnel Services will be reviewing and taking appropriate action:

- Finance Department, (New Position – Initial Allocation, IT Specialist)

***Received for the record.***

*C2009-335*

Bernard P. Carvalho, Jr., Mayor  
July 9, 2009  
Page 2 of 6

C 2009-227 Communication (06/12/2009) from the Chief of Wastewater, Department of Public Works, transmitting for Council consideration a Resolution authorizing the Mayor or the Director of Finance of the County of Kaua'i to enter into an Intergovernmental Agreement with the State of Hawai'i, Department of Health for a loan from the American Recovery and Reinvestment Act of 2009, portion of the State Water Pollution Control Revolving Fund for the Waimea Wastewater Treatment Plant Expansion, Phase I, Project No. C150047-04: **Received for the record.**

C 2009-228 Communication (06/16/2009) from the Director of Finance, transmitting for Council information the Period 10 Financial Reports – Statement of Revenues as of April 30, 2009: **Received for the record.**

C 2009-229 Communication (06/18/2009) from the Director of Personnel Services, transmitting for Council information an amended copy of the County of Kaua'i's revised Personal Services Contract: **Received for the record.**

C 2009-230 Communication (06/24/2009) from Councilmember Derek S.K. Kawakami, requesting agenda time for Paula L. Hartzell, Ph.D., Conservation Initiatives Coordinator, Hawai'i Division of Forestry and Wildlife, to present a briefing on the State Habitat Conservation Plan (HCP): **Received for the record.**

C 2009-231 Communication (05/11/2009) from the Housing Director, requesting Council approval to decline the repurchase of Unit No. 63, Villas at Puali, located in Puhī at 4024 Puali Place, Līhu'e, Kaua'i, Hawai'i 96766, and permit market sale of the unit for a period of one-year: **Approved.**

C 2009-232 Communication (05/28/2009) from the Fire Chief, requesting Council approval to apply for, receive, and expend the Assistance to Fire Fighters Grant (AFG) to purchase four (4) complete Portable Hydraulic Extrication Systems in the amount of \$81,112 which is 80% of the grant and the remaining 20% or \$20,278 will be from the Kaua'i Fire Department's budget: **Approved.**

C 2009-233 Communication (06/04/2009) from the Fire Chief, requesting Council approval to apply for, receive, and expend the Assistance to Fire Fighters Grant (AFG) Fire Station Construction Grant, pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) in the amount of \$5,000,000 which will defray the construction cost of the new Keālia Fire Station if awarded: **Received for the record.**

C2009-335

Bernard P. Carvalho, Jr., Mayor  
July 9, 2009  
Page 3 of 6

C 2009-234 Communication (06/22/2009) from the Prosecuting Attorney, requesting Council approval to:

- 1) Apply for, receive, and expend State funds for the continuation of the Kaua'i Career Criminal Prosecution Program in the amount of \$117,272; and
  - 2) Indemnify the State of Hawai'i, Department of the Attorney General.
- The funding received will be expended on salaries and wages for the Career Criminal Prosecution unit to continue the program for the term commencing July 1, 2009 through June 30, 2010: **Approved.**

C 2009-235 Communication (06/24/2009) from the Prosecuting Attorney, requesting Council approval to:

- 1) Apply for, receive, and expend Federal Funds for the Kaua'i Victim of Crime Act (VOCA) Expansion Program, pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) in the amount of \$34,461; and
  - 2) Indemnify the State of Hawai'i, Department of the Attorney General.
- The funding received will be expended on contract services for the YWCA Kaua'i for the Sexual Treatment Program as well as the Family Violence Shelter for the term commencing September 1, 2009 up to August 31, 2012: **Approved.**

C 2009-236 Request (06/24/2009) from the Office of the County Attorney for authorization to expend additional funds up to \$100,000 for special counsel to represent the County in 1000 Friends of Kaua'i, et al. v. Department of Planning, et al., Civ. No. 07-1-0007 (Fifth Circuit Court); Coconut Beach Development, LLC v. County of Kaua'i, et al., Civ. No. 07-1-0026 (Fifth Circuit Court); Coconut Plantation Holdings, LLC v. County of Kaua'i, et al., Civ. No. 07-1-0027 (Fifth Circuit Court); Coconut Beach Development LLC v. Bryan Baptiste, et al., Civ. No. 08-00036 SOM/KSC (U.S. District Court, District of Hawai'i) and associated matters: **Approved.**

C 2009-237 Request (06/25/2009) from the Office of the County Attorney for authorization to expend funds up to \$75,000 for special counsel to represent the Planning Department of the County of Kauai in Planning Department of the County of Kaua'i vs. Patricia W. & Michael G. Sheehan, Sr., Permit Numbers: Special Management Area Use; Permit SMA (U) 87-8; Use Permit U-87-32; Special Permit SP-87-9; Class IV Zoning Permit Z-IV-87-40 (The Planning Commission of the County of Kaua'i, State of Hawai'i) and related matters: **Approved.**

C 2009-238 Communication (06/25/2009) from the Prosecuting Attorney, requesting Council approval to:

- 1) Apply for, receive, and expend State Funds for the Kaua'i Victim Witness Assistance Program, in the amount of \$38,219; and
- 2) Indemnify the State of Hawai'i, Department of the Attorney General.

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Bernard P. Carvalho, Jr., Mayor  
July 9, 2009  
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The funding received will be expended on salaries and fringes for the Office of the Prosecuting Attorney, Victim/Witness Program for the term commencing July 1, 2009 up through June 30, 2010: **Approved.**

C 2009-239 Communication (06/30/2009) from the Director of Parks & Recreation, requesting Council approval to donate a set of two (2) wooden picnic tables with an approximate value of \$800 to the Salvation Army Lihu'e Corps to service the Kōkua Soup Kitchen: **Approved.**

C 2009-202 Communication (05/08/2009) from the Housing Director, requesting Council approval to decline the repurchase of Unit No. 602, Hookena at Puhi, located at 2080 Manawalea Street, Lihu'e, Kaua'i, Hawai'i, 96766, and provide the owner with a one-year waiver of the resale restriction: **Deferred.**

**LEGAL DOCUMENT:**

C 2009-240 Communication (05/12/2009) from the Mayor, recommending Council approval of the following:

- Deed by Port Allen Residential, LLC, conveying to the County of Kaua'i Roadway Lots 64 through 67, Port Allen Residential Subdivision, 'Ele'ele, Kaua'i, for roadway purposes: **Approved.**

C 2009-241 Communication (05/18/2009) from the Mayor, recommending Council approval of the following:

- Dedication Deed by Canela Group LLC, conveying to the County of Kaua'i Roadway Lots 83-B-4 and 84-B-4, Canela Residential Subdivision, Wainiha, Kaua'i, for roadway purposes: **Approved.**

C 2009-242 Communication (05/18/2009) from the Mayor, recommending Council approval of the following:

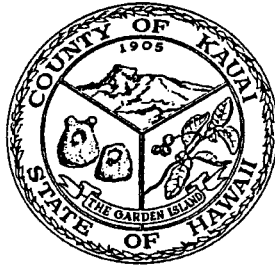
- Dedication Deed by Grove Farm Properties, Inc., conveying to the County of Kaua'i Roadway Lots 1692 through 1699, incl., Map 171 and Lots 1795 through 1801, incl., Map 175, Land Court Application No. 1087 (amended), Pikake Phases I and II, Lihu'e, Kaua'i, for roadway purposes: **Approved.**

C 2009-243 Communication (06/23/2009) from the Executive on Transportation, Transportation Agency, transmitting for Council approval a recommendation to indemnify the landowners to establish bus stops on their property as follows:

- Right-of-Entry Agreement by and between Hyatt Corporation, as agent of Kawaihoa Development, a Hawai'i general partnership, dba Grand Hyatt Kaua'i Resort and Spa and the County of Kaua'i for the Kaua'i Bus to establish a bus stop

C2009-335

**BERNARD P. CARVALHO, JR.**  
MAYOR



**DONALD M. FUJIMOTO**  
COUNTY ENGINEER  
TELEPHONE 241-4992

**GARY K. HEU**  
ADMINISTRATIVE ASSISTANT

**EDMOND P.K. RENAUD**  
DEPUTY COUNTY ENGINEER  
TELEPHONE 241-4992

**AN EQUAL OPPORTUNITY EMPLOYER**  
**COUNTY OF KAUAI**  
DEPARTMENT OF PUBLIC WORKS  
4444 RICE STREET  
MO'IKEHA BUILDING, SUITE 275  
LIHU'E, KAUAI, HAWAII 96766-1340

RECEIVED

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October 1, 2009

OFFICE OF THE COUNTY ENGINEER  
THE COUNTY OF KAUAI  
COUNTY OF KAUAI

Honorable Kaipo Asing, Chairperson  
And Members of the County Council  
County of Kauai  
Lihue, HI 96766

Dear Chairman Asing and Members of the County Council:

Subject: MONTHLY REPORT ON BUILDING PERMIT INFORMATION

Transmitted is the monthly report for the month of August. The report includes the following items:

1. Building Permit Processing Report – Provides information on quantity and value of incoming applications, value of permits issued, and status of Revolving Fund.
2. Building Permit Estimated Value Summary – Graph of building permit estimated values over a one year period.
3. Building Permits Tracking Report – Summarizes processing times overall and by agency for all permits issued during the reporting period.
4. Building Permits Status: All Current Open Applications – Summarizes review times overall and by agency for all outstanding permit applications

If any additional information is required, or any information is desired in a different format, please call me at 241-4854.

Very truly yours,

DOUGLAS HAIGH  
Chief, Building Division

CONCUR:

DONALD M. FUJIMOTO.  
County Engineer

APPROVED:

BERNARD P. CARVALHO, JR.  
Mayor

Attachment

cc: Planning Department w/attachment, Fire Department w/attachment, Water Department w/attachment, Engineering Division w/attachment, Wastewater Division w/attachment, Director of Finance w/attachment

02089-336

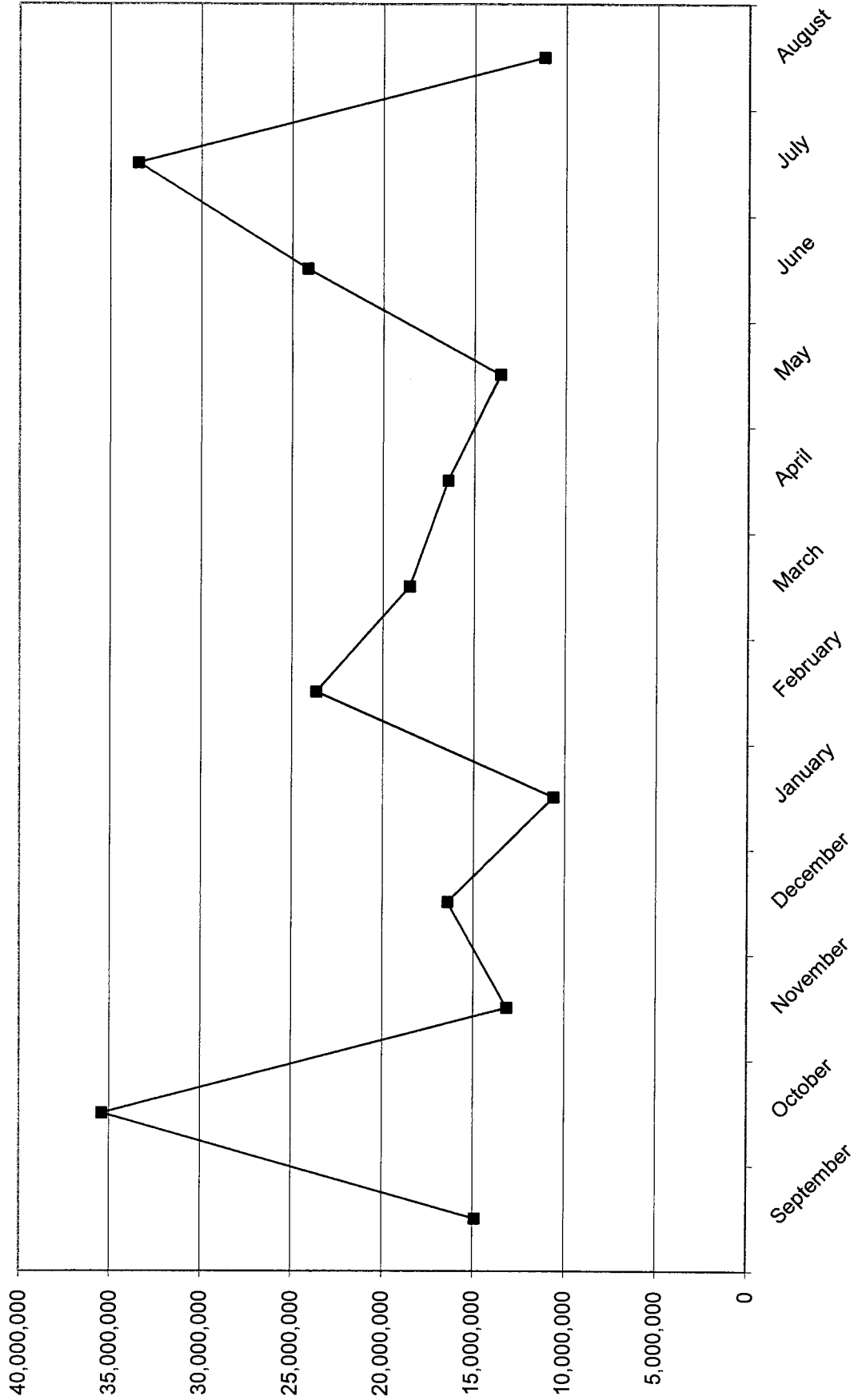
Building Permit Processing Report for the Month of August 2009

Permit Volume Summary

	Residential	Commercial	Total	Previous Year
Incoming Plans	61	19	80	156
Estimate Value of Plans	8,592,988	2,577,700	11,170,688	125,931,900
Number of Building Permits Issued	65	16	81	156
Value of Building Permit Issued	8,404,900	1,958,500	10,363,400	95,495,350
Revolving Fund Fees Collected	8,405	2,654	11,059	24,180
Revolving Fund Balance			197,660	200,000

C7009-336

Building Permit Estimated Value of Plans Summary



C2009-336



## Building Permits Tracking Report Issued During August 2009

Type	# of Apps	MAX	AVG
Commercial	20	410	54
Residential	36	329	162

Type	# of Apps	MAX	AVG
Commercial	19	19	212
Residential	35	707	61

### Agency Review Days

Type	Agency	Number of Reviews	MAX Days	AVG Days
Commercial	BUILDING-BLDS	30	29	5
	BUILDING-APPLICANT	12	63	25
	BUILDING-ELECTRICAL	16	1	1
	ELECTRICAL-APPLICANT	12	211	41
	BUILDING-PLUMBING	14	15	6
	PLUMBING-APPLICANT	11	93	24
	PLANNING DEPT	13	34	12
	PLANNING APPLICANT	2	196	141
	ENGINEERING DIVISION	1		
	ENGINEERING APPLICANT	1		
	FIRE DEPARTMENT	11	14	4
	DEPT OF HEALTH (STATE)	12	115	19
	HEALTH DEPARTMENT APPLICANT	1		
	DEPT OF WATER	14	13	4
	WATER APPLICANT	2	79	51
	WASTEWATER DIVISION	3		1
	WASTEWATER APPLICANT	1		
	FLOOD REVIEW	14	17	7
	FLOOD APPLICANT	1		
	BUILDING DIVISION	49	30	9
	BUILDING APPLICANT	14	175	43
	PLANNING DEPT	33	67	19
	PLANNING APPLICANT	19	273	27
	ENGINEERING DIVISION	11	21	7
	ENGINEERING APPLICANT	5	69	36
	FIRE DEPARTMENT	2	4	3
	DEPT OF HEALTH (STATE)	36	93	12
HEALTH DEPARTMENT APPLICANT	10	348	69	
DEPT OF WATER	39	7	4	
WATER APPLICANT	7	321	74	
WASTEWATER DIVISION	3	2	1	
FLOOD REVIEW	34	20	8	
FLOOD APPLICANT	1	12	12	
Residential				

Field Descriptions, for your Reference:

#### Section 1 - Summary : Days from Application to Issuance - Total Throughput and Averages

Type : Commercial or Residential Building Permit Type  
 # of Apps: Quantity of Applications with Building Permit Issuance for the month  
 Max: Greatest quantity of review days from Building Permit Application Start Date to Permit Issuance Date  
 AVG: Mean average quantity of review days from Building Permit Application Start Date to Permit Issuance Date (Total Days / Number of Permits Issued)

#### Section 2 - Summary: Days from Approval to Pickup - Owner / Builder delay in days

Type : Commercial or Residential Building Permit Type  
 # of Apps: Quantity of Applications with Permits issued for the month  
 Max: Greatest quantity of days from Building Permit Application Approval Date to Permit Issuance Date  
 AVG: Mean average quantity of days from Building Permit Application Approval Date to Permit Issuance Date (Total Days / Number of Permits Issued)

#### Detail Section 3: Agency Review Days

Type : Commercial or Residential Building Permit Type  
 Agency: Agency Name  
 BUILDING - BLDG : Public Works Building Division  
 BUILDING APPLICANT : Out of Office from Public Works Building Division to Applicant  
 BUILDING ELECTRICAL : Public Works Building Division Electrical Inspection Section  
 ELECTRICAL APPLICANT : Out of Office from Public Works Building Division Electrical Inspection Section to Applicant  
 BUILDING PLUMBING : Public Works Building Division Plumbing Inspection Section  
 PLUMBING APPLICANT : Out of Office from Public Works Building Division Plumbing Inspection Section to Applicant  
 PLANNING DEPT : Planning Department  
 PLANNING APPLICANT : Out of Office from Planning Department to Applicant  
 ENGINEERING DIVISION : Public Works Engineering Division  
 ENGINEERING APPLICANT : Out of Office from Public Works Engineering Division to Applicant  
 FIRE DEPT : Fire Department  
 APPLICANT FIRE : Out of Office from Fire Department to Applicant  
 DEPT OF HEALTH : Department of Health - State of Hawaii  
 HEALTH DEPARTMENT APPLICANT : Out of Office from Department of Health to Applicant  
 DEPT OF WATER : Department of Water  
 WATER APPLICANT : Out of Office from Department of Water to Applicant  
 WASTEWATER DIVISION : Public Works Wastewater Division  
 WASTEWATER APPLICANT : Out of Office from Public Works Wastewater Division to Applicant  
 FLOOD REVIEW : Public Works Building Division Flood Review Section  
 FLOOD APPLICANT : Out of Office from Public Works Building Division Flood Review Section to Applicant  
 Max: Greatest quantity of review days for the agency for permits issued for the month.  
 AVG: Mean average quantity of review days for the agency for permits issued for the month.

C2009-336



## Building Permits Status: Current Open Applications

Type	# of Apps	<30 Days	30 to 60 Days	61 to 90 Days	> 90 Days
Commercial	689	14	15	26	634
Residential	1,509	45	48	40	1,376

Type	Agency	Number of Reviews	Days				
			< 30	30 to 60	61 to 90	> 90	
Commercial	BUILDING-BLDG	522	463	35	20	4	
	BUILDING-APPLICANT	82	12	11	3	56	
	BUILDING-ELECTRICAL	415	331	46	35	3	
	ELECTRICAL APPLICANT	180	48	20	9	72	
	BUILDING-PLUMBING	336	377	2	0	7	
	PLUMBING APPLICANT	66	47	12	0	7	
	PLANNING DEPT	631	349	125	36	121	
	PLANNING APPLICANT	427	189	21	10	207	
	ENGINEERING DIVISION	226	211	21	3	51	
	ENGINEERING APPLICANT	94	5	4	5	40	
	FIRE DEPARTMENT	416	393	24	0	2	
	APPLICANT FIRE	7	0	0	1	6	
	DEPT OF HEALTH (STATE)	492	392	41	10	49	
	HEALTH DEPARTMENT APPLICANT	15	5	1	1	8	
	DEPT OF WATER	526	465	32	6	21	
	WATER APPLICANT	195	8	16	5	169	
	WASTEWATER DIVISION	229	218	1	0	9	
	WASTEWATER APPLICANT	19	3	1	0	15	
	FLOOD REVIEW	383	371	3	7	2	
	FLOOD APPLICANT	18	9	2	3	4	
	BUILDING DIVISION	1,289	1,134	54	17	79	
	BUILDING APPLICANT	246	143	17	10	78	
	ELECTRICAL APPLICANT	18	5	1	0	11	
PLANNING DEPT	1,592	863	265	130	333		
PLANNING APPLICANT	805	432	105	32	289		
ENGINEERING DIVISION	772	694	17	3	59		
ENGINEERING APPLICANT	193	43	12	2	136		
FIRE DEPARTMENT	161	160	1	0	0		
APPLICANT FIRE	2	0	1	0	1		
DEPT OF HEALTH (STATE)	1,379	1,085	79	53	162		
HEALTH DEPARTMENT APPLICANT	261	67	40	25	128		
DEPT OF WATER	1,347	1,232	21	13	81		
WATER APPLICANT	445	97	114	27	207		
WASTEWATER DIVISION	207	179	1	0	27		
WASTEWATER APPLICANT	10	3	1	0	6		
FLOOD REVIEW	895	848	10	4	5		
FLOOD APPLICANT	70	35	9	1	25		

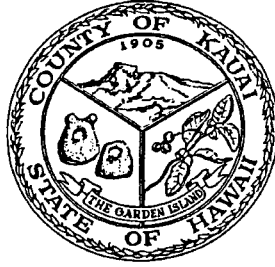
**Field Descriptions, for your Reference:**

- Section 1 - Summary :**
- Quantity of active Building Permit applications by type and aging
  - Type : Commercial or Residential Building Permit Type
  - # of Apps : Total quantity of active Building Permit Applications
  - < 30 Days : Quantity of Building Permit Applications aged 29 days or less
  - < 30 to 60 Days : Quantity of Building Permit Applications aged 30 to 60 days
  - < 61 to 90 Days : Quantity of Building Permit Applications aged 61 to 90 days
  - > 90 Days : Quantity of Building Permit Applications aged greater than 90 days

- Section 2 - Detail :**
- Number of reviews on active Building Permit applications by type and aging
  - Type : Commercial or Residential Building Permit Type
  - Agency :
    - Commercial or Residential Building Permit Type
    - BUILDING - BLDG : Public Works Building Division
    - BUILDING-APPLICANT : Out of Office from Public Works Building Division to Applicant
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    - PLANNING APPLICANT : Out of Office from Planning Department to Applicant
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    - FLOOD REVIEW : Public Works Building Division Flood Review Section
    - FLOOD APPLICANT : Out of Office from PW Building Division Flood Review Section to Applicant
  - Number of Reviews :
    - Quantity of reviews for all active Building Permit applications. No Permit issued. There may be multiple reviews per application.
    - < 30 Days : Quantity of Building Permit Application reviews aged 29 days or less
    - < 30 to 60 Days : Quantity of Building Permit Application reviews aged 30 to 60 days
    - < 61 to 90 Days : Quantity of Building Permit Application reviews aged 61 to 90 days
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C2009-336

**BERNARD P. CARVALHO, JR.**  
MAYOR



**DONALD M. FUJIMOTO**  
COUNTY ENGINEER  
TELEPHONE 241-4992

**GARY K. HEU**  
ADMINISTRATIVE ASSISTANT

**EDMOND P.K. RENAUD**  
DEPUTY COUNTY ENGINEER  
TELEPHONE 241-4992

**AN EQUAL OPPORTUNITY EMPLOYER**  
**COUNTY OF KAUAI**  
DEPARTMENT OF PUBLIC WORKS  
4444 RICE STREET  
MO'IKEHA BUILDING, SUITE 275  
LIHU'E, KAUAI, HAWAII 96766-1340

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COUNTY OF KAUAI

October 1, 2009

Honorable Kaipo Asing, Chairperson  
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Dear Chairman Asing and Members of the County Council:

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If any additional information is required, or any information is desired in a different format, please call me at 241-4854.

Very truly yours,

CONCUR:

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DOUGLAS HAIGH  
Chief, Building Division

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cc: Planning Department w/attachment, Fire Department w/attachment, Water Department w/attachment, Engineering Division w/attachment, Wastewater Division w/attachment, Director of Finance w/attachment

07889-337

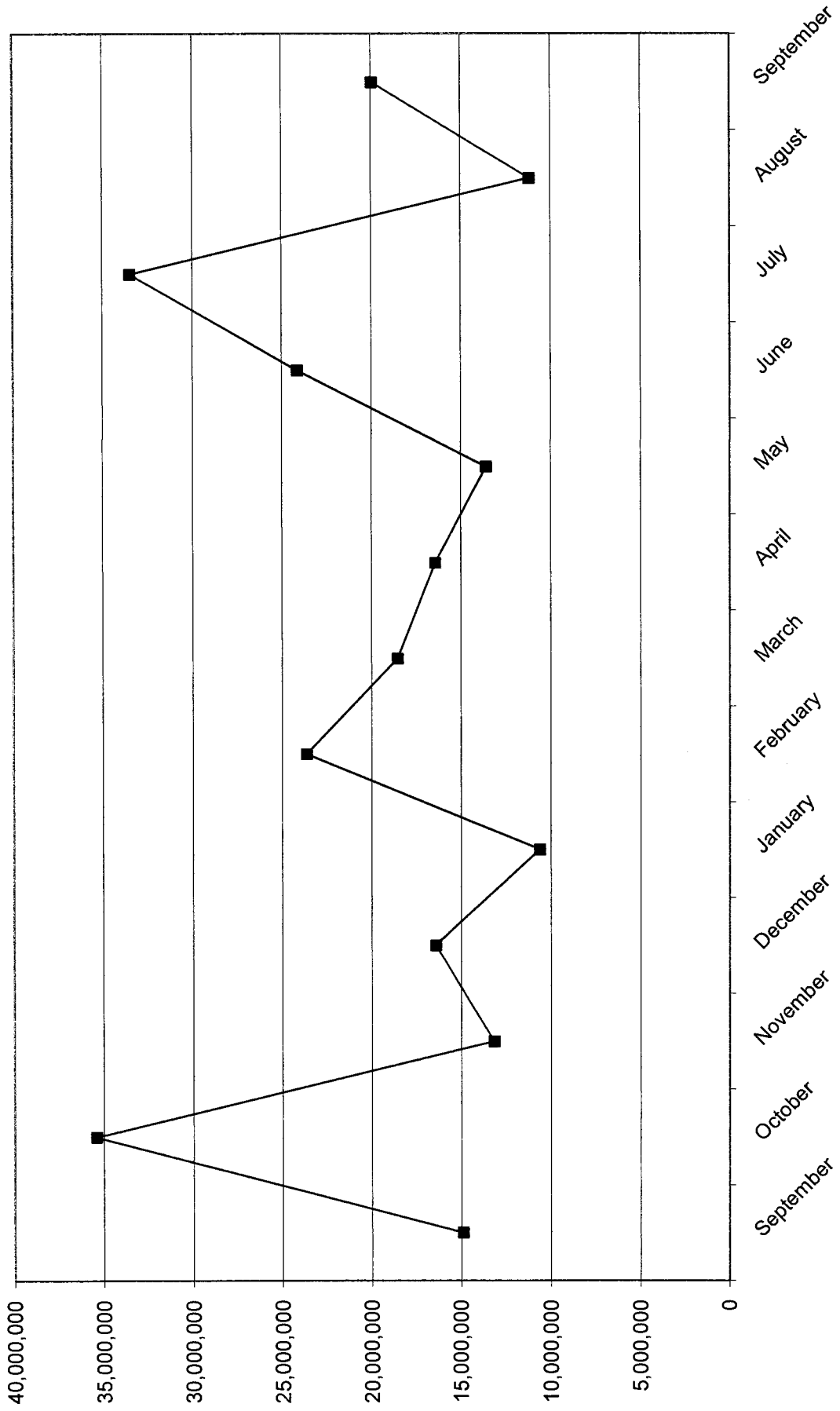
Building Permit Processing Report for the Month of September 2009

Permit Volume Summary

	Residential	Commercial	Total	Previous Year
Incoming Plans	72	18	90	139
Estimate Value of Plans	11,826,300	8,112,400	19,938,700	14,871,930
Number of Building Permits Issued	113	3	116	139
Value of Building Permit Issued	21,329,810	1,099,340	22,429,150	19,006,550
Revolving Fund Fees Collected	8,186	2,047	10,233	74,278
Revolving Fund Balance			191,449	200,000

C2009-337

Building Permit Estimated Value of Plans Summary



07009-337



## Building Permits Tracking Report Issued During September 2009

### Days from Application to Issuance

Type	# of Apps	MAX	AVG
Commercial	27	3,745	1,421
Residential	66	675	123

### Days from Approval to Pickup

Type	# of Apps	MAX	AVG
Commercial	26	3,692	1,421
Residential	66	322	30

### Agency Review Days

Type	Agency	Number of Reviews	MAX Days	AVG Days
Commercial	BUILDING-BLDS	30	33	15
	BUILDING-APPLICANT	4	58	44
	BUILDING-ELECTRICAL	11	1	1
	ELECTRICAL APPLICANT	6	57	28
	BUILDING-PLUMBING	13	8	5
	PLUMBING APPLICANT	3	69	38
	PLANNING DEPT	20	42	13
	PLANNING APPLICANT	6	243	38
	ENGINEERING DIVISION	14	11	2
	ENGINEERING APPLICANT	2	271	271
	FIRE DEPARTMENT APPLICANT	17	15	3
	FIRE DEPARTMENT	1		
	DEPT OF HEALTH (STATE) APPLICANT	20	244	15
	HEALTH DEPARTMENT APPLICANT	1		
	DEPT OF WATER	25	17	4
	WATER APPLICANT	6	484	170
	WASTEWATER DIVISION	10	1	1
	WASTEWATER APPLICANT	1		
	FLOOD REVIEW	13	25	13
	FLOOD APPLICANT	2	2	2
Residential	BUILDING DIVISION	106	37	10
	BUILDING APPLICANT	41	56	22
	ELECTRICAL APPLICANT	1	5	5
	PLANNING DEPT	71	99	20
	PLANNING APPLICANT	45	402	42
	ENGINEERING DIVISION	1	5	5
	ENGINEERING	10	23	5
	DEPT OF HEALTH (STATE)	73	110	17
	HEALTH DEPARTMENT APPLICANT	15	141	45
	DEPT OF WATER	72	10	4
	WATER APPLICANT	9	162	92
	WASTEWATER DIVISION	6	1	1
	WASTEWATER APPLICANT	1	1	1
	FLOOD REVIEW	70	29	13
	FLOOD APPLICANT	3	18	8

Field Descriptions, for your Reference:

#### Section 1- Summary : Days from Application to Issuance - Total Throughput and Averages

Type : Commercial or Residential Building Permit Type  
 # of Apps: Quantity of Applications with Building Permit Issuance for the month  
 Max: Greatest quantity of review days from Building Permit Application Start Date to Permit Issuance Date  
 AVG: Mean average quantity of review days from Building Permit Application Start Date to Permit Issuance Date (Total Days / Number of Permits Issued)

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Type : Commercial or Residential Building Permit Type  
 # of Apps: Quantity of Applications with Permits issued for the month  
 Max: Greatest quantity of days from Building Permit Application Approval Date to Permit Issuance Date  
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Type : Commercial or Residential Building Permit Type  
 Agency Name  
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 PLUMBING APPLICANT : Out of Office from Public Works Building Division Plumbing Inspection Section to Applicant  
 PLANNING DEPT : Planning Department  
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 ENGINEERING DIVISION : Public Works Engineering Division  
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 APPLICANT FIRE : Out of Office from Fire Department to Applicant  
 DEPT OF HEALTH : Department of Health - State of Hawaii  
 HEALTH DEPARTMENT APPLICANT : Out of Office from Department of Health to Applicant  
 DEPT OF WATER : Department of Water  
 WATER APPLICANT : Out of Office from Department of Water to Applicant  
 WASTEWATER DIVISION : Public Works Wastewater Division  
 WASTEWATER APPLICANT : Out of Office from Public Works Wastewater Division to Applicant  
 FLOOD REVIEW : Public Works Building Division Flood Review Section  
 FLOOD APPLICANT : Out of Office from Public Works Building Division Flood Review Section to Applicant  
 AVG: Mean average quantity of review days for the agency for permits issued for the month.  
 MAX: Greatest quantity of review days for the agency for permits issued for the month.

2009-337



# Building Permits Status: Current Open Applications

Type	# of Apps	<30 Days	30 to 60 Days	61 to 90 Days	> 90 Days
Commercial	699	14	15	28	634
Residential	1,508	45	46	40	1,377

Type	Agency	Number of Reviews	< 30 Days	30 to 60 Days	61 to 90 Days	> 90 Days
Commercial	BUILDING-BLDS	522	463	35	20	4
Commercial	BUILDING-APPLICANT	82	12	11	3	56
Commercial	BUILDING-ELECTRICAL	415	331	46	35	3
Commercial	ELECTRICAL APPLICANT	150	49	20	9	72
Commercial	BUILDING-PLUMBING	396	377	2	0	7
Commercial	PLUMBING APPLICANT	66	47	12	0	7
Commercial	PLANNING DEPT	631	349	125	36	121
Commercial	PLANNING APPLICANT	427	189	21	10	207
Commercial	ENGINEERING DIVISION	296	211	21	3	61
Commercial	ENGINEERING APPLICANT	54	5	4	5	40
Commercial	FIRE DEPARTMENT	416	390	24	0	2
Commercial	FIRE DEPARTMENT APPLICANT	7	0	0	1	6
Commercial	DEPT OF HEALTH (STATE)	492	392	41	10	49
Commercial	HEALTH DEPARTMENT APPLICANT	15	5	1	1	8
Commercial	DEPT OF WATER	526	465	32	6	21
Commercial	WATER APPLICANT	198	8	16	5	169
Commercial	WASTEWATER DIVISION	229	218	1	1	9
Commercial	WASTEWATER APPLICANT	19	3	1	0	16
Commercial	FLOOD REVIEW	393	371	3	7	2
Commercial	FLOOD APPLICANT	18	9	2	3	4
Commercial	BUILDING DIVISION	1,288	1,136	54	17	79
Commercial	BUILDING APPLICANT	247	142	17	10	78
Commercial	ELECTRICAL APPLICANT	18	6	1	0	11
Commercial	PLANNING DEPT	1,591	882	286	130	313
Commercial	PLANNING APPLICANT	637	432	105	31	269
Commercial	ENGINEERING DIVISION	772	694	17	3	58
Commercial	ENGINEERING APPLICANT	193	43	12	2	136
Commercial	FIRE DEPARTMENT	161	160	1	0	0
Commercial	APPLICANT FIRE	2	0	1	0	1
Commercial	DEPT OF HEALTH (STATE)	1,378	1,084	79	53	162
Commercial	HEALTH DEPARTMENT APPLICANT	281	67	40	25	129
Commercial	DEPT OF WATER	1,346	1,231	21	13	81
Commercial	WATER APPLICANT	445	97	114	27	207
Commercial	WASTEWATER DIVISION	207	179	1	0	27
Commercial	WASTEWATER APPLICANT	10	3	1	0	6
Commercial	FLOOD REVIEW	653	644	10	4	5
Commercial	FLOOD APPLICANT	69	34	9	1	25
Residential						

### Field Descriptions, for your Reference:

#### Section 1 - Summary:

- Type: Quantity of active Building Permit applications by type and aging
- # of Apps: Commercial or Residential Building Permit Type
- < 30 Days: Total quantity of active Building Permit Applications
- < 30 to 60 Days: Quantity of Building Permit Applications aged 29 days or less
- < 61 to 90 Days: Quantity of Building Permit Applications aged 30 to 60 days
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- > 90 Days: Quantity of Building Permit Applications aged greater than 90 days

#### Section 2 - Detail:

- Type: Number of reviews on active Building Permit applications by type and aging
- Agency: Commercial or Residential Building Permit Type
- BUILDING - BLDG: Public Works Building Division
- APPLICANT BUILDING: Out of Office from Public Works Building Division to Applicant
- BUILDING ELECTRICAL: Public Works Building Division Electrical Inspection Section
- ELECTRICAL APPLICANT: Out of Office from Public Works Building Division Electrical Inspection Section to Applicant
- BUILDING PLUMBING: Public Works Building Division Plumbing Inspection Section
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- PLANNING DEPT: Planning Department
- PLANNING APPLICANT: Out of Office from Planning Department to Applicant
- ENGINEERING DIVISION: Public Works Engineering Division
- ENGINEERING APPLICANT: Out of Office from Public Works Engineering Division to Applicant
- FIRE DEPT: Fire Department
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- WASTEWATER APPLICANT: Out of Office from Public Works Wastewater Division to Applicant
- FLOOD REVIEW: Public Works Building Division Flood Review Section
- FLOOD APPLICANT: Out of Office from PW Building Division Flood Review Section to Applicant
- Number of Reviews: Quantity of reviews for all active Building Permit applications. No Permit issued. There may be multiple reviews per application.
- < 30 Days: Quantity of Building Permit Application reviews aged 29 days or less
- < 30 to 60 Days: Quantity of Building Permit Application reviews aged 30 to 60 days
- < 61 to 90 Days: Quantity of Building Permit Application reviews aged 61 to 90 days
- > 90 Days: Quantity of Building Permit Application reviews aged greater than 90 days

C2009-337



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COUNTY OF KAUAI  
DIVISION OF PURCHASING  
DEPARTMENT OF FINANCE  
4444 RICE STREET, ROOM 303  
LIHUE, HAWAII 96766

October 7, 2009

Honorable William Asing  
Kaua'i County Council Chairperson  
County of Kaua'i

Dear Chairperson Asing:

RE: FY 09/10 1ST QUARTER STATEMENT OF EQUIPMENT PURCHASES


The following Statements are submitted pursuant to Section 18 of the Operating Budget Ordinance Number B-2009-690:

1. Equipment Schedule for Various Agencies:
 

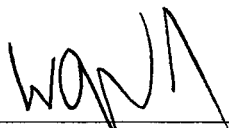
a. Mayor's Office	j. Liquor
b. Council Services	k. Parks and Recreation
c. County Clerk	l. Personnel
d. County Attorney	m. Planning
e. Civil Defense	n. Police
f. Economic Development	o. Prosecuting Attorney
g. Finance	p. Public Works
h. Fire	q. Transportation
i. Housing	
  
2. Schedule of Grants & Miscellaneous Equipment Procurement

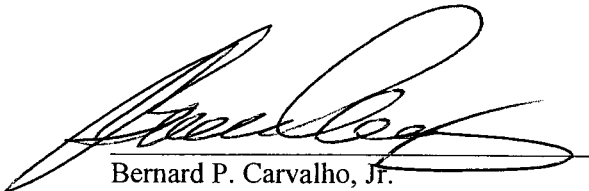
Please feel free to call on any questions.

Sincerely,

  
Elmer Muraoka  
Assistant Chief Procurement Officer

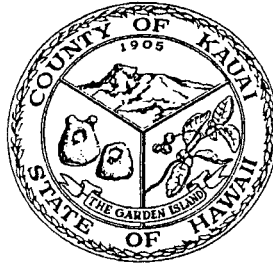
Concurrence:

  
\_\_\_\_\_  
Wallace Rezentes, Jr.  
Director of Finance

  
\_\_\_\_\_  
Bernard P. Carvalho, Jr.  
Mayor

02009-338

BERNARD P. CARVALHO, JR.  
MAYOR



DONALD M. FUJIMOTO  
COUNTY ENGINEER  
TELEPHONE 241-4992

GARY K. HEU  
ADMINISTRATIVE ASSISTANT

EDMOND P.K. RENAUD  
DEPUTY COUNTY ENGINEER  
TELEPHONE 241-4992

AN EQUAL OPPORTUNITY EMPLOYER  
COUNTY OF KAUA'I

RECEIVED

DEPARTMENT OF PUBLIC WORKS  
4444 RICE STREET  
MO'IKEHA BUILDING, SUITE 275  
LIHU'E, KAUA'I, HAWAII 96766-1340

'09 OCT 12 A9 59

October 8, 2009

Honorable Bill "Kaipo" Asing", Council Chair  
and Members of the County Council  
County of Kaua'i  
Lihu'e, HI 96766  
**Attention: Council Member Tim Bynum**

OFFICE OF THE  
COUNTY ENGINEER  
COUNTY OF KAUA'I  
LIHU'E, HAWAII

**SUBJECT: RESOLUTION ESTABLISHING 15 MPH SPEED LIMIT FOR MAKAMAE PLACE, CANELA RESIDENTIAL SUBDIVISION – HANAIEI DISTRICT.**

Transmitted for your approval is the subject traffic resolution which establishes a 15 mph speed limit for the entire length along Makamae Place for the Canela Residential Subdivision in Hanalei. The dedication deed for the roadway lot within Canela Residential Subdivision has been approved and accepted by the County Council at its July 8, 2009 County Council meeting under agenda item C-2009-241, a copy of which is enclosed for your information and use.

We seek your favorable approval. Should you have any questions, please contact me at (808) 241-4891.

Very truly yours,

CONCUR:

APPROVED:

WALLACE KUDO, P.E.  
Chief, Eng. Div.

DONALD M. FUJIMOTO, P.E.  
County Engineer

BERNARD P. CARVALHO, JR.  
MAYOR

PT/GO/WK  
Attachments

Design and Permitting w/attachments  
Construction and Inspection w/ attachments  
Road Maintenance w/attachments

02009-339

COUNTY COUNCIL  
BILL "KAIPO" ASING, CHAIR  
JAY FURFARO, VICE CHAIR  
TIM BYNUM  
DICKIE CHANG  
DARYL W. KANESHIRO  
LANI T. KAWAHARA  
DEREK S.K. KAWAKAMI



4396 RICE STREET, ROOM 206  
LIHU'E, KAUA'I, HAWAII 96766-1371  
E-mail: cokcouncil@kauai.gov

OFFICE OF THE COUNTY CLERK  
Council Services Division  
Elections Division

PETER A. NAKAMURA, County Clerk  
ERNESTO G. PASION, Deputy County Clerk  
Telephone: (808) 241-6371  
Facsimile: (808) 241-6349

**MEMORANDUM**

July 9, 2009

**TO: BERNARD P. CARVALHO, JR., MAYOR**  
**FROM: BILL "KAIPO" ASING, COUNCIL CHAIR** *PKA*  
**SUBJECT: JULY 8, 2009 COUNCIL MEETING**

This is to inform you of the action taken by the Council at its July 8, 2009 Council meeting and any follow-up that was requested:

C 2009-224 Communication (06/01/2009) from the Chief of the Building Division, Department of Public Works, transmitting for Council information, the Building Permit Information Reports for May 2009 that includes the following:

- 1) Building Permit Processing Report
- 2) Building Permit Estimated Value of Plans Summary
- 3) Building Permits Tracking Report
- 4) Building Permits Status

***Received for the record.***

C 2009-225 Communication (06/08/2009) from the Director of Personnel Services, transmitting for Council information, the following classification request which the Department of Personnel Services will be reviewing and taking appropriate action:

- Finance Department, Position No. 222 (Redescription - Review of Real Property Appraiser V)
- Finance Department, Position No. 216 (Redescription - Review of Real Property Appraiser IV)
- Finance Department, Position 225 (Reallocation of Student Intern to Tax Clerk) ***Received for the record.***

C 2009-226 Communication (06/10/2009) from the Director of Personnel Services, transmitting for Council information, the following classification request which the Department of Personnel Services will be reviewing and taking appropriate action:

- Finance Department, (New Position - Initial Allocation, IT Specialist)
- Received for the record.***

*C2009-229*

Bernard P. Carvalho, Jr., Mayor  
July 9, 2009  
Page 2 of 6

C 2009-227 Communication (06/12/2009) from the Chief of Wastewater, Department of Public Works, transmitting for Council consideration a Resolution authorizing the Mayor or the Director of Finance of the County of Kaua'i to enter into an Intergovernmental Agreement with the State of Hawai'i, Department of Health for a loan from the American Recovery and Reinvestment Act of 2009, portion of the State Water Pollution Control Revolving Fund for the Waimea Wastewater Treatment Plant Expansion, Phase I, Project No. C150047-04: **Received for the record.**

C 2009-228 Communication (06/16/2009) from the Director of Finance, transmitting for Council information the Period 10 Financial Reports – Statement of Revenues as of April 30, 2009: **Received for the record.**

C 2009-229 Communication (06/18/2009) from the Director of Personnel Services, transmitting for Council information an amended copy of the County of Kaua'i's revised Personal Services Contract: **Received for the record.**

C 2009-230 Communication (06/24/2009) from Councilmember Derek S.K. Kawakami, requesting agenda time for Paula L. Hartzell, Ph.D., Conservation Initiatives Coordinator, Hawai'i Division of Forestry and Wildlife, to present a briefing on the State Habitat Conservation Plan (HCP): **Received for the record.**

C 2009-231 Communication (05/11/2009) from the Housing Director, requesting Council approval to decline the repurchase of Unit No. 63, Villas at Puali, located in Puhi at 4024 Puali Place, Lihu'e, Kaua'i, Hawai'i 96766, and permit market sale of the unit for a period of one-year: **Approved.**

C 2009-232 Communication (05/28/2009) from the Fire Chief, requesting Council approval to apply for, receive, and expend the Assistance to Fire Fighters Grant (AFG) to purchase four (4) complete Portable Hydraulic Extrication Systems in the amount of \$81,112 which is 80% of the grant and the remaining 20% or \$20,278 will be from the Kaua'i Fire Department's budget: **Approved.**

C 2009-233 Communication (06/04/2009) from the Fire Chief, requesting Council approval to apply for, receive, and expend the Assistance to Fire Fighters Grant (AFG) Fire Station Construction Grant, pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) in the amount of \$5,000,000 which will defray the construction cost of the new Keālia Fire Station if awarded: **Received for the record.**

C2009-339

Bernard P. Carvalho, Jr., Mayor  
July 9, 2009  
Page 3 of 6

C 2009-234 Communication (06/22/2009) from the Prosecuting Attorney, requesting Council approval to:

- 1) Apply for, receive, and expend State funds for the continuation of the Kaua'i Career Criminal Prosecution Program in the amount of \$117,272; and
- 2) Indemnify the State of Hawai'i, Department of the Attorney General.

The funding received will be expended on salaries and wages for the Career Criminal Prosecution unit to continue the program for the term commencing July 1, 2009 through June 30, 2010: **Approved.**

C 2009-235 Communication (06/24/2009) from the Prosecuting Attorney, requesting Council approval to:

- 1) Apply for, receive, and expend Federal Funds for the Kaua'i Victim of Crime Act (VOCA) Expansion Program, pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) in the amount of \$34,461; and
- 2) Indemnify the State of Hawai'i, Department of the Attorney General.

The funding received will be expended on contract services for the YWCA Kaua'i for the Sexual Treatment Program as well as the Family Violence Shelter for the term commencing September 1, 2009 up to August 31, 2012: **Approved.**

C 2009-236 Request (06/24/2009) from the Office of the County Attorney for authorization to expend additional funds up to \$100,000 for special counsel to represent the County in 1000 Friends of Kaua'i, et al. v. Department of Planning, et al., Civ. No. 07-1-0007 (Fifth Circuit Court); Coconut Beach Development, LLC v. County of Kaua'i, et al., Civ. No. 07-1-0026 (Fifth Circuit Court); Coconut Plantation Holdings, LLC v. County of Kaua'i, et al., Civ. No. 07-1-0027 (Fifth Circuit Court); Coconut Beach Development LLC v. Bryan Baptiste, et al., Civ. No. 08-00036 SOM/KSC (U.S. District Court, District of Hawai'i) and associated matters: **Approved.**

C 2009-237 Request (06/25/2009) from the Office of the County Attorney for authorization to expend funds up to \$75,000 for special counsel to represent the Planning Department of the County of Kauai in Planning Department of the County of Kaua'i vs. Patricia W. & Michael G. Sheehan, Sr., Permit Numbers: Special Management Area Use; Permit SMA (U) 87-8; Use Permit U-87-32; Special Permit SP-87-9; Class IV Zoning Permit Z-IV-87-40 (The Planning Commission of the County of Kaua'i, State of Hawai'i) and related matters: **Approved.**

C 2009-238 Communication (06/25/2009) from the Prosecuting Attorney, requesting Council approval to:

- 1) Apply for, receive, and expend State Funds for the Kaua'i Victim Witness Assistance Program, in the amount of \$38,219; and
- 2) Indemnify the State of Hawai'i, Department of the Attorney General.

C2009-339

Bernard P. Carvalho, Jr., Mayor  
July 9, 2009  
Page 4 of 6

The funding received will be expended on salaries and fringes for the Office of the Prosecuting Attorney, Victim/Witness Program for the term commencing July 1, 2009 up through June 30, 2010: **Approved.**

C 2009-239 Communication (06/30/2009) from the Director of Parks & Recreation, requesting Council approval to donate a set of two (2) wooden picnic tables with an approximate value of \$800 to the Salvation Army Lihu'e Corps to service the Kōkua Soup Kitchen: **Approved.**

C 2009-202 Communication (05/08/2009) from the Housing Director, requesting Council approval to decline the repurchase of Unit No. 602, Hookena at Puhī, located at 2080 Manawalea Street, Līhu'e, Kaua'i, Hawai'i, 96766, and provide the owner with a one-year waiver of the resale restriction: **Deferred.**

LEGAL DOCUMENT:

C 2009-240 Communication (05/12/2009) from the Mayor, recommending Council approval of the following:

- Deed by Port Allen Residential, LLC, conveying to the County of Kaua'i Roadway Lots 64 through 67, Port Allen Residential Subdivision, 'Ele'ele, Kaua'i, for roadway purposes: **Approved.**

C 2009-241 Communication (05/18/2009) from the Mayor, recommending Council approval of the following:

- Dedication Deed by Canela Group LLC, conveying to the County of Kaua'i Roadway Lots 83-B-4 and 84-B-4, Canela Residential Subdivision, Wainiha, Kaua'i, for roadway purposes: **Approved.**

C 2009-242 Communication (05/18/2009) from the Mayor, recommending Council approval of the following:

- Dedication Deed by Grove Farm Properties, Inc., conveying to the County of Kaua'i Roadway Lots 1692 through 1699, incl., Map 171 and Lots 1795 through 1801, incl., Map 175, Land Court Application No. 1087 (amended), Pikake Phases I and II, Līhu'e, Kaua'i, for roadway purposes: **Approved.**

C 2009-243 Communication (06/23/2009) from the Executive on Transportation, Transportation Agency, transmitting for Council approval a recommendation to indemnify the landowners to establish bus stops on their property as follows:

- Right-of-Entry Agreement by and between Hyatt Corporation, as agent of Kawailoa Development, a Hawai'i general partnership, dba Grand Hyatt Kaua'i Resort and Spa and the County of Kaua'i for the Kaua'i Bus to establish a bus stop

C2009-339

Bernard P. Carvalho, Jr., Mayor  
July 9, 2009  
Page 5 of 6

for picking up and dropping off of passengers on their premises located by the guest check-in entrance on the west side of the property: **Approved.**

CLAIMS:

C 2009-244 Communication (06/15/2009) from the County Clerk, transmitting a claim filed against the County of Kaua'i by State Farm Mutual Automobile Insurance Company as subrogee for Brigetta Walsh, for damages to her 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.**

C 2009-245 Communication (06/24/2009) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Charles M. Saiki, for damages 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.**

C 2009-246 Communication (06/24/2009) from the County Clerk, transmitting a claim filed against the County of Kaua'i by DTG Operations, Inc. (DBA Dollar Rent-A-Car), for damages to their 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 REPORTS: **APPROVED.**

RESOLUTIONS:

Resolution No. 2009-45 – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 PORTION OF THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE WAIMEA WASTEWATER TREATMENT PLANT EXPANSION, PHASE I, PROJECT NO. C150047-04: **Approved.**

BILLS FOR SECOND READING:

Bill No. 2314 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12 OF THE KAUAI COUNTY CODE – 1987 ENTITLED "BUILDING CODE": **Approved.**

02009-339

Bernard P. Carvalho, Jr., Mayor  
July 9, 2009  
Page 6 of 6

Bill No. 2315 – A BILL FOR AN ORDINANCE TO AMEND ARTICLE 9 OF CHAPTER 6, KAUA'I COUNTY CODE, 1987, AS AMENDED, RELATING TO THE HOUSING REVOLVING FUND: **Approved.**

Bill No. 2316 – A BILL FOR AN ORDINANCE TO AMEND ZONING CONDITION IN ORDINANCE NO. PM-31-79, RELATING TO ZONING DESIGNATION IN PO'IPŪ, KAUA'I (Kiahuna Land Company, a Hawai'i limited partnership; and Po'ipū Town Center, LLC, Applicants): **Approved.**

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 memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

RW/lki

Copy: Council  
via e-mail: County Attorney (via Joy Goto)  
County Engineer (via Mari Chan)  
Eve Domingcil (Fire Department)  
Leonard Rapozo, Jr., Director of Parks & Rec. (Dept. of Parks & Rec.)  
Alvin Honda, Budget Administrator (Finance Dept.)  
Rhonda Lizama, Private Secretary (Finance Dept.)  
Clint Saiki, Fiscal Management Officer (Public Works Dept.)  
Lynn Kuboyama, Fiscal Officer (Dept. of Parks & Recreation)  
Cathy Simao, Private Secretary (Dept. of Parks & Recreation)  
Staff

07089-339

COUNTY COUNCIL  
Bill "Kaipo" Asing, Chair  
Jay Furfaro, Vice Chair  
Tim Bynum  
Dickie Chang  
Daryl W. Kaneshiro  
Lani T. Kawahara  
Derek S. K. Kawakami



OFFICE OF THE COUNTY CLERK

Peter A. Nakamura, County Clerk

Telephone (808) 241-6371  
Fax (808) 241-6349  
Email [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov)

Council Services Division  
4396 Rice Street, Room 206  
Līhu'e, Kaua'i, Hawai'i 96766-1371

October 9, 2009

RECEIVED

'09 OCT 12 AM 11:41

Honorable Bill "Kaipo" Asing  
Chair, Kaua'i County Council  
4396 Rice Street, Suite 206  
Līhu'e, HI 96766

OFFICE OF THE COUNTY CLERK  
THE COUNTY OF KAUI  
COUNTY OF HAWAII

Dear Chair Asing and Members of the County Council:

I am requesting your consideration of the attached proposed bill which I am asking to be placed on the November 4, 2009 Council Meeting agenda. This bill proposes to amend Chapter 16, Article 20, of the Kaua'i County Code 1987 by adding a new section relating to the use of mobile electronic devices while operating a vehicle.

The purpose of this bill is to prohibit the use of mobile electronic devices (i.e., cellular phones, text messaging devices, personal digital assistant (pda), laptop computer, video game, etc.) while operating a motor vehicle, unless the person is using a hands-free device.

Thank you for your consideration in this matter.

Sincerely,

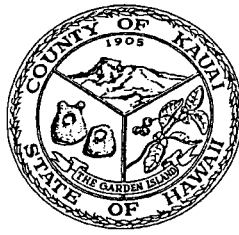
Derek S. K. Kawakami  
Councilmember

Attachment  
cc: 11/4/09 Council Meeting Agenda

YS/ds.vdskk2009-10-153

2009-340

COUNTY COUNCIL  
Bill "Kaipo" Asing, Chair  
Jay Furfaro, Vice Chair  
Tim Bynum  
Dickie Chang  
Daryl W. Kaneshiro  
Lani T. Kawahara  
Derek S. K. Kawakami



OFFICE OF THE COUNTY CLERK

Peter A. Nakamura, County Clerk

Telephone (808) 241-6371  
Fax (808) 241-6349  
Email [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov)

Council Services Division  
4396 Rice Street, Room 206  
Līhu'e, Kaua'i, Hawai'i 96766-1371

October 15, 2009

RECEIVED

Bill "Kaipo" Asing, Council Chair  
& Members of the County Council  
4396 Rice Street, Suite 206  
Līhu'e, HI 96766

'09 OCT 19 P12 :13

OFFICE OF THE COUNTY CLERK  
THE COUNTY OF KAUAI  
COUNTY OF KAUAI

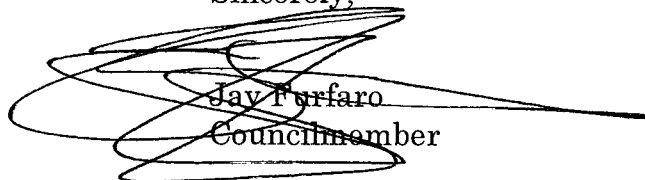
Dear Council Chair & Members of the County Council:

I am requesting your support of the proposed bill which I am asking to be placed on the November 4, 2009 Council agenda. This bill, as it relates to Chapter 5A, Article 11A, Section 5A-11A.1, of the Kaua'i County Code 1987, with respect to Limitation of Taxes For Property Used for Long Term Affordable Rental, proposes the following:

- Allows real property owners who were previously in the Long Term Affordable Rental credit program and failed to reapply by the December 31 application deadline to submit an application with the proper documentation.
- After the Director of Finance determines that the submitted documents are verified and that the owner's failure to reapply on the specified due date was due to an oversight, the owner shall be reinstated in the Long Term Affordable Rental program on the tax year that is determined by the Director of Finance subject to Sec. 5A-11A.1(f) and shall be assessed a five percent (5%) penalty fee of what the owner would have paid in taxes for that year.
- If the owner paid the full amount of taxes at the higher base year due to the failure to reapply by the December 31 application deadline, the owner will be refunded the difference minus the penalty fee of five percent (5%).

Thank you for your consideration in this matter.

Sincerely,



Jay Furfaro  
Councilmember

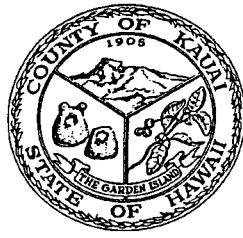
Attachment

cc: November 4, 2009 Council meeting

SI/wa2009-10-163a

07009-341

COUNTY COUNCIL  
Bill "Kaipo" Asing, Chair  
Jay Furfaro, Vice Chair  
Tim Bynum  
Dickie Chang  
Daryl W. Kaneshiro  
Lani T. Kawahara  
Derek S. K. Kawakami



OFFICE OF THE COUNTY CLERK

Peter A. Nakamura, County Clerk


RECEIVED  
Telephone (808) 241-6371  
Fax (808) 241-6349  
Email [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov)  
09 OCT 23 12:23

Council Services Division  
4396 Rice Street, Room 206  
Līhu'e, Kaua'i, Hawai'i 96766-1371

MEMORANDUM

October 23, 2009

TO: All Councilmembers

FROM: Councilmember Tim Bynum 

RE: RESOLUTION AMENDING RULES OF THE COUCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS

---

Attached for your review and consideration is a proposed RESOLUTION AMENDING RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS.

The proposed resolution involves an amendment to the County Council's rules to permit the Council Chair to place items received after the deadline set forth in Rule 15 on the agenda, provided that the notice meets the requirements of Section 92-7 of the Hawai'i Revised Statutes

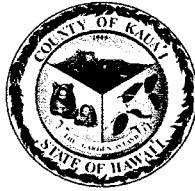
Should you have any questions, please feel free to see me. Your attention to this matter is appreciated.

pm  
Att.  
cc: November 4, 2009 Council Agenda

*07009-342*

**Bernard P. Carvalho, Jr.**  
Mayor

**Gary K. Heu**  
Administrative Assistant



**KAUA'I COUNTY HOUSING AGENCY**  
Pi'ikoi Building 4444 Rice Street Suite 330  
Lihue Hawaii 96766

**Eugene K. Jimenez**  
Housing Director

RECEIVED

'09 OCT 23 P 4 :24

October 23, 2009

OFFICE OF THE  
THE COUNTY CLERK  
COUNTY OF KAUAI

Honorable William "Kaipo" Asing, Chairperson  
and Members of the County Council  
4396 Rice Street, Room 206  
Lihue, Kaua'i, Hawai'i 96766

Attention: Economic Development/Housing Committee Chair Dickie Chang

Dear Chairperson Asing and Members:

**SUBJECT:** Request to Amend Ordinance No. B-2009-691, Relating to the  
Capital Budget for the Fiscal Year 2009-2010

Attached is a Bill amending the 2009-2010 Capital Budget Ordinance – General Fund appropriation for Affordable Housing which intends to expand the proposed use of said funds beyond just infrastructure improvements.

In furtherance of the goals expressed by Council Resolution No. 2004-44 for the future development of affordable housing, the Housing Agency has been pursuing the possible discounted purchase of 75 acres of land in Eleele from Alexander and Baldwin (A&B). At this time, we are pleased to report that negotiations with A&B to acquire land are nearing completion and we are anticipating expeditiously finalizing the acquisition as outlined below:

1. Disposition Agreement
  - Attorney Review – November 2009
  - Council Approval – December 2009
2. Estimated Consulting Fees (Pre-Acquisition: \$30,500)
  - Phase I Environmental Survey Completion – November 2009
  - Phase II Environmental Survey, if required – December 2009
3. Subdivision (Estimated Engineering Fees: \$15,000)
  - Tentative Subdivision Approval – Approved October 2009
  - Final Subdivision Approval – December 2009

02009-343



4. Land Acquisition and Infrastructure Improvements (Land Acquisition - \$2.5 million/  
Estimated Sewer Lateral - \$100K)
  - Anticipated Closing - December 2009
5. Estimated Consulting Fees (Post-Acquisition: \$141,239)

Given the estimated cost of \$2.78 million outlined above, the Housing Agency is requesting that the County Council amend the General Fund Capital Budget as proposed in the attached Bill, which will allow the County Housing Agency to complete the acquisition of 75 acres from A&B for future affordable housing development. The balance of funds needed for this acquisition are available from the 2009-2010 Capital Budget Ordinance - Bond Fund, which includes a complementary appropriation of \$2 million for Affordable Housing purposes.

It is important to note that the 75 acre site being considered for purchase is valued at \$4.3 million dollars (\$57,631/acre). A&B has agreed to a sale price of \$2.5 million (plus associated cost reimbursements) and will be writing off the balance (approximately \$1.8 million) as a charitable contribution to the County. For this reason, it is in the best interest of A&B and the County to move quickly towards completing this land transaction prior to the close of the calendar year.

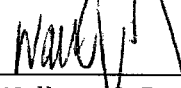
Furthermore, A&B (Kaua'i Coffee Company, Inc.) will be allowed the continued use of the subject property, or portion thereof, for agricultural operations until such time that the County is prepared to commence development of any future affordable housing on this site.


Thank you for your favorable consideration of this request and your timely approval of the attached Bill amending the 2009-2010 Capital Budget Ordinance - General Fund appropriation for Affordable Housing.

Sincerely yours,

  
Eugene K. Jimenez  
Housing Director

APPROVED:

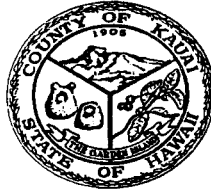
  
\_\_\_\_\_  
Wallace G. Rezendes, Jr.  
Director of Finance

  
\_\_\_\_\_  
Bernard P. Carvalho, Jr.  
Mayor

C2009-343



BERNARD P. CARVALHO, JR.  
MAYOR



DONALD M. FUJIMOTO  
COUNTY ENGINEER  
TELEPHONE 241-4992

GARY K. HEU  
ADMINISTRATIVE ASSISTANT

EDMOND P.K. RENAUD  
DEPUTY COUNTY ENGINEER  
TELEPHONE 241-4992

AN EQUAL OPPORTUNITY EMPLOYER RECEIVED  
COUNTY OF KAUA'I

DEPARTMENT OF PUBLIC WORKS  
4444 RICE STREET  
MO'IKEHA BUILDING, SUITE 275  
LIHU'E, KAUA'I, HAWAII 96766

'09 OCT 15 10:41

October 1, 2009

OFFICE OF THE COUNTY ATTORNEY  
COUNTY OF KAUA'I

Honorable Bill "Kaipo" Asing, Chair  
and Members of the County Council  
County of Kaua'i  
Lihu'e, Hawaii 96766

SUBJECT: REQUEST FOR UNCOLLECTIBLE TIPPING FEE WRITE-OFF

Dear Chair Asing and Members of the County Council,

Pursuant to Kaua'i County Code Section 21-9.4 relating to uncollectible delinquent tipping fee accounts, the Department of Public Works Solid Waste Division requests your approval to write-off delinquent tipping fees in the amount of \$6,044.98 for Eric Taniguchi dba Eric Taniguchi Trucking & Equipment ("Taniguchi") (Account # 55445-432027).

As background, Taniguchi was issued delinquency letters in May 2001 and June 2001. In August of that year, the Office of the County Attorney attempted collection of \$34,704.49. Taniguchi failed to pay, and his landfill privileges were subsequently revoked.

In September 2001, the County Attorney's Office filed a civil complaint in Circuit Court against Taniguchi seeking payment of the full amount. However, that following December, the County and Taniguchi reached an agreement to initiate a payment plan. Given the agreement, the County Attorney's office requested that the civil complaint be dismissed without prejudice.

In January 2004, the Director of Finance and Taniguchi met concerning defaults to the payment plan. The meeting yielded a subsequent agreement to amend the payment plan and allow the balance of \$15,986.64 to be paid over a 12-month period. Deputy County Attorney James Tagupa verbally recommended that no collateral be collected given Taniguchi's previous record of payment.

2009-744

In November 2004, Taniguchi was mailed a letter by the Solid Waste Division notifying him of default. The letter remained unclaimed and was returned. That following December, the County Engineer requested that the County Attorney initiate legal action to collect on the \$3,681.52 balance left on Taniguchi's payment plan. One final notice was sent by the County Attorney's office to Taniguchi to no avail.

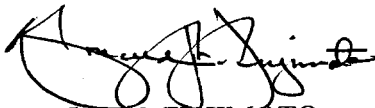
In March 2005, the District Court entered judgment in Civil Case #RC-05-1-51. In January 2008, this judgment was recorded with the Bureau of Conveyances against Taniguchi's assets. A Satisfaction of Judgment was filed by Tagupa with the District Court in July 2008, and subsequently the Bureau in August of that year. The filings do not indicate why Tagupa filed the Satisfaction of Judgment.

The Solid Waste Division followed with an inquiry to the County Attorney's office in May 2009 with respect to the judgment. The County Attorney's office conveyed that records showed a Satisfaction of Judgment was indeed filed. Copies of the conveyance filing are attached.

As a satisfaction of judgment was filed, we are unable to pursue this debt any further. Upon recommendation of the County Attorney, we request that the said account be written off.

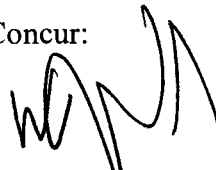
Should you have any questions, or require additional information relating to this account, please feel free to contact Clint Saiki, Fiscal Management Officer at 241-4833.

Sincerely,



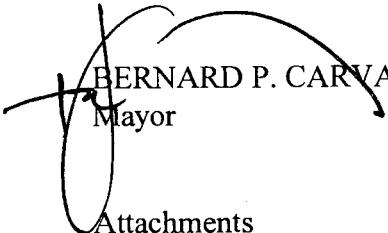
DONALD M. FUJIMOTO  
County Engineer

Concur:



WALLACE G. REZENTES, JR.  
Director of Finance

APPROVED:



BERNARD P. CARVALHO, JR.  
Mayor

Attachments  
cc: County Attorney

07079-344







Bernard P. Carvalho Jr.  
Mayor

**Office of Economic Development**  
County of Kauai  
4444 Rice Street, Suite 200  
Lihue, HI 96766-1300

RECEIVED

George K. Costa  
Director  
'09 OCT 21 11:21

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

October 1, 2009

Honorable Chair Bill "Kaipo" Asing  
and members of the County Council  
4396 Rice St., Room 206  
Lihue, Kauai, HI 96766

Dear Chair Asing & Members of the Council:

Subject: Approval to Apply for, Receive, Indemnify and Expend Funds from the Hawaii Tourism Authority.

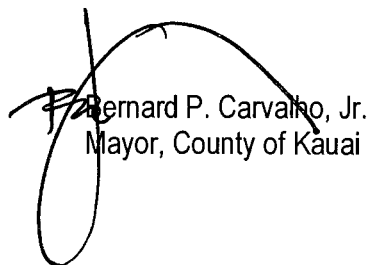
The Office of Economic Development (OED), Tourism program respectfully requests Council approval to apply for, receive, indemnify and expend approximately \$100,000 in grant funds from the Hawaii Tourism Authority's Natural Resource Program. The grant will help to fund the Poipu Beach Restoration Study.

If you have any questions concerning this request, please call Nalani Brun, Tourism Specialist at 241-4952.

Sincerely yours,

APPROVED:

  
George K. Costa  
OED Director

  
Bernard P. Carvalho, Jr.  
Mayor, County of Kauai

C2009-245



Bernard P. Carvalho, Jr.  
Mayor



Gary K. Heu  
Administrative Assistant

John Isobe  
Administrator

Office of Boards and Commissions '09 OCT 21 P12 :11

MEMORANDUM

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

TO: Alfred Castillo, Jr., County Attorney  
Wallace Rezentes, Jr., Director of Finance  
William "Kaipo" Asing, County Council Chairman

FROM: John Isobe, Boards & Commissions Administrator

DATE: October 12, 2009

RE: Request for Records Disposal

The Office of Boards and Commissions request permission to erase and/or dispose of all stored analog and digital audio recordings from various boards and commissions meetings, all of which have been transcribed into minutes and approved by the respective board or commission.

Thank you for your attention to our request.

Attachments: Hawai'i Revised Statutes §92F-12 (a) (16)  
OIP Opinion Letter No. 08-02

Records Disposal Request\_Audio\_Electronic 2 100109 Rev

07009-347

COUNTY OF KAUAI  
RECORDS DISPOSAL

APPLICATION AND AUTHORIZATION FOR DESTRUCTION OF  
GOVERNMENT RECORDS

In accordance with Section 46-43, H.R.S., and Resolution No. 49-86 (1986), as amended, authorization is requested for destruction of the following government records for the following reason(s):

- Kept for over seven years and are no longer of use or value.
- Kept for over two years and original verified to be on file with \_\_\_\_\_.
- Other – Analog and digital audio recordings of meetings which have transcribed, approved minutes on file. (see attached) \_\_\_\_\_
- Warrants of the County that have been paid and that bear any date over ten years.
- Bonds and interest coupons that have been canceled or paid and bear any date over two years.

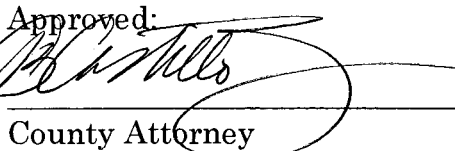
GOVERNMENT RECORD	DESCRIPTION	DATE OF RECORD OR DATE OF PERFORMANCE
-------------------	-------------	---------------------------------------


See above and attached Memorandum dated October 12, 2009

<u>Boards &amp; Commissions</u> Department	<u>10/12/09</u> Date	 Signature of Department Head
---	-------------------------	--

This is to certify that the foregoing government records have been on file or have been kept for the requisite period and are no longer of use or value; and said department is hereby ordered and directed to destroy the same.

Checked and Authorization

Approved:   
\_\_\_\_\_  
County Attorney

By   
\_\_\_\_\_  
Director of Finance

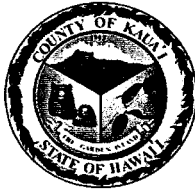
\_\_\_\_\_  
County Council Chair

Date: 10/21/09

02009-347

**Bernard P. Carvalho, Jr.**  
Mayor

**Gary K. Heu**  
Administrative Assistant



**Eugene K. Jimenez**  
Housing Director

**KAUAI COUNTY HOUSING AGENCY**  
Pi'ikoi Building 4444 Rice Street Suite 330  
Lihue Hawaii 96766

October 13, 2009

Honorable Chair Bill "Kaipo" Asing  
And Council members  
Kaua'i County Council  
4396 Rice Street  
Līhu'e, Kaua'i, Hawai'i 96766

RECEIVED

'09 OCT 19 A9 59

Attention: Economic Development/Housing Committee Chair Dickie Chang

Dear Chair Asing:

**SUBJECT: Request to Decline Repurchase of Unit No. 73, Villas at Puali**

The owners of the Unit No. 73 at the Villas at Puali, located in Puhi at 1978 Hokulei Place, Līhu'e, Hawai'i 96766, purchased a 3-bedroom, 2-1/2 bath single family attached CPR unit on May 10, 2006 for \$300,885.62. Owner feels the unit to be a financial burden and needs to now sell the unit.

Attached is a Repurchase Disclosure Schedule that calculates the repurchase price at \$347,200. Pursuant to the Housing Agency's affordable for sale housing prices, this price would be affordable to households earning approximately one-hundred forty percent (140%) of Kaua'i's median household income.

The Housing Agency recommends that the County not exercise its repurchase right to buyback this property and that the Housing Agency issue the owners a one-year waiver of the County's repurchase right effective the date of the Council's decision. Such waiver provides the owner the ability to sell the unit on the open market for a one-year period. The Housing Agency's recommendation to decline repurchase is based on the affordability level of this unit and that we believe our repurchase price is too close to market value.

*C2009-348*

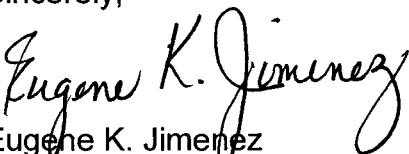


Honorable Chair Bill Kaipo Asing  
October 13, 2009  
Page 2

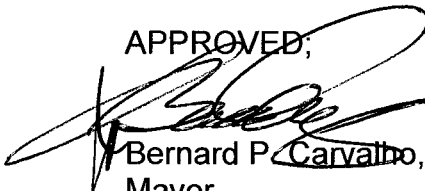
The Housing Agency requests the Kaua'i County Council to decline its option to repurchase Unit No. 73, Villas at Puali, located at 1978 Hokulei Place, Lihu'e, Hawai'i 96766 and permit market sale of the unit for a period of one-year.

Thank you for your assistance with this matter.

Sincerely,

  
Eugene K. Jimenez  
Housing Director

APPROVED;

  
Bernard P. Carvalho, Jr.  
Mayor

EKJ/ptr

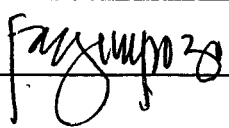
ptr/villas at puali

C2009-348



**REPURCHASE DISCLOSURE SCHEDULE**  
**KAUAI COUNTY HOUSING AGENCY**

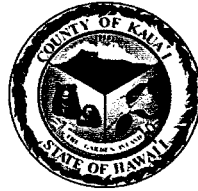
Document Preparation Date **October 7, 2009**  
 Anticipated Closing Date **10/30/2009**

Owner :		Lot No :	73
Project :	Villas at Puali	Lot Size :	
Address :	1978 Hokulei Place, #73	TMK :	4.3.3.003.039.0073
	Lihue, Hawaii 96766		
5/10/06	Recording Date Of Original Sale	Inspected :	
10/30/2009	Estimated Closing Date of Repurchase	By :	
1269	Days of Ownership Period		
<b>1. ORIGINAL PURCHASE PRICE</b>			<b>300,885.62</b>
<b>2. ORIGINAL SALE CLOSING COSTS :</b>			
a.	Escrow Fee & Notary	\$	208.33
b.	Recording Fees	\$	51.00
c.	Title Insurance	\$	160.00
d.	Document Preparation Fees	\$	26.04
e.	Tax Service Fee		
f.	Appraisal Fee to FmHA		
g.	Mortgage Recording Fee/HHRF		
h.	Attorney Fees	\$	260.42
i.	Conveyance Tax	\$	451.30
		\$	1,157.09
<b>3. COST OF CAPITAL IMPROVEMENTS ADDED - See Page 2</b>			<b>None</b>
<b>4. MORTGAGE BALANCE:</b>			
	Principal	\$	200,000.00
	Interest & Late Fees		
	Sudsidy Recapture		
		\$	200,000.00
<b>5. SIMPLE INTEREST @</b>			<b>4.30% PER YEAR</b>
a.	Cost of Original Sale (Lines 1 & 2) .....	\$	45,154.97
b.	Improvements Added (Line 3) .....	\$	-
		\$	45,154.97
	<b>ESTIMATED CASH EQUITY :</b>	\$	147,200.00
<b>6. TOTAL REPURCHASE PRICE</b>			<b>\$ 347,197.68</b>
<b>COUNTY OF KAUAI :</b>			<b>say, \$ 347,200.00</b>
Prepared By		<b>OCT 13 2009</b>	Date
<b>SELLER'S ACCEPTANCE OF REPURCHASE PRICE :</b>			
Seller	N/A - for financing purposes only	Date	

C2009-348

**Bernard P. Carvalho, Jr.**  
Mayor

**Gary K. Heu**  
Administrative Assistant



**Eugene K. Jimenez**  
Housing Director

**KAUAI COUNTY HOUSING AGENCY**  
Pi'ikoi Building 4444 Rice Street Suite 330  
Lihue Hawaii 96766

October 13, 2009

Honorable Chair Bill "Kaipo" Asing  
And Council members  
Kaua'i County Council  
4396 Rice Street  
Līhu'e, Kaua'i, Hawai'i 96766

RECEIVED

'09 OCT 19 A9 :59

Attention: Economic Development/Housing Committee Chair Dickie Chang

Dear Chair Asing:

**SUBJECT: Request to Decline Repurchase of Unit No. 81, Villas at Puali**

The owners of the Unit No. 81 at the Villas at Puali, located in Puhi at 1481 Haleukana St., Līhu'e, Hawai'i 96766, purchased a 3-bedroom, 2-1/2 bath single family attached CPR unit on August 28, 2006 for \$412,333.37. Owner feels remorseful of the unit and would rather have the cash on hand and wants to sell the unit.

Attached is a Repurchase Disclosure Schedule that calculates the repurchase price at \$471,900. Pursuant to the Housing Agency's affordable for sale housing prices, this price would be affordable to households earning approximately one-hundred forty percent (140%) of Kaua'i's median household income.

The Housing Agency recommends that the County not exercise its repurchase right to buyback this property and that the Housing Agency issue the owners a one-year waiver of the County's repurchase right effective the date of the Council's decision. Such waiver provides the owner the ability to sell the unit on the open market for a one-year period. The Housing Agency's recommendation to decline repurchase is based on the affordability level of this unit and that we believe our repurchase price is too close to market value.

C2009-749

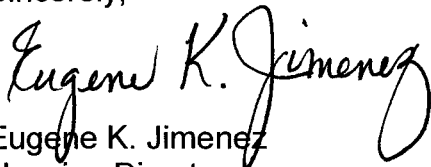


Honorable Chair Bill Kaipo Asing  
October 13, 2009  
Page 2

The Housing Agency requests the Kaua'i County Council to decline its option to repurchase Unit No. 81, Villas at Puali, located at 1481 Haleukana St., Līhu'e, Hawai'i 96766 and permit market sale of the unit for a period of one-year.

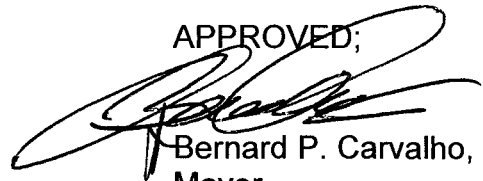
Thank you for your assistance with this matter.

Sincerely,



Eugene K. Jimenez  
Housing Director

APPROVED;



Bernard P. Carvalho, Jr.  
Mayor

EKJ/ptr

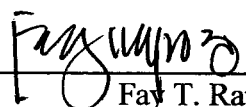
ptr/villas at puali

02009-349



**REPURCHASE DISCLOSURE SCHEDULE**  
**KAUAI COUNTY HOUSING AGENCY**

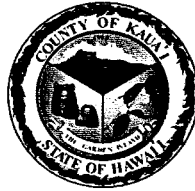
Document Preparation Date **October 7, 2009**  
 Anticipated Closing Date **10/30/2009**

Owner :		Lot No :	81
Project :	Villas at Puali	Lot Size :	
Address :	1481 Haleukana Street, #81	TMK :	4.3.3.003.039.0081
	Lihue, Hawaii 96766		
8/28/06	Recording Date Of Original Sale	Inspected :	
10/30/2009	Estimated Closing Date of Repurchase	By :	
1159	Days of Ownership Period		
<b>1. ORIGINAL PURCHASE PRICE</b>			<b>412,333.37</b>
<b>2. ORIGINAL SALE CLOSING COSTS :</b>			
a.	Escrow Fee & Notary	\$	781.25
b.	Recording Fees	\$	236.00
c.	Title Insurance	\$	500.00
d.	Document Preparation Fees	\$	286.46
e.	Tax Service Fee		
f.	Appraisal Fee to FmHA	\$	625.01
g.	Mortgage Recording Fee/HHRF		
h.	Conveyance Tax	\$	412.30
i.		\$	2,841.02
<b>3. COST OF CAPITAL IMPROVEMENTS ADDED - See Page 2</b>			<b>None</b>
<b>4. MORTGAGE BALANCE:</b>			
	Principal	\$	310,814.75
	Interest & Late Fees		
	Sudsidy Recapture		
		\$	310,814.75
<b>5. SIMPLE INTEREST @</b>		<b>4.30% PER YEAR</b>	
a.	Cost of Original Sale (Lines 1 & 2) .....	\$	56,687.80
b.	Improvements Added (Line 3) .....	\$	-
		\$	56,687.80
	<b>ESTIMATED CASH EQUITY :</b>	\$	161,085.25
<b>6. TOTAL REPURCHASE PRICE</b>			<b>\$ 471,862.19</b>
<b>COUNTY OF KAUAI :</b>			<b>say, \$ 471,900.00</b>
Prepared By	 Fay T. Rapozo	<b>OCT 13 2009</b> Date	
<b>SELLER'S ACCEPTANCE OF REPURCHASE PRICE :</b>			
Seller	_____ N/A - for financing purposes only	_____ Date	

C2009-249

**Bernard P. Carvalho, Jr.**  
Mayor

**Gary K. Heu**  
Administrative Assistant



**Eugene K. Jimenez**  
Housing Director

**KAUAI COUNTY HOUSING AGENCY**  
Pi'ikoi Building 4444 Rice Street Suite 330  
Lihue Hawaii 96766

October 13, 2009

Honorable Chair Bill "Kaipo" Asing  
And Council members  
Kaua'i County Council  
4396 Rice Street  
Līhu'e, Kaua'i, Hawai'i 96766

RECEIVED

'09 OCT 19 A9:58

Attention: Economic Development/Housing Committee Chair Dickie Chang



Dear Chair Asing:

**SUBJECT: Request to Decline Repurchase of Unit No. 35, Villas at Puali**

The owners of the Unit No. 35 at the Villas at Puali, located in Puhi at 1961 Hokunui Place, Līhu'e, Hawai'i 96766, purchased a 3-bedroom, 2 ½ bath single family attached CPR unit on February 28, 2006 for \$324,222.94. Due to a recent divorce and economics, the owner needs to now sell her unit.

Attached is a Repurchase Disclosure Schedule that calculates the repurchase price at \$377,800. Pursuant to the Housing Agency's affordable for sale housing prices, this price would be affordable to households earning approximately one-hundred forty percent (140%) of Kaua'i's median household income.

The Housing Agency recommends that the County not exercise its repurchase right to buyback this property and that the Housing Agency issue the owners a one-year waiver of the County's repurchase right effective the date of the Council's decision. Such waiver provides the owner the ability to sell the unit on the open market for a one-year period. The Housing Agency's recommendation to decline repurchase is based on the affordability level of this unit and that we believe our repurchase price is too close to market value.

*C2009-750*

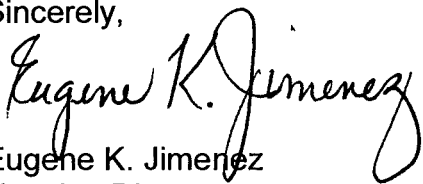


Honorable Chair Bill Kaipo Asing  
October 13, 2009  
Page 2

The Housing Agency requests the Kaua'i County Council to decline its option to repurchase Unit No. 35, Villas at Puali, located at 1961 Hokunui Place, Līhu'e, Hawai'i 96766 and permit market sale of the unit for a period of one-year.

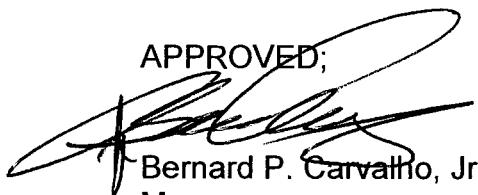
Thank you for your assistance with this matter.

Sincerely,



Eugene K. Jimenez  
Housing Director

APPROVED;



Bernard P. Carvalho, Jr.  
Mayor

EKJ/ptr

ptr/villas at puali


02009-050



**REPURCHASE DISCLOSURE SCHEDULE**  
**KAUAI COUNTY HOUSING AGENCY**

Document Preparation Date **October 1, 2009**  
 Anticipated Closing Date **October 30, 2009**

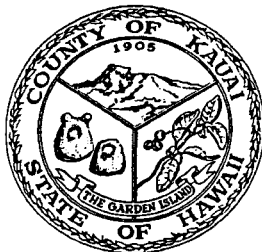
**First Mortgage**

Owner :		Lot No :	35
Project :	Villas at Puali	Lot Size :	
Address :	1961 Hokunui Place, #35	TMK :	4.3.3.003.039.0035
	Lihue, Hawaii 96766		
2/28/06	Recording Date Of Original Sale	Inspected :	
10/30/2009	Estimated Closing Date of Repurchase	By :	
1340	Days of Ownership Period		
<b>1. ORIGINAL PURCHASE PRICE</b>			<b>324,222.94</b>
<b>2. ORIGINAL SALE CLOSING COSTS :</b>			
a.	Escrow Fee & Notary	\$	238.33
b.	Recording Fees	\$	87.00
c.	Title Insurance	\$	260.00
d.	Document Preparation Fees	\$	515.42
e.	Tax Service Fee		
f.	Appraisal Fee to FmHA	\$	620.84
g.	Mortgage Recording Fee/HHRF		
h.	Conveyance Tax	\$	324.20
i.		\$	2,045.79
<b>3. COST OF CAPITAL IMPROVEMENTS ADDED - See Page 4</b>			<b>\$ -</b>
<b>4. MORTGAGE BALANCE:</b>			
	Principal	\$	244,706.52
	Interest & Late Fees		
	Subsidy Recapture		
		\$	244,706.52
<b>5. SIMPLE INTEREST @</b>			<b>4.30% PER YEAR</b>
a.	Cost of Original Sale (Lines 1 & 2) .....	\$	51,505.76
b.	Improvements Added (Line 3) .....	\$	-
		\$	51,505.76
	<b>ESTIMATED CASH EQUITY :</b>	\$	133,093.48
<b>6. TOTAL REPURCHASE PRICE</b>			<b>\$ 377,774.49</b>
<b>COUNTY OF KAUAI :</b>			<b>say, \$ 377,800.00</b>
Prepared By		<b>OCT 1 3 2009</b>	
		Date	
<b>SELLER'S ACCEPTANCE OF REPURCHASE PRICE :</b>			
Seller	N/A - for financing purposes only	Date	

C-2009-250

**BERNARD P. CARVALHO, JR.**  
MAYOR

**LUDVINA K. TAKAHASHI**  
EXECUTIVE ON AGING



**GARY K. HEU**  
ADMINISTRATIVE ASSISTANT

**COUNTY OF KAUA'I**  
**AGENCY ON ELDERLY AFFAIRS**

October 16, 2009

The Honorable Kaipo Asing, Chair  
and Members of the Kaua'i County Council  
4396 Rice Street  
Lihue, Hawai'i 96766

VIA: Gary K. Heu, Administrative Assistant

RE: FEDERAL GRANT FUNDS

Dear Chair Asing and Members:

The Agency on Elderly Affairs (AEA), requests the Council's approval to receive, expend three (3) federal grant funds and indemnify the State Executive Office on Aging. The funding period covers from July 1, 2009 through September 29, 2012 in the combined total amount of Two Hundred Seventy One Thousand Three Hundred Ninety Nine dollars (\$271,399).

The three federal grant awards are:

1. "Development and Implementation of a Person-Centered Hospital Discharge Model" is for the period of July 1, 2009 through September 29, 2012. AEA will be awarded a total of \$154,750 over the three year period (approximately \$51,583 in each year).

The purpose of this grant is to develop a hospital discharge model that will put the patient and caregiver(s) at the center of the discharge planning process; focus on discharging patients home with community-based services, via the Aging and Disability Resource Center (ADRC); reduce the number of patients retained in acute care beds past the point of clinical discharge; and reduce the number of default discharges from acute care units to nursing facilities.

2. "Aging and Disability Resource Centers: Empowering Individuals to Navigate Their Health and Long Term Support Options" is for the period of September 30, 2009 through September 29, 2012. AEA will be awarded a total of \$58,286 over the three-year period (approximately \$19,428 in each year).

The purpose of the grant is to expand the current Aging and Disability Resource Center (ADRC) statewide and to engage in a system transformation.

*C2009-351*

The Aging and Disability Resource Center (ADRC) is the creation of a single, coordinated system of information and access for all persons seeking long term support services. Such centers will be highly visible and trusted places where people of all incomes, ages and disabilities can turn for information on the full range of long term support options, both public and private. The goal of these centers is to minimize confusion, enhance individual choice, support informed decision-making and increase the cost effectiveness of long term support systems.

AEA has selected to use the ADRC website to achieve the goals of the grant:

- Empower consumers to make informed decisions about their options and to streamline access to the services and support they and their family caregivers need and
- Serve as highly visible and trusted places where people with disabilities of all ages can find information on the full range of Long Term support options and can access a Single Entry Point to public Long Term support programs & benefits.

3. "Hawai'i's Community Living Program: Supporting Choice and Independence in the Community" is for the period September 30, 2009 through September 29, 2011. AEA will be awarded a total of \$58,363 over the two-year period (approximately \$29,181 in each year).

The goal is to assist individuals who are not Medicaid eligible, but at imminent risk of nursing home placement, to remain in the community, avoiding institutionalization and spend-down to Medicaid. The approach will identify at-risk individuals through Aging and Disability Resource Center (ADRC) and link them to home and community-based services to retain them in community living, offering options of consumer-directed services or traditional agency-directed services.

If you have any questions, please feel free to contact me at 241-4474. Thank you for your consideration on this matter.

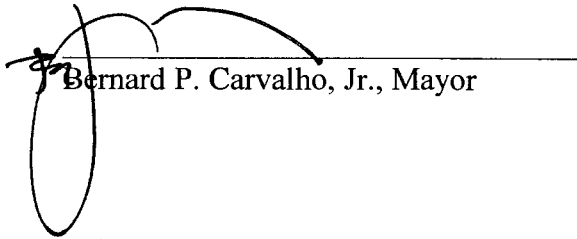
Sincerely,



(Ms.) Kealoha Takahashi  
Executive on Aging

APPROVED:

Date:



---

Bernard P. Carvalho, Jr., Mayor

10/26/09

---

02009-351

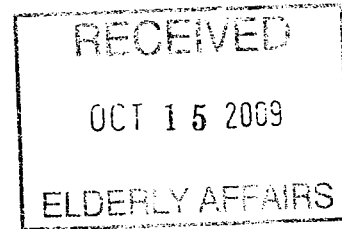
LINDA LINGLE  
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.  
DIRECTOR OF HEALTH



NOEMI PENDLETON  
DIRECTOR

STATE OF HAWAII  
EXECUTIVE OFFICE ON AGING  
NO. 1 CAPITOL DISTRICT  
250 SOUTH HOTEL STREET, SUITE 406  
HONOLULU, HAWAII 96813-2831




Telephone  
(808) 586-0100

Fax  
(808) 586-0185

October 13, 2009

TO: Kealoha Takahashi  
County Executive  
Kauai Agency on Elderly Affairs

FROM: Noemi Pendleton   
Director  
Executive Office on Aging

SUBJECT: INTENT TO AWARD FEDERAL GRANT FUNDS

Subject to the availability of funds, the Executive Office on Aging (EOA) intends to award federal funds to the Kauai County Agency on Elderly Affairs (KAEA) through three grants awarded to EOA.

EOA's federal grant award titled "Development and Implementation of a Person-Centered Hospital Discharge Model" is for the period of July 1, 2009 through September 29, 2012. EOA intends to award KAEA a total of \$154,750 over the three-year period (approximately \$51,583 in each year). EOA work plans and a summary of this proposal were sent to KAEA by email on August 20, 2009.

EOA's federal grant award titled "Aging and Disability Resource Centers: Empowering Individuals to Navigate Their Health and Long Term Support Options" is for the period of September 30, 2009 through September 29, 2012. EOA intends to award KAEA a total of \$58,286 over the three-year period (approximately \$19,428 in each year). The funder's grant announcement, EOA's proposal written in response, and a summary of the proposal were sent to KAEA by email on August 20, 2009.

EOA's federal grant award titled "Hawaii's Community Living Program: Supporting Choice and Independence in the Community" is for the period September 30, 2009 through September 29, 2011. EOA intends to award KAEA a total of \$58,363 over the two-year period (approximately \$29,181 in each year). The funder's grant announcement, EOA's proposal written in response, and a summary of the proposal were sent to KAEA by email on August 20, 2009.

C2009-351

Kealoha Takahashi  
October 13, 2009  
Page 2

The purpose of this funding is to promote KAEA's ability to collaborate with EOA and other partners throughout the state in meeting the goals and objectives of these three grant projects. The goals and objectives can be found in the documents previously provided via email.

Funding in the second and third years is subject to Congressional appropriation through the U.S. Department of Health and Human Services, Administration on Aging.

In the second CLP grant year, EOA intends to award an amount of additional direct service funds from this federal grant, to be used to deliver consumer-directed home and community based services to CLP participants. The amount available to KAEA will be determined based on its readiness in the second year to offer participants the option of services using the consumer-direction model and statewide infrastructure developed by EOA and all grant partners.

Please contact your EOA grants manager if you have any questions. Thank you.

NM/jl

c: Ernest Reid  
Caroline Cadirao

C2009-751

COUNTY OF KAUAI

RECEIVED

OFFICE OF THE COUNTY ATTORNEY

'09 OCT 29 P 3 :41

October 29, 2009

TO: Honorable Bill "Kaipo" Asing, Council Chair  
and Councilmembers

FROM: Alfred B. Castillo, Jr., County Attorney

RE: REQUEST FOR AN AGENDA ITEM ON NOVEMBER 4, 2009 FOR  
AUTHORIZATION TO EXPEND ADDITIONAL FUNDS FOR  
SPECIAL COUNSEL FOR KATHLEEN AH QUIN v. COUNTY OF  
KAUA'I, DEPARTMENT OF TRANSPORTATION (USDCT) CIV.  
NO. CV 08-00507 JMS/BMK AND RELATED MATTERS.

*[Handwritten signature]*  
OFFICE OF  
THE COUNTY ATTORNEY  
COUNTY OF KAUAI

The Office of the County Attorney requests approval of its recommendation for authority to expend additional funds up to \$65,000 to engage special counsel to represent Defendants Department of Transportation and County of Kaua'i in the lawsuit entitled Kathleen Ah Quin v. County of Kaua'i, Department of Transportation (USDCT) Civ. No. CV 08-00507 JMS/BMK and related matters.

For notice and posting purposes, this agenda item should be described as follows:

"Request from the Office of the County Attorney for authorization to expend additional funds up to \$65,000 to engage special counsel to represent Defendants Department of Transportation and County of Kaua'i in the lawsuit entitled Kathleen Ah Quin v. County of Kaua'i, Department of Transportation (USDCT) Civ. No. CV 08-00507 JMS/BMK and related matters."

C2009-352

RECEIVED

COUNTY OF KAUAI

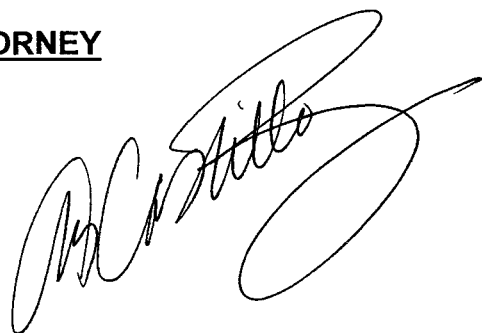
'09 OCT 29 P OFFICE OF THE COUNTY ATTORNEY

October 29, 2009

TO: Hon. Bill "Kaipo" Asing, Council Chair and Councilmembers

FROM: Alfred B. Castillo, Jr., County Attorney

RE: REQUEST FOR AN AGENDA ITEM ON NOVEMBER 4, 2009 FOR AUTHORIZATION TO EXPEND ADDITIONAL FUNDS FOR SPECIAL COUNSEL FOR MICHAEL G. CHING v. KAUA'I COUNTY COUNCIL, CIVIL NO. 05-1-0080 (FIFTH CIRCUIT COURT); COUNTY OF KAUA'I, ET AL. v. OFFICE OF INFORMATION PRACTICES, ET AL., CIVIL NO. 05-1-0088 (FIFTH CIRCUIT COURT) AND RAYMOND L. CHUAN AND WALTER S. LEWIS v. COUNTY OF KAUA'I, ET AL., CIVIL NO. 05-1-0168 (FIFTH CIRCUIT COURT)



The Office of the County Attorney requests approval of its recommendation for authority to expend additional funds up to \$25,000 to enable special counsel's continued representation in Michael G. Ching v. Kaua'i County Council, Civil No. 05-1-0080 (Fifth Circuit Court); County of Kaua'i, et al. v. Office of Information Practices, et al., Civil No. 05-1-0088 (Fifth Circuit Court) and Raymond L. Chuan and Walter S. Lewis v. County of Kaua'i, et al., Civil No. 05-1-0168 (Fifth Circuit Court) and related matters.

For notice and posting purposes, this agenda item should be described as follows:

"Request from the Office of the County Attorney requesting approval to expend up to \$25,000 for special counsel's continued representation of County defendants in Michael G. Ching v. Kaua'i County Council, Civil No. 05-1-0080 (Fifth Circuit Court); County of Kaua'i, et al. v. Office of Information Practices, et al., Civil No. 05-1-0088 (Fifth Circuit Court) and Raymond L. Chuan and Walter S. Lewis v. County of Kaua'i, et al., Civil No. 05-1-0168 (Fifth Circuit Court) and related matters."

C7009-353

In support of this request, the office states as follows:

- (1) In the County of Kaua`i v. OIP lawsuit, OIP ordered the release of County Council Executive Session Minutes 177 stating that the majority of the minutes were not protected by any exception to disclosure. Rather than disclose ES 177 Minutes, the County initiated a lawsuit against OIP to protect the integrity of its Executive Session and prohibit disclosure of the ES 177 Minutes. Both sides filed cross-motions for summary judgment regarding access to the minutes of ES-177. On February 11, 2008, the County won at the trial court as judgment was ordered for the County and as against OIP which stated in pertinent part that the ES 177 Minutes did not have to be disclosed as the minutes were protected by the Attorney-Client Privilege.

OIP filed a timely appeal of the trial court judgment. On January 30, 2009, the Intermediate Court of Appeals ("ICA") published its opinion (120 Hawai`i 34, 200 P.3d 403 (App. 2009)) affirming the February 11, 2008 trial court judgment. The ICA issued its Judgment on February 19, 2009.

OIP filed a timely application for a Writ of Certiorari ("Writ") to the Hawai`i Supreme Court challenging the ICA opinion and judgment. The Hawai`i Supreme Court accepted the writ and ordered oral argument. As Plaintiffs Chuan and Lewis were also seeking ES 177 Minutes, they requested and received permission to submit a written brief to the Hawai`i Supreme Court supporting the position of OIP. The oral argument before the Hawai`i Supreme Court was held on August 10, 2009. On October 26, 2009, the Hawai`i Supreme Court issued its Order Affirming Judgment on Appeal which allows the ICA's February 19, 2009 Judgment affirming the trial court judgment to stand thereby precluding access to ES 177.

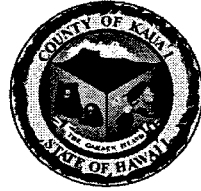
- (2) In Ching v. Kaua`i County Council lawsuit, Ching had requested the release of ES 177 Minutes and asked for OIP's assistance. OIP then ordered the release of ES 177 Minutes. Now that the ICA Judgment has been affirmed by the Hawai`i Supreme Court, the matter will be dismissed pursuant to a stipulation with prejudice between the parties.
- (3) In the Chuan and Lewis v. County of Kaua`i lawsuit, Plaintiffs Chuan and Lewis sought three years of Executive Session minutes from the County Council including but not limited to ES 177. Plaintiffs filed two Motions for Summary Judgment (May 3, 2007 and December 24, 2007) before the trial court. Both the motions were denied. The County Defendants filed a Motion for Summary Judgment on 12/21/07 which was granted in part, denied in part thereby dismissing three (3) claims against the County defendants with four (4) claims remaining.

Now that the Hawai'i Supreme Court has affirmed the ICA decision upholding the trial court judgment which precluded the release of ES 177, this case will have to be re-assessed to determine if an additional motion for summary judgment should be filed by the County Defendants or the matter should be set for trial.

**Bernard P. Carvalho, Jr.**  
Mayor

**Eugene K. Jimenez**  
Housing Director

**Gary K. Heu**  
Administrative Assistant



**KAUAI COUNTY HOUSING AGENCY**  
Piikoi Building 4444 Rice Street Suite 330  
Lihue Hawaii 96766

October 19, 2009

sewer agmt 3<sup>rd</sup> amend

RECEIVED

Honorable Chair Bill "Kaipo" Asing  
and Council Members  
Kauai County Council  
4396 Rice Street  
Lihue, Kauai, Hawaii 96766

'09 OCT 19 A9 59

Attention: Economic Development/Housing Committee Chair **Dickie Chang**

OFFICE  
CHAIR  
COUNTY OF KAUAI

Dear Chair Asing:

**SUBJECT: Paanau Development Sewage Treatment Agreement;  
Approval Request for Third Amendment to Contract No. 4359**

Transmitted for your approval is the Third Amendment to Contract No. 4359 between Kukui'ula South Shore Community Services ("KUSSCS") and the County of Kaua'i establishing new fees for sewage treatment services to the Paanau Development for a five (5) year period beginning on July 1, 2009.

The base fee and minimum monthly charge paid to KUSSCS pursuant to this contract is subject to revision every five (5) years. Negotiations for a new base fee and minimum monthly charge have been concluded. The original sewage treatment agreement was made on September 30, 1993, prior to the opening of Paanau Village and Kawailehua rental projects.

Please approve the Third Amendment that establishes a new base fee of \$4.00 per thousand gallons and a minimum month charge of \$2,600.00.

Thank you for your attention to this matter.

Sincerely yours,

*Eugene K. Jimenez*  
Eugene K. Jimenez  
Housing Director

Cc: Bernard P. Carvalho, Jr., Mayor

02009-354



THIRD AMENDMENT TO  
SEWAGE TREATMENT AGREEMENT  
CONTRACT NO. 4359

THIS THIRD AMENDMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2009, but effective as of July 1, 2009, by and between KUKUI'ULA SOUTH SHORE COMMUNITY SERVICES, LLC, a Hawaii limited liability company, whose mailing address is Post Office Box 280, Koloa, Kauai, Hawaii 96756 ("KUSSCS"), formerly by and between South Shore Community Services, Inc., and the COUNTY OF KAUAI, by and through its Kauai County Housing Agency, whose mailing address is 4444 Rice Street, Suite 330, Lihue, Kauai, Hawaii 96766 (the "County")

WITNESSETH:

WHEREAS, South Shore Community Services, Inc (SSCS) and the County entered into a Sewage Treatment Agreement ("Agreement") made as of September 30, 1993, amended by Amendment No.1 to Sewage Treatment Agreement dated August 17, 1998, and amended by Amendment No. 2 to Sewage Treatment Agreement dated April 26, 2004, wherein KUSSCS agreed to provide, and the County agreed to pay for sewage treatment services to the Paanau Development; and

WHEREAS, SSCS, KDC, LLC, DMB Kukui'ula LLC, Kukui'ula Development Company (Hawaii), LLC, Alexander & Baldwin, Inc., A&B Properties, Inc., McBryde Sugar Company Limited, and Kukui'ula Development Company, Inc. entered into a Contribution Agreement dated as of April 25, 2002, wherein wastewater treatment plant assets of SSCS were required to be transferred to Kukui'ula Development Company (Hawaii), LLC; and

WHEREAS, the Public Utilities Commission of the State of Hawaii, in Decision and Order No. 20676 issued on November 25, 2003, approved the transfer of the utility operations and assets of SSCS to Kukui'ula Development Company (Hawaii), LLC, and approved their subsequent transfer to Kukui'ula South Shore Community Services, LLC ("KUSSCS"), an entity wholly-owned by Kukui'ula Development Company (Hawaii), LLC; and

WHEREAS, the Agreement provides that the base fee and a minimum monthly charge payable by the County is subject to revision every five years; and

WHEREAS, the base fee and minimum monthly charge was last subject to revision effective as of October 1, 2008, which is addressed by this Amendment; and

WHEREAS, KUSSCS and the County have agreed upon the terms of revision to the base fee and minimum monthly charge, to be effective as of July 1, 2009, now, therefore,

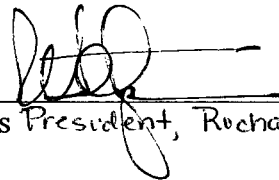
IN CONSIDERATION of the mutual promises and agreements hereinafter set forth, the parties hereto agree as follows:



1. Section 1.05 is hereby amended to adjust the base fee and minimum monthly charge as follows:
  - a. The base fee of Three and 52/100 Dollars (\$3.52) per thousand gallons, established by the Amendment to Sewage Treatment Agreement, Contract No. 4359, shall be amended to Four and 00/100 Dollars (\$4.00) per thousand gallons, effective July 1, 2009, and
  - b. The minimum monthly charge of Two Thousand and no/100 Dollars (\$2,000) established by the Amendment to Sewage Treatment Agreement, Contract No. 4359, shall be amended to a minimum monthly charge of Two Thousand Six Hundred and no/100 Dollars (\$2,600) effective July 1, 2009.
2. Save and except as amended herein, the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed on the date first above written.

KUKU'ULA SOUTH SHORE  
COMMUNITY SERVICES, LLC

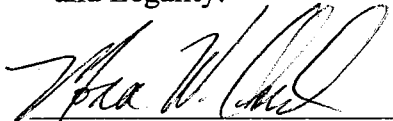
By  \_\_\_\_\_  
Its President, Richard A Holtzman

By \_\_\_\_\_  
Its


C2009-354

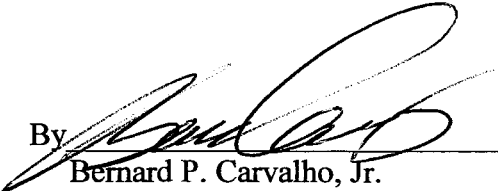
COUNTY OF KAUAI

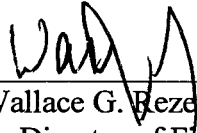
Approved As To Form  
and Legality:

  
for Alfred B. Castillo, Jr.  
County Attorney

Approval Recommended:

  
Eugene K. Jimenez  
Housing Director

By   
Bernard P. Carvalho, Jr.  
Its Mayor

By   
Wallace G. Rezentes, Jr.  
Its Director of Finance

By \_\_\_\_\_  
Peter A. Nakamura  
Its County Clerk

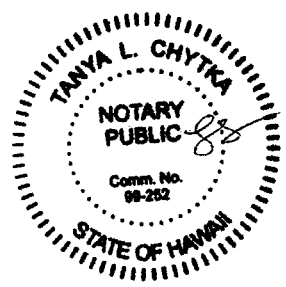
C2009-354

STATE OF HAWAI'I )  
 )ss:  
COUNTY OF KAUA'I )

I, the undersigned notary public commissioned in the State of Hawai'i, hereby certify the following:

On this 25<sup>th</sup> day of September, 2009, in the Fifth Circuit, State of Hawai'i before me appeared Richard A Holtzman and \_\_\_\_\_ to me personally known, who, being by me duly sworn, did say that ~~they are the~~ he is President and \_\_\_\_\_ respectively of KUKUP'ULA SOUTH SHORE COMMUNITY SERVICES, LLC; a Hawai'i limited liability company; that said persons executed the foregoing instrument identified or described as THIRD AMENDMENT TO SEWAGE TREATMENT AGREEMENT CONTRACT NO. 4359 on behalf of said KUKUP'ULA SOUTH SHORE COMMUNITY SERVICES, LLC, and said President and \_\_\_\_\_ acknowledged said instrument to be the free act and deed of said KUKUP'ULA SOUTH SHORE COMMUNITY SERVICES, LLC.

The foregoing instrument is dated undated and contained 7 pages at the time of this acknowledgment/certification.



Tanya L. Chytka  
\_\_\_\_\_  
Notary Public, State of Hawai'i  
My commission expires: \_\_\_\_\_

TANYA L. CHYTKA  
Expiration Date: May 23, 2011

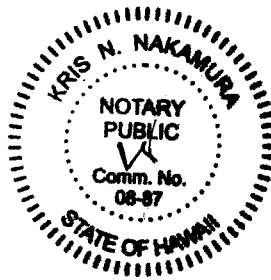
C2009-354

STATE OF HAWAII            )  
  )ss:  
COUNTY OF KAUAI         )

I, the undersigned notary public commission in the State of Hawai'i, hereby certify the following:

On this 9<sup>th</sup> day of October, 2009, in the Fifth Circuit, State of Hawai'i, before me appeared **WALLACE G. REZENTES, JR.**, to me personally known, who, being by me duly sworn, did say that he is the Director of Finance of the COUNTY OF KAUAI, a political subdivision of the State of Hawaii; that said person executed the foregoing instrument identified or described as THIRD AMENDMENT TO SEWAGE TREATMENT AGREEMENT CONTRACT NO. 4359 on behalf of said COUNTY OF KAUAI by authority of its Charter; and said **WALLACE G. REZENTES, JR.** acknowledged said instrument to be the free act and deed of said COUNTY OF KAUAI.

The foregoing instrument is dated undated at time of notarization and contained 7 pages at the time of this acknowledgment/certification.



Kris N. Nakamura  
Kris N. Nakamura  
Notary Public, State of Hawaii  
My commission expires: April 20, 2012

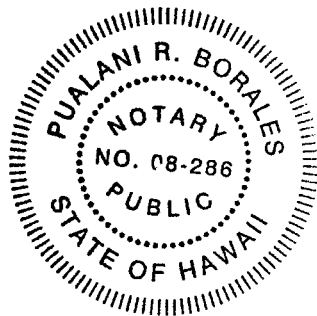
C2009-354

STATE OF HAWAII            )  
  )ss:  
COUNTY OF KAUAI         )

I, the undersigned notary public commissioned in the State of Hawai'i, hereby certify the following:

On this 15<sup>th</sup> day of October, 2009, in the Fifth Circuit, State of Hawai'i, before me appeared BERNARD P. CARVALHO, JR., to me personally known and who, being by me duly sworn or affirmed did say that he is the Mayor, of the COUNTY OF KAUAI, a political subdivision of the State of Hawaii; and that said person executed the foregoing instrument identified or described as THIRD AMENDMENT TO SEWAGE TREATMENT AGREEMENT CONTRACT NO. 4359 on behalf of said COUNTY OF KAUAI by authority of its Charter; and said BERNARD P. CARVALHO, JR., acknowledged said instrument to be the free act and deed of said COUNTY OF KAUAI.

The foregoing instrument is dated undated and contained 7 pages at the time of this acknowledgment/certification.



Pualani R Borales  
Pualani R. Borales  
Notary Public, State of Hawaii  
My commission expires:  
**My Commission Expires:**  
**08/03/2012**

07089-354

STATE OF HAWAII            )  
  )ss:  
COUNTY OF KAUAI         )

I, the undersigned notary public commission in the State of Hawai'i, hereby certify the following:

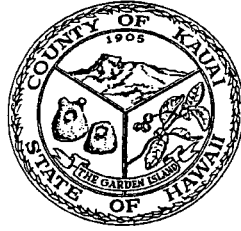
On this \_\_\_\_ day of \_\_\_\_\_, 2009, in the Fifth Circuit, State of Hawai'i, before me appeared **PETER A. NAKAMURA**, to me personally known, who, being by me duly sworn, did say that he is the County Clerk of the COUNTY OF KAUAI, a political subdivision of the State of Hawaii; and the seal affixed to the foregoing instrument is the seal of said COUNTY OF KAUAI, and that said person executed the foregoing instrument identified or described as THIRD AMENDMENT TOP SEWAGE TREATMENT AGREEMENT CONTRACT NO. 4359 on behalf of said COUNTY OF KAUAI by authority of its Charter; and said **PETER A. NAKAMURA**, acknowledged said instrument to be the free act and deed of said COUNTY OF KAUAI.

The foregoing instrument is dated \_\_\_\_\_ and contained \_\_\_\_ pages at the time of this acknowledgment/certification.

\_\_\_\_\_  
Notary Public, State of Hawaii  
My commission expires:

C7008-354

COUNTY COUNCIL  
Bill "Kaipo" Asing, Chair  
Jay Furfaro, Vice Chair  
Tim Bynum  
Dickie Chang  
Daryl W. Kaneshiro  
Lani T. Kawahara  
Derek S. K. Kawakami



OFFICE OF THE COUNTY CLERK

Peter A. Nakamura, County Clerk

Telephone (808) 241-6371  
Fax (808) 241-6349  
Email [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov)

Council Services Division  
4396 Rice Street, Room 206  
Līhu'e, Kaua'i, Hawai'i 96766-1371

October 19, 2009

RECEIVE

'09 OCT 19 P1

The Honorable Bill "Kaipo" Asing  
Chair, and Members  
of the County Council  
County of Kaua'i  
Līhu'e, Hawai'i 96766

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

Chair and Members:

Pursuant to Section 23.06, Charter of the County of Kaua'i, we transmit a claim filed against the County of Kaua'i by Juliette Souza for damage to her vehicle.

A copy has been sent in advance to the County Attorney's Office.

Very truly yours,

PETER A. NAKAMURA  
County Clerk

Enclosure

cc: Alfred B. Castillo, Jr., County Attorney  
Juliette Souza

C2009-255

COUNTY COUNCIL

COUNTY OF KAUAI

Resolution

RESOLUTION ESTABLISHING A CROSSWALK AT PORT ALLEN RESIDENTIAL SUBDIVISION, KŌLOA DISTRICT, COUNTY OF KAUAI

WHEREAS, Chapter 16, Article 2 of the Kauai County Code 1987, as amended, authorizes the County Council to determine and designate official traffic control devices; and

WHEREAS, Port Allen Subdivision is located in the Kōloa District, County of Kauai, State of Hawaii; and

WHEREAS, the County Engineer, based on an engineering and traffic investigation, has recommended that one (1) crosswalk be established at the intersection of 'Olali and 'Okupu Streets within the Port Allen Subdivision, Kōloa District; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII THAT:

SECTION 1. The County Engineer or his representatives shall mark and post the appropriate crosswalk sign at the intersection of 'Olali and 'Okupu Streets and as shown on the attached map hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. Any person convicted of violating any Traffic Code provision relating to crosswalks shall be subject to the penalties prescribed in Section 16-21.6 of the Kauai County Code 1987, as amended.

SECTION 3. This resolution shall take effect upon its approval and the posting or marking designating the crosswalk.

INTRODUCED BY:

Tim Bynum (By Request)

V:\CS OFFICE FILES\2009 RESO\PORTALLEN CROSSWALK

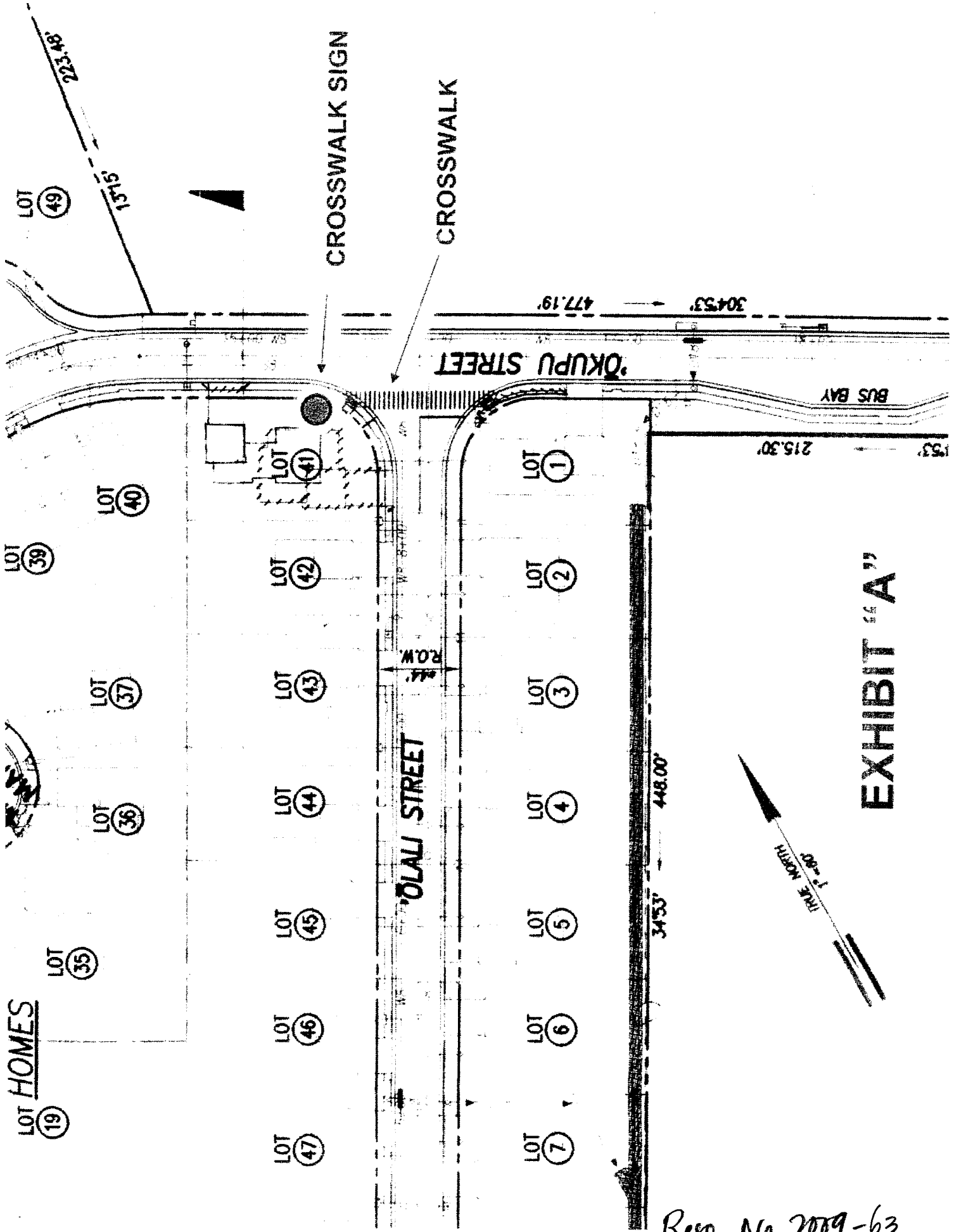
Table with 5 columns: Name, Aye, Nay, Exc, Recused. Rows include Aying, Bynum, Chang, Fufaro, Kaneshiro, Kawahara, Kawakami, and Total.

Certificate Of Adoption

We hereby certify that Resolution No. \_\_\_\_\_ was adopted by the Council of the County of Kauai, State of Hawaii, Lihue, Kauai, Hawaii, on

County Clerk

Chairman & Presiding Officer Reso. No. 2009-63



**EXHIBIT "A"**

Reso. No. 2009-63

COUNTY COUNCIL

COUNTY OF KAUA'I

# Resolution

RESOLUTION ESTABLISHING A SCHOOL  
BUS STOP AT 'ŌKUPU STREET,  
PORT ALLEN RESIDENTIAL SUBDIVISION,  
KŌLOA DISTRICT, COUNTY OF KAUA'I

WHEREAS, Chapter 16, Article 2 of the Kaua'i County Code 1987, as amended, authorizes the County Council to determine and designate official traffic control devices; and

WHEREAS, Port Allen Residential Subdivision is located in the Kōloa District, County of Kaua'i, State of Hawai'i; and

WHEREAS, the County Engineer, based on an engineering and traffic investigation, has recommended that certain school bus stops be placed on County roadways within Port Allen Residential Subdivision, Kōloa District; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII THAT:

SECTION 1. That a School Bus Stop be established and made official on 'Ōkupu Street, Kōloa District, County of Kaua'i, State of Hawai'i, as follows:

On the southerly shoulder of 'Ōkupu Street approximately 230 feet east of its centerline intersection with 'Ōlali Street.

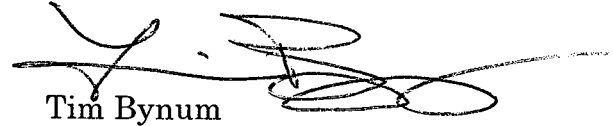
SECTION 2. The County Engineer shall post a School Bus Stop sign at the pertinent location as described in Section 1 above, and as shown on the map attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. Any person convicted of violating any provision relating bus stops, Section 16-14.1, 16-14.2, Chapter 16 of the Kaua'i County Code 1987, as amended, shall be subject to the penalties in Section 16-21.6, Chapter 16, of said Code.

*Reso. No. 2009-64*

SECTION 4. This resolution shall take effect upon its approval and the posting of the appropriate sign designating the School Bus Stop.

INTRODUCED BY:

  
 Tim Bynum  
 (By Request)

V:\CS OFFICE FILES\2009RESO\PORTALLENbusstopOKUPUstreet

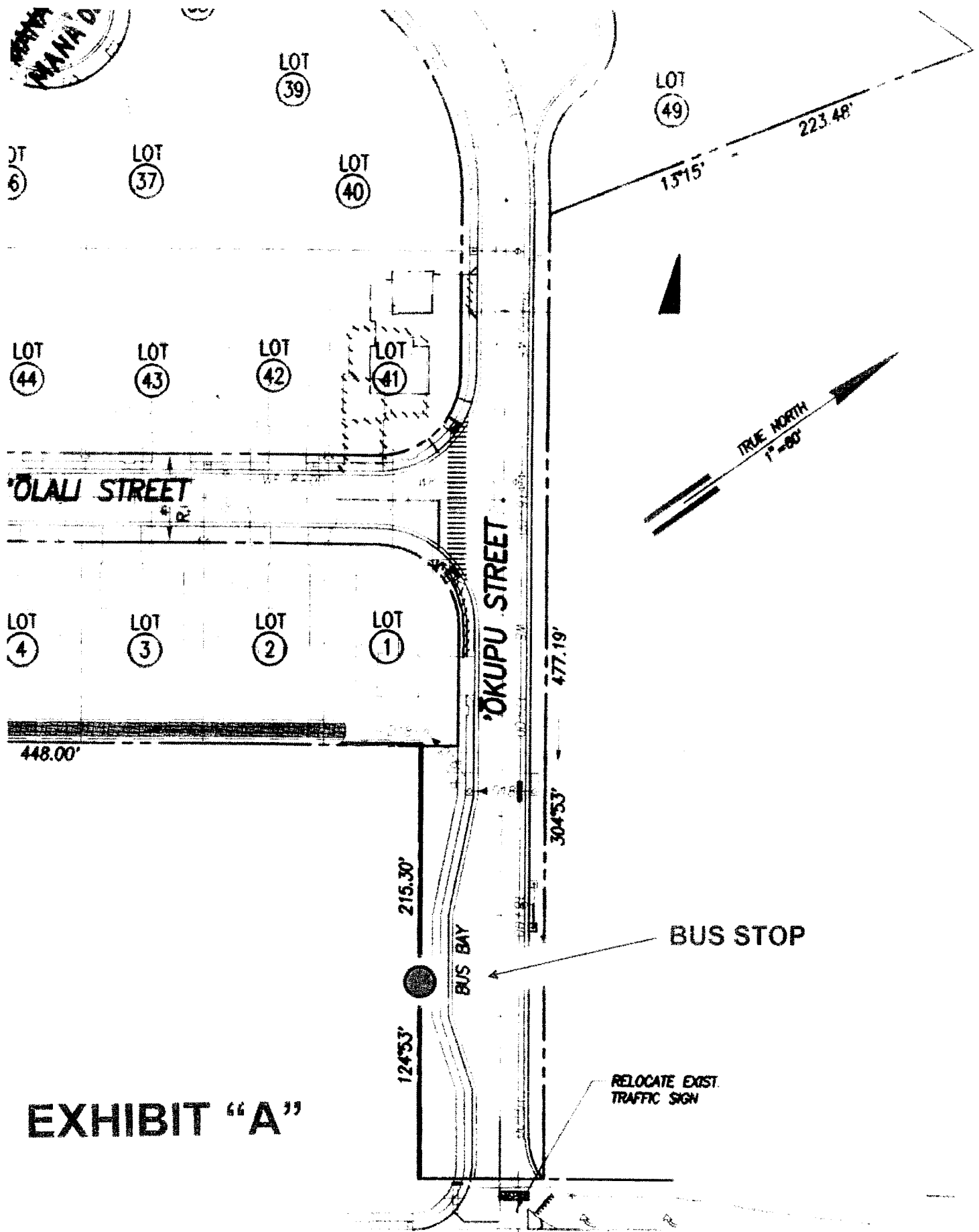
	Aye	Nay	Exc	Recused
Asing				
Bynum				
Chang				
Furfaro				
Kaneshiro				
Kawahara				
Kawakami				
Total				

### Certificate Of Adoption

We hereby certify that Resolution No. \_\_\_\_\_  
 was adopted by the Council of the County of Kaua'i, State of  
 Hawai'i, Lihu'e, Kaua'i, Hawai'i, on

\_\_\_\_\_  
 County Clerk  
 Dated

\_\_\_\_\_  
 Chairman & Presiding Officer  
 Reso. No. 2009-64



**EXHIBIT "A"**

**WAIALO ROAD**

Reso. No. 2089-64

# COUNTY COUNCIL

COUNTY OF KAUA'I

# Resolution

## RESOLUTION ESTABLISHING SPEED LIMITS WITHIN PORT ALLEN RESIDENTIAL SUBDIVISION, KŌLOA DISTRICT, COUNTY OF KAUA'I

WHEREAS, Chapter 16, Article 5 of the Kaua'i County Code 1987, as amended authorizes the County Council to set maximum speed limits; and

WHEREAS, Port Allen Residential Subdivision is located in the Kōloa District, County of Kaua'i, State of Hawai'i; and

WHEREAS, the County Engineer, based on an engineering and traffic investigation, has recommended that maximum speed limits be established for the subdivision roadways within Port Allen Residential Subdivision are reasonable and safe; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII THAT:

SECTION 1. The County Engineer or his representative shall post appropriate signs indicating the speed limit within Port Allen Residential Subdivision, as shown on Exhibit "A", which is attached hereto and incorporated herein by reference.

SECTION 2. The maximum speed limit of 15 miles per hour is hereby imposed on the following County roadways located in the Kōloa District:

1. Manawanui Court (along its entire length).
2. Mana 'Olana Court (along its entire length).

SECTION 3. The maximum speed limit of 20 miles per hour is hereby imposed on the following County roadways located in the Kōloa District:

1. 'Ōkupu Street (along its entire length).
2. 'Ōlali Street (along its entire length).

Reso. No. 2009-65

SECTION 4. Any person convicted of violation any provisions of this Resolution shall be subject to the penalties prescribed in Section 16-21.6 of the Kaua'i County Code 1987, as amended.

SECTION 5. This Resolution shall take effect upon its approval and posting of appropriate signs designating the speed limits.

INTRODUCED BY:

  
 Tim Bynum  
 (By Request)

V:\CS OFFICE FILES\2009RESO\PORTALLENspeedlimit

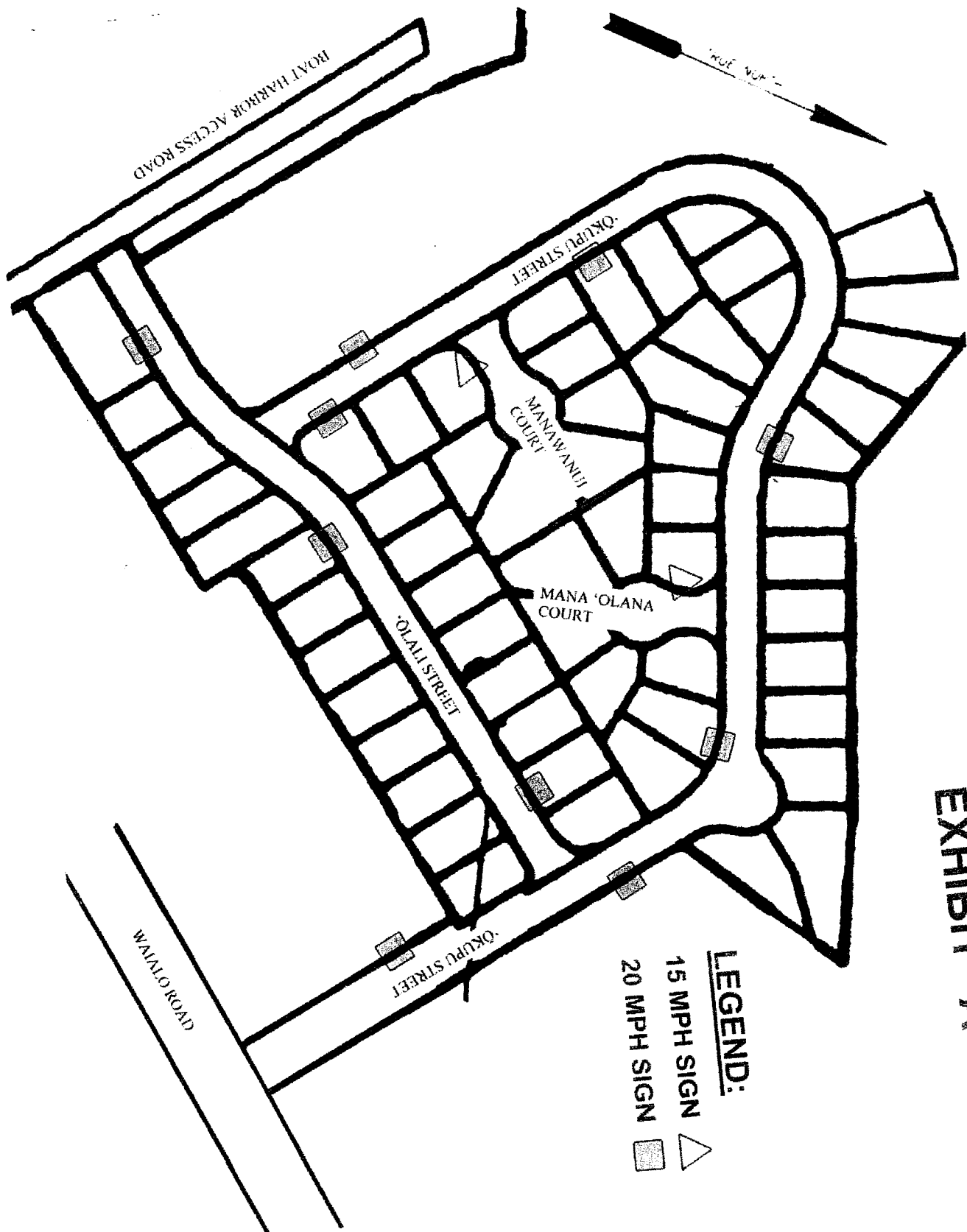
	<i>Opp</i>	<i>May</i>	<i>Exc</i>	<i>Recused</i>
Boing				
Bynum				
Chang				
Furfaro				
Kaneshiro				
Kawahara				
Kawakami				
Total				

### Certificate Of Adoption

We hereby certify that Resolution No. \_\_\_\_\_  
 was adopted by the Council of the County of Kaua'i, State of  
 Hawaii, Lihue, Kaua'i, Hawaii, on

\_\_\_\_\_  
 County Clerk  
 Dated

\_\_\_\_\_  
 Chairman & Presiding Officer  
 Reso. No. 2009-65



**EXHIBIT "A"**

Reso. No. 2009-65

COUNTY COUNCIL

COUNTY OF KAUA'I

# Resolution

RESOLUTION ESTABLISHING A PUBLIC TRANSPORTATION  
BUS STOP AT 'ŌKUPU STREET,  
PORT ALLEN RESIDENTIAL SUBDIVISION,  
KŌLOA DISTRICT, COUNTY OF KAUA'I

WHEREAS, Chapter 16, Article 2 of the Kaua'i County Code 1987, as amended authorizes the County Council to determine and designate official traffic control devices; and

WHEREAS, Port Allen Residential Subdivision is located in the Kōloa District, County of Kaua'i, State of Hawai'i; and

WHEREAS, the County Engineer, based on an engineering and traffic investigation, has recommended that certain public transportation bus stops be placed on County roadways within Port Allen Residential Subdivision, Kōloa District; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII THAT:

SECTION 1. That a Public Transportation Bus Stop be established and made official on 'Ōkupu Street, Kōloa District, County of Kaua'i, State of Hawai'i, as follows:

On the southerly shoulder of 'Ōkupu Street approximately 230 feet east of its centerline intersection with 'Ōlali Street.

SECTION 2. The County Engineer shall post a Public Transportation Bus Stop sign at the pertinent location as described in Section 1 above, and as shown on the map attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. Any person convicted of violating any provision relating to bus stops, Section 16-14.1, 16-14.2, Chapter 16 of the Kaua'i County Code 1987, as amended, shall be subject to the penalties in Section 16-21.6, Chapter 16, of said Code.

Reso. No. 2009-66

SECTION 5. This resolution shall take effect upon its approval and the posting of the appropriate sign designating the Public Transportation Bus Stop.

INTRODUCED BY:



Tim Bynum  
(By Request)

V:\CS OFFICE FILES\2009RESO\PORTALLENpublic transportation

	Aye	Nay	Exc	Recused
Asing				
Bynum				
Chang				
Furfaso				
Kaneshiro				
Kawahara				
Kawakami				
Total				

### Certificate Of Adoption

We hereby certify that Resolution No. \_\_\_\_\_  
was adopted by the Council of the County of Kaua'i, State of  
Kauai'i, Lihue, Kaua'i, Kauai'i, on

\_\_\_\_\_  
County Clerk  
Dated

\_\_\_\_\_  
Chairman & Presiding Officer

Reso. No. 2009-66



# COUNTY COUNCIL

COUNTY OF KAUA'I

# Resolution

## RESOLUTION ESTABLISHING STOP SIGNS AND STOP LINES ON COUNTY ROADWAYS WITHIN PORT ALLEN RESIDENTIAL SUBDIVISION, KŌLOA DISTRICT, COUNTY OF KAUA'I

WHEREAS, Chapter 16, Article 2 of the Kaua'i County Code 1987, as amended, authorizes the County Council to determine and designate official traffic control devices; and

WHEREAS, Port Allen Residential Subdivision is located in the Kōloa District, County of Kaua'i, State of Hawai'i; and

WHEREAS, The County Engineer, based on an engineering and traffic investigation, has recommended that certain stop signs and stop lines be placed on County roadways within the Port Allen Residential Subdivision, Kōloa District; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII THAT:

Section 1. The County Engineer or his representative shall post the appropriate stop signs and mark the appropriate stop lines at the following locations, as shown on the attached map hereto as Exhibit "A":

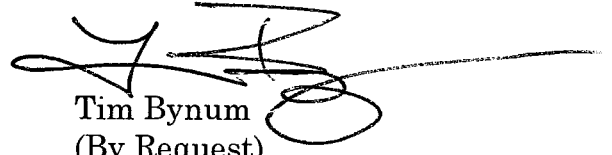
1. On 'Ōlali Street at its intersection with the Boat Harbor Access Road.
2. On 'Ōlali Street at its intersection with 'Ōkupu Street.
3. On 'Ōkupu Street at its intersection with 'Ōlali Street.
4. On Manawanui Court at its intersection with 'Ōkupu Street.
5. On Mana 'Olana Court at its intersection with 'Ōkupu Street.

*Reso. No. 2009-67*

Section 2. Any person convicted of violation said stop sign restrictions shall be subject to the penalties prescribed in Section 16-21.6 of the Kaua'i County Code 1987, as amended.

Section 3. This resolution shall take effect upon its approval and the posting and making designating the stop signs and stop lines.

INTRODUCED BY:

  
 Tim Bynum  
 (By Request)

V:\CS OFFICE FILES\2009 RESO\PORTALLENSTOPSIGN

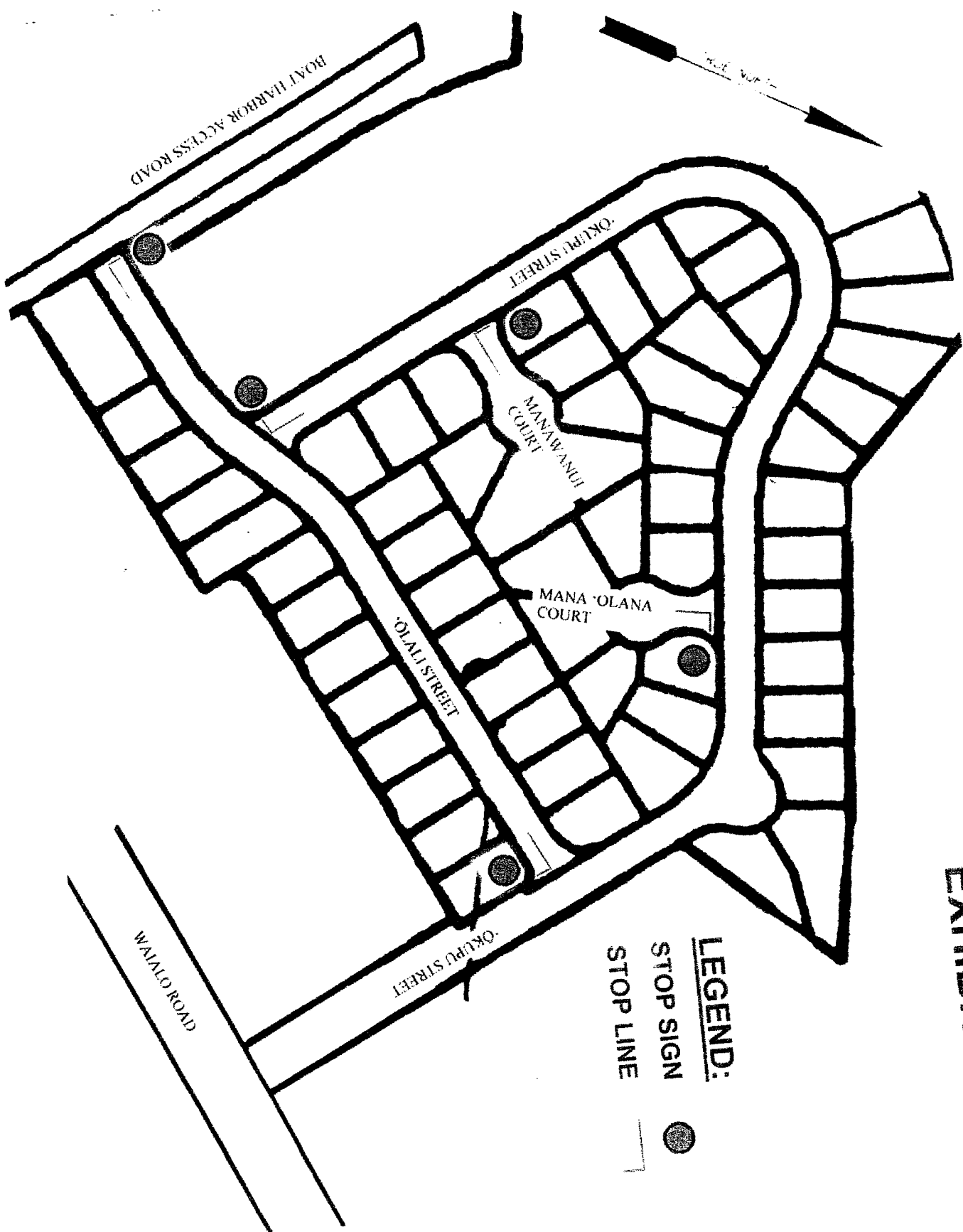
	Aye	Nay	Exc	Recused
Asing				
Bynum				
Chang				
Furfaro				
Kaneshiro				
Kawahara				
Kawakami				
Total				

### Certificate Of Adoption

We hereby certify that Resolution No. \_\_\_\_\_  
 was adopted by the Council of the County of Kaua'i, State of  
 Hawai'i, Lihue, Kaua'i, Hawai'i, on

\_\_\_\_\_  
 County Clerk  
 Dated

\_\_\_\_\_  
 Chairman & Presiding Officer  
 Reso. No. 2009-67



**LEGEND:**  
 STOP SIGN ●  
 STOP LINE ⊥

**EXHIBIT "A"**

Reso. No. 2009-67

COUNTY COUNCIL  
COUNTY OF KAUA'I

# Resolution

**RESOLUTION ESTABLISHING SPEED RESTRICTION  
FOR MAKAMAE PLACE,  
HANAIEI DISTRICT, COUNTY OF KAUA'I**

WHEREAS, Chapter 16, Article 5 of the Kaua'i County Code authorizes the County Council to set maximum speed limits; and

WHEREAS, Makamae Place is located in the Canela Residential Subdivision, Hanalei District, County of Kaua'i, State of Hawai'i, and;

WHEREAS, the County Engineer, based on an engineering and traffic investigation has recommended that maximum speed limit of 15 miles per hour along Makamae Place be established is reasonable and safe; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII, that:

SECTION 1. The maximum speed limit along the entire length of Makamae Place, as shown on the map attached hereto as Exhibit "A", is hereby established as follows:

15 MPH:

1. For the entire length of Makamae Place.

SECTION 2. The County Engineer or his representative shall post appropriate signs designating the above-referenced maximum speed limit imposed by this resolution.

*Reso. No. 2009-68*

SECTION 3. Any person convicted of violating said speed limit shall be subject to the penalties prescribed in Section 16 – 21.6 of the Kaua'i County Code 1987.

SECTION 4. That the County Engineer is hereby directed and authorized to place the appropriate signs in conformity to this resolution.

SECTION 5. This resolution shall take effect upon its approval.

Introduced by:

Tim Bynum  
(By Request)

V:CS OFFICE FILES/makamae/LP:iki

	Aye	Nay	Exc	Recused
Osing				
Furfaro				
Bynum				
Chang				
Kaneshiro				
Kawahara				
Kawakami				
Total				

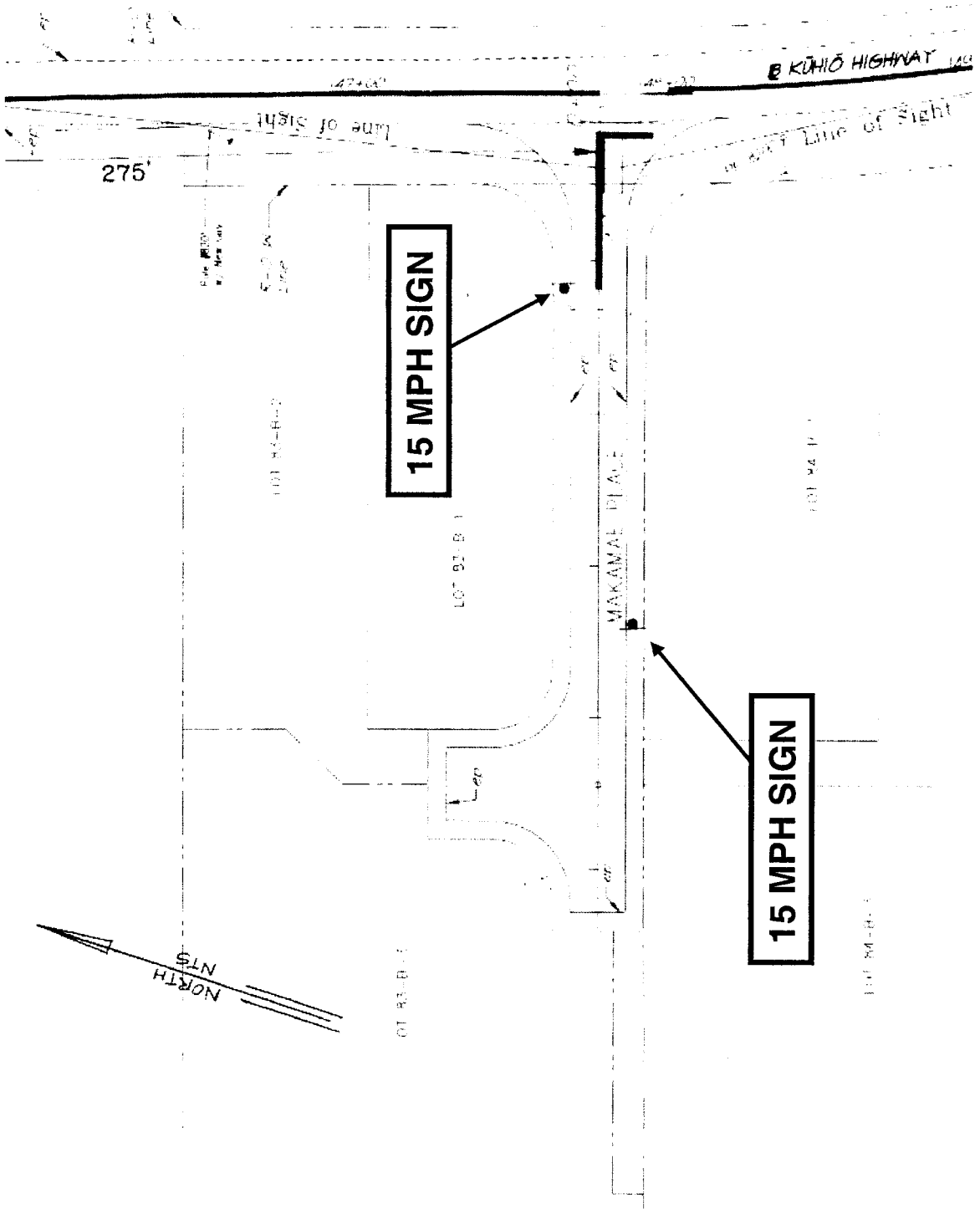
### Certificate Of Adoption

We hereby certify that Resolution No. \_\_\_\_\_ was adopted by the Council of the County of Kaua'i, State of Hawai'i, Lihue, Kaua'i, Hawai'i, on

\_\_\_\_\_  
Dated County Clerk

\_\_\_\_\_  
Chairman & Presiding Officer

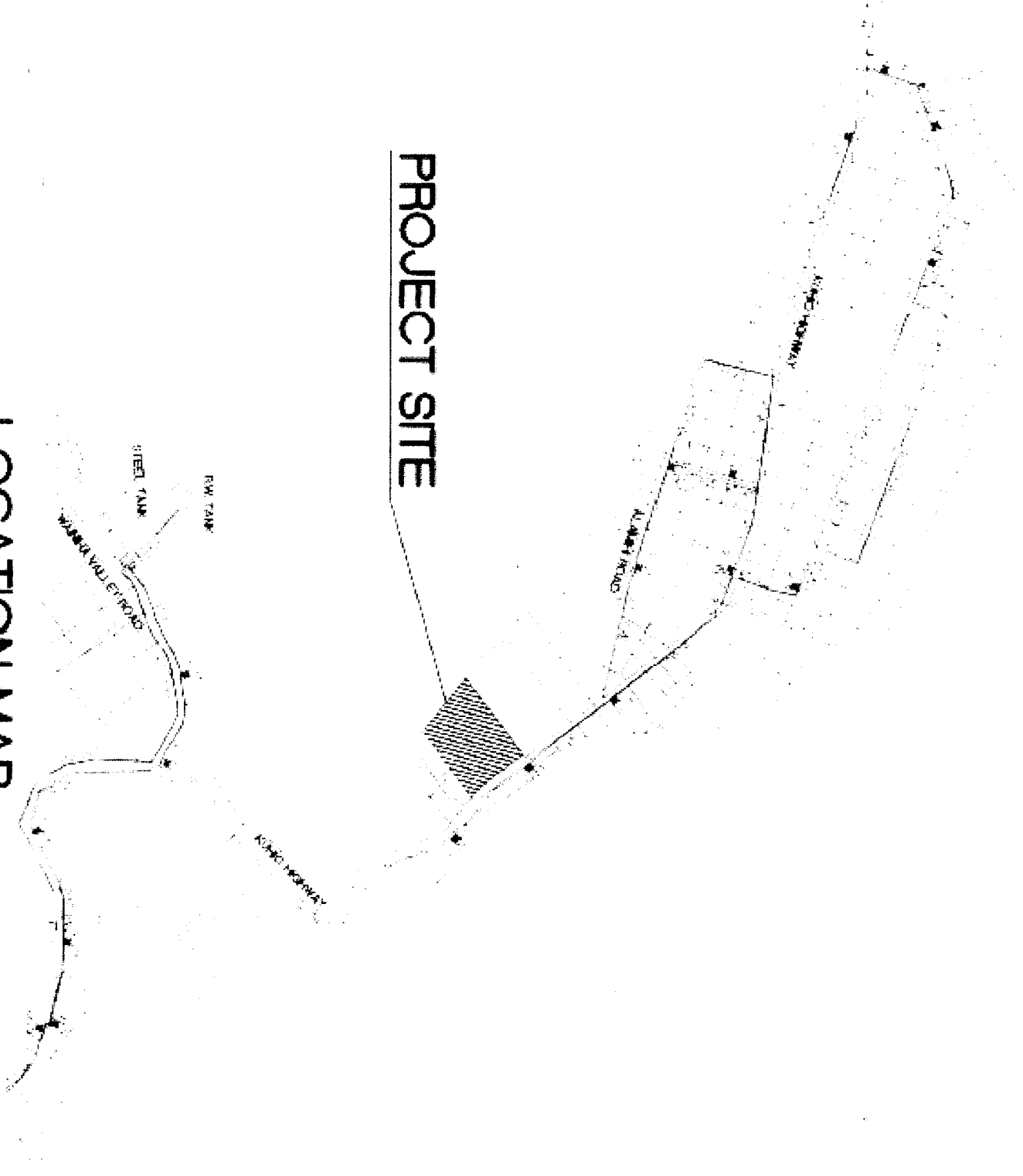
Reso. No. 2009-68



**EXHIBIT "A"**

Reso. No. 2009-68

**PROJECT SITE**



**LOCATION MAP**

Reso. No. 2009-68

COUNTY COUNCIL

COUNTY OF KAUA'I

Resolution

RESOLUTION AMENDING RULES OF THE COUNCIL OF THE COUNTY OF KAUA'I FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. The Rules of the Council of the County of Kaua'i, adopted through Resolution No. 2009-02 on December 1, 2008, are amended to permit the Council Chair to place items received after the deadline set forth in Rule 15 on the agenda, provided that the notice meets the requirements of Section 92-7 of the Hawai'i Revised Statutes. This amendment is made pursuant to Section 4 of Resolution No. 2009-02 and Rule 18 of the Rules of the Council of the County of Kaua'i.

SECTION 2. Rule No. 15(b) of the Rules of the Council of the County of Kaua'i is hereby amended as follows:

“(b) All communications to be placed on the agenda must be initialed by the Council Chair and received by the Council or the Office of the County Clerk before 4:30 p.m. on the Friday two weeks preceding the day of the regular or Committee meeting. At the Council Chair's discretion, items received after the deadline may be placed on the agenda provided that the notice of the meeting complies with Section 92-7 of the Hawai'i Revised Statutes.”

SECTION 3. New material is underscored.

SECTION 4. This resolution shall take effect upon its approval.

Introduced by:

TIM BYNUM

Table with 5 columns: Name, Aye, Nay, Exc, Recused. Rows include Aoiing, Bynum, Chang, Furfaro, Kaneshiro, Kawahara, Kawakami, and Total.

Certificate Of Adoption

We hereby certify that Resolution No. \_\_\_\_\_ was adopted by the Council of the County of Kaua'i, State of Hawai'i, Lihue, Kaua'i, Hawai'i, on

County Clerk

Chairman & Presiding Officer

Dated

Reso. No. 2009-69

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 16, ARTICLE 20, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE TRAFFIC CODE

---

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Chapter 16, Article 20, Kauai County Code 1987, is amended by adding a new section to be appropriately designated and to read as follows:

“Sec. 16-20. Use of Mobile Electronic Devices While Operating a Vehicle

(a) No person shall operate a motor vehicle while using a mobile electronic device.

(b) The use of a mobile electronic device for the sole purpose of making a “911” emergency communication shall be an affirmative defense to this ordinance.

(c) The following persons shall be exempt from the provisions of subsection (b):

(1) Emergency responders using a mobile electronic device while in the performance and scope of their official duties; and

(2) Drivers possessing a valid amateur radio operator license issued by the Federal Communications Commission and using a half-duplex two-way radio.

(d) As used in this section:

“Emergency responders” include fire fighters, emergency medical service technicians, mobile intensive care technicians, civil defense workers, police officers, and federal and state law enforcement officers.

“Mobile electronic device” means any hand-held or other portable electronic equipment capable of providing wireless and/or data communication between two or more persons or of providing amusement, including but not limited to a cellular phone, text messaging device, paging device, personal digital assistant, laptop computer, video game, or digital photographic device, but does not include any audio equipment or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle, or video entertainment to the passengers in the rear seats of the motor vehicle.

“Operate a motor vehicle” means to drive or assume actual physical control of a vehicle upon a public way, street, road, or highway.

*Proposed Draft Bill # 2336*

“Use or using” means holding a mobile electronic device while operating a motor vehicle.

(e) Any person convicted of violating any provisions of this section shall be subject to a maximum fine of fifty dollars (\$50).

SECTION 2. This ordinance shall take effect three (3) months after its approval.

Introduced by:

DEREK S. K. KAWAKAMI

Date of Introduction:

Līhu‘e, Kaua‘i, Hawai‘i

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_

A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A,  
KAUAI COUNTY CODE 1987, RELATING TO LIMITATION OF TAXES ON  
PROPERTY USED FOR LONG TERM AFFORDABLE RENTAL

---

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Chapter 5A, Article 11A of the Kaua'i County Code 1987, as amended is hereby amended as follows:

**"ARTICLE 11A. LIMITATION OF TAXES**

**Sec. 5A-11A.1 Limitation of Taxes For Property Used For Long Term Affordable Rental.**

(a) Definitions. As used in this Sec. 5A-11A.1:

"Dwelling" means a building or portion thereof designed or used exclusively for residential occupancy and having all necessary facilities for permanent residency such as living, sleeping, cooking, eating and sanitation.

"Long Term Affordable Rental" means a dwelling subject to a written lease agreement with a term of one (1) year or more and at a monthly rent not to exceed the maximum housing cost based on 120% of the 2004 Kaua'i Median Household Income as set forth in the Kaua'i County Housing Agency Affordable Rental Housing Guideline.

(b) Any owner who owns real property that is rented or leased as a long term affordable rental shall be taxed in the following manner:

(1) The property shall be taxed based on its assessed value provided that any increase in taxes shall not exceed six percent (6%) a year, except as provided below:

(A) If any improvements are undertaken on the property, and such improvements increase the fair market value of the property, the taxes shall be increased based on the fair market value of the improvements undertaken plus six percent (6%) a year if appropriate.

(B) If omitted improvements are added to the rolls, the taxes shall be increased based on the fair market value of the omitted improvements, plus up to six percent (6%) a year if appropriate.

(C) If the property subsequently increases in assessed value due solely to actions of the owner in changing use within the property itself, such as but not limited to, change in the agricultural use or the number of home sites, or breach or expiration of other dedication, the taxes shall be increased by the full amount due to such change in use, plus up to six percent (6%) a year if appropriate.

(D) If there is a clerical error in any year's assessment the correction of which is not permitted under the terms of Section 5A-1.10, the taxes for the next year shall be based on what the taxes would have been for the previous year without the clerical error.

(2) In the case of multi-use parcels or structures, only those portions which are rented or leased out exclusively as a long term affordable rental can receive the limit on tax increases.

(c) The owner shall file his application annually in a form prescribed by the Director of Finance by December 31 prior to the fiscal year beginning July 1 for the limit in taxes. The owner shall notify the Director of Finance within thirty (30) calendar days if the property is no longer being rented or leased as a long term affordable rental due to the sale of the property or conversion to short term rental. Should there be a change in the use as a long term affordable rental, the limit on taxes shall be automatically revoked and all differences in the amount of taxes that should be due for the remainder of the tax year without the limit shall become due and payable.

(1) Owners who were previously in the Long Term Affordable Rental credit program and failed to reapply by the December 31 application deadline, may submit an application with the proper documents to verify that the property was rented or leased as a long term affordable rental;

(2) The Director shall determine and verify whether the property was rented or leased as a long term affordable rental based on the proper documents submitted to the County;

(3) If the Director determines that the owner's failure to reapply on the specified due date was an oversight, the owner shall be reinstated in the Long Term Affordable Rental program on the tax year that is determined by the Director subject to Sec. 5A-11A.1(f) and a five percent (5%) penalty fee of what the owner would have paid in taxes for that year shall be assessed.

(4) If the owner paid the full amount of taxes at a higher base year due to the failure to reapply by the December 31 application deadline, and it is determined by the Director that the owner qualifies to be reinstated into the program, the owner will be refunded the difference minus the penalty fee of five percent (5%).

(d) The director may adopt rules and prescribe forms.

(e) The director shall note on the notice of assessment or tax bill, or both, that real property taxes for the said property is subject to the six percent (6%) cap because of its use as a long term affordable rental.

(f) For real property tax filers that qualify in 2005 and 2006, the base year for real property tax assessment will be 2004 and any increase in taxes shall not exceed six percent (6%) per year. For filers that qualify in years after 2006, the base year for real property tax assessment will be the previous year and any increase in taxes shall not exceed six percent (6%) per year.”

SECTION 2. This Ordinance shall remain in effect until the Council enacts a bill or bills for real property tax relief based upon the recommendations of the real property tax task force.

SECTION 3. If any provision of this Ordinance, or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 4. Ordinance material to be repealed is bracketed. New Ordinance material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, the brackets, bracketed material and underscoring shall not be included.

SECTION 5. This Ordinance shall take effect upon its approval.

INTRODUCED BY:

  
JAY FURFARO

DATE OF INTRODUCTION:

Lihue, Kaua'i, Hawai'i

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. B-2009-691,  
RELATING TO THE CAPITAL BUDGET OF THE  
COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR  
JULY 1, 2009 THROUGH JUNE 30, 2010, BY REVISING PROJECT  
DESCRIPTION IN THE GENERAL FUND

---

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF  
HAWAII:

SECTION 1. That Ordinance No. B-2009-691 relating to the Capital  
Budget – General Fund of the County of Kaua'i, State of Hawai'i, for the fiscal year  
July 1, 2009 through June 30, 2010, be hereby amended to read as follows:

Affordable Housing [-Infrastructure Improvements]                      \$1,000,000.00

SECTION 2. Material to be deleted is bracketed. New material is  
underscored.

SECTION 3. This Ordinance shall take effect upon its approval.

Introduced by:

DICKIE CHANG  
(By Request)

Date of Introduction:

Līhu'e, Kaua'i, Hawai'i