

Tim

COUNCIL MEETING NOTICE and AGENDA
WEDNESDAY, DECEMBER 2, 2009
9:00 A.M. OR SOON THEREAFTER

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

MEETING CALLED TO ORDER.

ROLL CALL.

APPROVAL OF AGENDA.

MINUTES of the following meetings of the Council:

Council Meeting of November 4, 2009
Public Hearing of November 18, 2009 re: Bills Nos. 2332, 2333, 2334,
and 2335

COMMUNICATIONS:

- C 2009-373 Communication (10/30/2009) from the Director of Personnel Services, transmitting for Council information, the first quarter reports (July-September 2009) relative to vacancies, established positions, new hires, reallocations, and promotions. (***Report on file in the County Clerk's Office.***)
- C 2009-374 Communication (11/02/2009) from the Chief of the Building Division, Department of Public Works, transmitting for Council information, the Building Permit Information Reports for October 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

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COUNTY CLERK'S OFFICE

- C 2009-375 Communication (11/09/2009) from the Housing Director, transmitting for Council approval, a resolution establishing County priorities for the use of Community Development Block Grant (CDBG) Program Funds for program years 2010 and 2011. ***(See Resolution No. 2009-70)***
- C 2009-376 Communication (11/12/2009) from the Director of Finance, transmitting for Council information the Period 1 Financial Reports – Statement of Revenues as of July 31, 2009. ***(Statement of Revenues-Estimated and Actual, Statement of Expenditures and Encumbrances, Revenue Report (Listing), and Detail Budget Report on file in the County Clerk’s Office.)***
- C 2009-377 Communication (11/12/2009) from the Director of Finance, transmitting for Council information the Period 2 Financial Reports – Statement of Revenues as of August 31, 2009. ***(Statement of Revenues-Estimated and Actual, Statement of Expenditures and Encumbrances, Revenue Report (Listing), and Detail Budget Report on file in the County Clerk’s Office.)***
- C 2009-378 Communication (11/12/2009) from the Director of Finance, transmitting for Council information the Period 3 Financial Reports – Statement of Revenues as of September 30, 2009. ***(Statement of Revenues-Estimated and Actual, Statement of Expenditures and Encumbrances, Revenue Report (Listing), and Detail Budget Report on file in the County Clerk’s Office.)***
- C 2009-379 Communication (11/16/2009) from the Planning Director, transmitting for Council consideration, the Planning Commission’s recommendation to re-designate a portion of a property in Kilauea, Kaua’i, Tax Map Key No. 5-2-017:028, back to its previous land use designation as follows:
- “Limited Industrial (I-L) Zoning District” back to the “Open (O) Zoning District” and “Agriculture (A) Zoning District.”
- (See Proposed Draft Bill No. 2340)***
(Planning Commission’s findings, staff report, exhibits, and transcripts on file in the County Clerk’s Office.)
- C 2009-380 Communication (08/31/2009) from the Director of Finance, requesting Council approval to write-off thirty-one (31) finalled (inactive) sewer accounts and one (1) finalled sludge account totaling an uncollectible delinquent amount of \$63,457.78, pursuant to Kaua’i County Code Section 25-14.3.

- C 2009-381 Communication (10/22/2009) from the Director of Finance, requesting Council approval to accept services from two (2) to four (4) volunteers from Insights to Success to assist the Information Technology (IT) Division over the coming twelve (12) months, with all costs to be borne by Insights to Success.
- C 2009-382 Communication (11/04/2009) from the Housing Director, requesting Council approval to decline repurchase of Unit No. 65, Villas at Puali, located at 4012 Puali 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 2009-383 Communication (11/12/2009) from the Chief of Police, requesting Council approval to apply for, accept, indemnify, and expend funds from the State of Hawai‘i, Safe Community Program – Safety Office in the amount of \$25,100 which will implement projects for under age drinking.
- C 2009-384 Communication (11/16/2009) from the Mayor, requesting Council approval to apply for, receive, and expend \$1,500,000 from Phase II of the Hawai‘i Strategic Prevention Framework State Incentive Grant (SPF SIG) administered through the Department of Health-Alcohol and Drug Abuse Division (ADAD). (***Report on file in the County Clerk’s Office.***)
- C 2009-385 Request (11/24/2009) from the Office of the County Attorney for authorization to expend additional funds up to \$6,500 to engage special counsel for King C. Lum v. Kaua‘i County Council, et al., Civ. No. 06-00068 SOM/BMK (U.S. District Court, District of Hawai‘i) and related matters.

LEGAL DOCUMENT:

- C 2009-386 Communication (11/20/2009) from the Director of the Office of Economic Development, requesting Council approval of the amended West Kaua‘i Technology and Visitor Center lease between Kīkīaola Land Company, Limited, and the County of Kaua‘i to allow the operation of a gift shop.
- Amendment to the Indenture of Lease

CLAIMS:

C 2009-387 Communication (11/10/2009) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Cathleen B. Ibanez for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

COMMITTEE REPORTS:BUDGET & FINANCE COMMITTEE REPORT:

CR-B&F 2009-22: on Bill No. 2333 AN ORDINANCE AMENDING ORDINANCE NO. B-2009-691, AS AMENDED, 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 THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$150,000 - Kapa'a - Wailua Development Plan)
[Approved.]

CR-B&F 2009-23: on Bill No. 2334 AN ORDINANCE AMENDING ORDINANCE NO. B-2009-691, AS AMENDED, 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 THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (Transfer \$230,000 from Kapa'a New Fire Station to Pi'ikoi Building Design)
[Approved.]

ECONOMIC DEVELOPMENT/HOUSING COMMITTEE:

CR-EDH 2009-10: on EDH 2009-9 Communication (10/20/2009) from Committee Chair Dickie Chang, requesting the presence of Sue Kanoho, Executive Director, Kaua'i Visitors Bureau (KVB), to provide an update on Kaua'i Visitors Bureau's efforts to promote tourism on Kaua'i since receiving the KVB Economic Stimulus Grant.
[Received for the record.]

PUBLIC WORKS/ELDERLY AFFAIRS COMMITTEE:

CR-PWE 2009-07: on PWE 2009-4 Communication (11/19/2009) from Committee Chair Tim Bynum, requesting agenda time for a presentation from Howard Wiig, Energy Analyst, Department of Business, Economic Development, and Tourism on the International Energy Conservation Code, as it relates to Bill No. 2332 (Energy Code)
[Received for the record.]

CR-PWE 2009-08: on Bill No. 2335 A BILL FOR AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 4, SEC. 13-4.1, OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ELECTRICAL CODE AND ADOPTING THE NATIONAL ELECTRICAL CODE, 2008 EDITION AS A STANDARD FOR ALL ELECTRICAL WORK
[Approved.]

PUBLIC SAFETY/ENERGY/INTERGOVERNMENTAL RELATIONS COMMITTEE:

CR-SEI 2009-06: on SEI 2009-5 Communication (11/9/2009) from Committee Chair Derek Kawakami, requesting agenda time for a presentation from Renewable Electronics Transportation International on "Time is of the Essence: Changing America's Transportation and Power Alternatives," which is a model energy and transportation program across the United States.
[Received for the record.]

RESOLUTIONS:

Resolution No. 2009-70, RESOLUTION ESTABLISHING COUNTY PRIORITIES FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS

BILLS FOR FIRST READING:

Proposed Draft Bill No. 2340 – A BILL FOR AN ORDINANCE RELATING TO ZONING DESIGNATIONS IN ORDINANCE NO. PM-229-91; KILAUEA, KAUAI (County of Kauai, Applicant)

BILLS FOR SECOND READING:

Bill No. 2333 – AN ORDINANCE AMENDING ORDINANCE NO. B-2009-691, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2009 THROUGH JUNE 30, 2010, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$150,000 – Kapa'a – Wailua Development Plan) *(The Budget & Finance Committee recommended approval of Bill No. 2333; see CR-B&F 2009-22)*

Bill No. 2334 – AN ORDINANCE AMENDING ORDINANCE NO. B-2009-691, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2009 THROUGH JUNE 30, 2010, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (Transfer \$230,000 from Kapa'a New Fire Station to Pi'ikoi Building Design) *(The Budget & Finance Committee recommended approval of Bill No. 2334; see CR-B&F 2009-23)*

Bill No. 2335 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 4, SEC. 13-4.1, OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE ELECTRICAL CODE AND ADOPTING THE NATIONAL ELECTRICAL CODE, 2008 EDITION AS A STANDARD FOR ALL ELECTRICAL WORK *(The Public Works/Elderly Affairs Committee recommended approval of Bill No. 2335; see CR-PWE 2009-08)*

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

ES-410 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 King C. Lum v. Kaua'i County Council, et al., Civ. No. 06-00068 SOM/BMK (U.S. District Court, District of Hawaii) 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-411 Pursuant to Haw.Rev.Stat. §§92-4 and 92-5(a)(4),(6) and (8), and Kaua'i County Charter §3.07(E), the purpose of this executive session is to provide a Council briefing, update, and to request authority relating to a possible settlement proposal in the claim filed against the County of Kaua'i by Cushnie Construction Company for reimbursement of costs incurred. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ADJOURNMENT.

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

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

Bill No. 2337 – 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

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)

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

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, ROOM 206, LIHU'E, KAUAI. TELEPHONE NO. 241-6371.

BERNARD P. CARVALHO, JR.
MAYOR



MALCOLM C. FERNANDEZ
DIRECTOR OF PERSONNEL SERVICES

COUNTY OF KAUA'I
DEPARTMENT OF PERSONNEL SERVICES



RECEIVED

MO'IKEHA BUILDING
4444 Rice Street, Suite 140
LIHU'E, KAUA'I, HAWAII 96766
Telephone (808) 241-6595 • Fax (808) 241-6593

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October 30, 2009

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUA'I

TO: HONORABLE CHAIRMAN OF THE KAUA'I COUNTY COUNCIL
VIA: MAYOR BERNARD P. CARVALHO, JR. 
FROM: MALCOLM C. FERNANDEZ, DIRECTOR OF PERSONNEL SERVICES 
SUBJECT: KAUA'I COUNTY BUDGET ORDINANCE

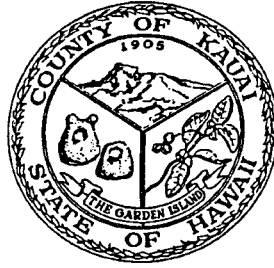
Pursuant to Section 20 of the County Budget Ordinance, the first quarter reports (July-September) relative to vacancies, new hires, reallocations, promotions, and positions established are attached for your perusal.

Should you have any questions relative to this matter, please do not hesitate to contact me at 241-4956.

Att.

C2009-373

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

November 2, 2009

RECEIVED
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COUNTY OF KAUAI
DEPARTMENT OF PUBLIC WORKS

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 October. 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.

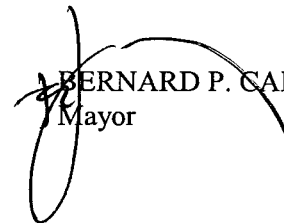
Very truly yours,

CONCUR:

APPROVED:


DOUGLAS HAIGH
Chief, Building Division


DONALD M. FUJIMOTO.
County Engineer


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

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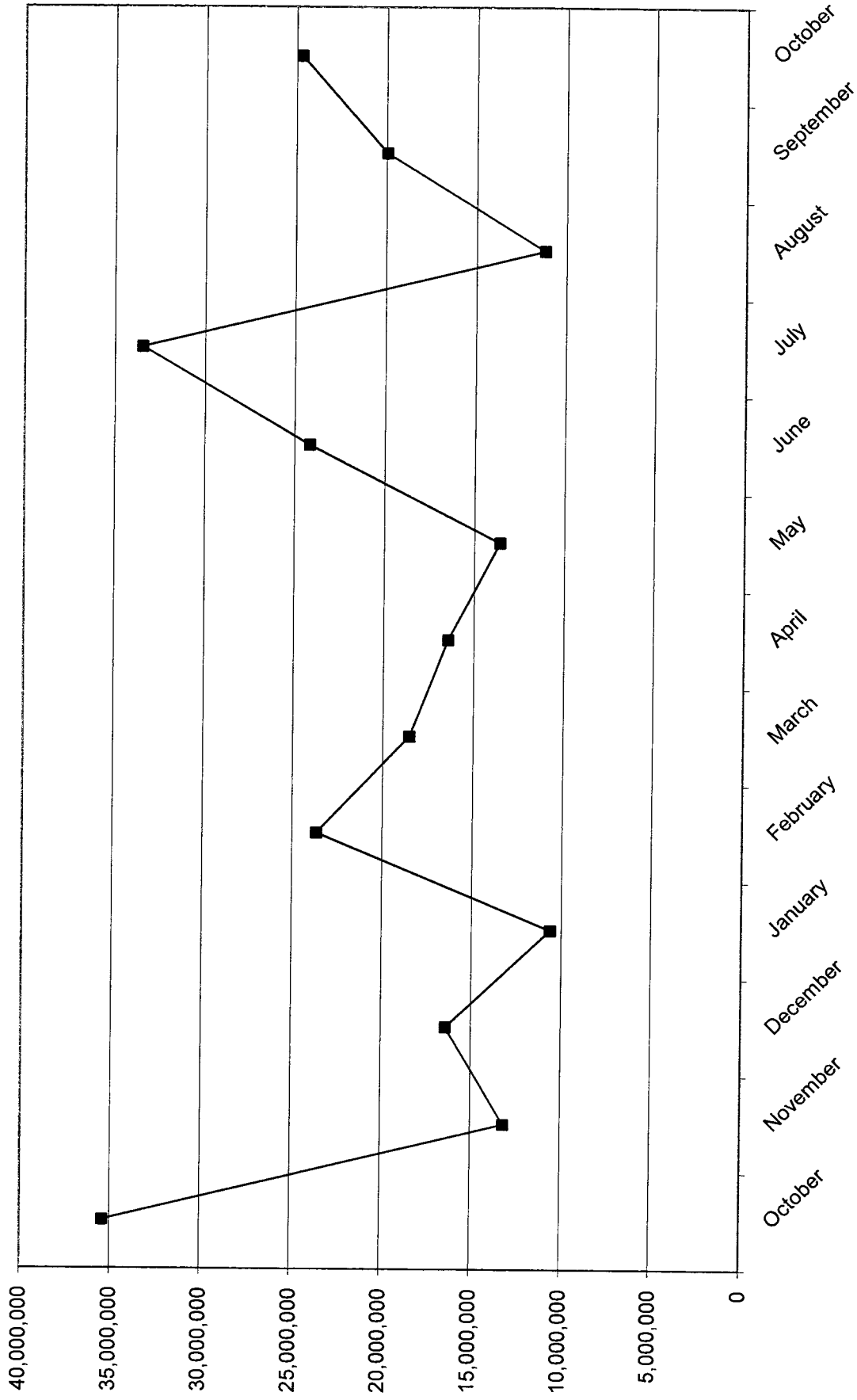
Building Permit Processing Report for the Month of October 2009

Permit Volume Summary

	Residential	Commercial	Total	Previous Year
Incoming Plans	62	19	81	144
Estimate Value of Plans	10,957,900	13,702,100	24,660,000	35,396,268
Number of Building Permits Issued	83	26	109	114
Value of Building Permit Issued	11,816,217	2,920,083	14,736,300	19,894,941
Revolving Fund Fees Collected	11,896	3,757	15,653	29,045
Revolving Fund Balance			192,174	200,000

C2009-374

Building Permit Estimated Value of Plans Summary



C2009-374



Building Permits Tracking Report Issued During October 2009

Days from Application to Issuance

Type	# of Apps	MAX	AVG
Commercial	31	502	221
Residential	56	947	166

Days from Approval to Pickup

Type	# of Apps	MAX	AVG
Commercial	31	374	104
Residential	56	897	50

Agency Review Days

Type	Agency	Number of Reviews	MAX Days	AVG Days
Commercial	BUILDING-BLDS	36	29	9
	BUILDING-APPLICANT	5	109	38
	BUILDING-ELECTRICAL	15	1	1
	ELECTRICAL-APPLICANT	9	13	6
	BUILDING-PLUMBING	15	26	9
	PLUMBING-APPLICANT	3	44	20
	PLUMBING DEPT	23	215	32
	PLANNING APPLICANT	22	43	13
	ENGINEERING DIVISION	5	6	5
	FIRE DEPARTMENT	15	9	2
	DEPT OF HEALTH (STATE)	22	127	23
	DEPT OF WATER	20	51	6
	WATER APPLICANT	5	639	194
	WASTEWATER DIVISION	9	1	1
	WASTEWATER APPLICANT	1	1	1
	FLOOD REVIEW	26	16	7
	FLOOD APPLICANT	2	6	4
	BUILDING DIVISION	72	47	8
	BUILDING APPLICANT	17	27	17
	PLANNING DEPT	55	219	21
PLANNING APPLICANT	39	126	32	
ENGINEERING DIVISION	10	14	10	
FIRE DEPARTMENT	2	3	2	
DEPT OF HEALTH (STATE)	50	67	12	
HEALTH DEPARTMENT APPLICANT	8	669	132	
DEPT OF WATER	58	51	8	
WATER APPLICANT	7	148	55	
WASTEWATER DIVISION	2	1	1	
FLOOD REVIEW	61	27	7	
FLOOD APPLICANT	6	154	31	
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: BLDG - Public Works Building Division
 BLDG - 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.

C2009-374



Building Permits Status: Current Open Applications

Type	# of Apps	<30 Days	30 to 60 Days	61 to 90 Days	> 90 Days
Commercial	684	18	18	11	639
Residential	1,500	39	44	35	1,382

Type	Agency	Number of Reviews	< 30 Days	30 to 60 Days	61 to 90 Days	> 90 Days
Commercial	BUILDING-BLDG	512	452	36	2	22
	BUILDING APPLICANT	64	16	9	3	56
	BUILDING-ELECTRICAL	423	339	47	18	20
	ELECTRICAL APPLICANT	150	51	18	9	72
	BUILDING-PLUMBING	385	378	3	0	7
	PLUMBING APPLICANT	70	62	11	6	7
	PLUMBING DEPT	623	341	126	19	137
	PLANNING APPLICANT	417	184	16	9	208
	ENGINEERING DIVISION	266	210	22	3	51
	ENGINEERING APPLICANT	51	5	4	1	41
	FIRE DEPARTMENT	415	388	25	0	2
	APPLICANT FIRE	8	1	0	0	7
	DEPT OF HEALTH (STATE)	485	379	46	12	49
	HEALTH DEPARTMENT APPLICANT	14	4	1	1	8
	DEPT OF WATER	531	469	32	7	23
	WATER APPLICANT	200	12	7	11	170
	WASTEWATER DIVISION	225	213	2	1	9
	WASTEWATER APPLICANT	20	4	1	1	14
	FLOOD REVIEW	377	364	4	0	9
	FLOOD APPLICANT	21	9	4	1	7
	BUILDING DIVISION	1,263	1,129	58	18	79
	BUILDING APPLICANT	247	129	31	8	79
	ELECTRICAL APPLICANT	21	9	1	0	11
	PLANNING DEPT	1,591	888	259	122	322
	ENGINEERING APPLICANT	620	427	97	30	266
ENGINEERING DIVISION	789	691	17	3	53	
ENGINEERING APPLICANT	194	45	9	4	136	
FIRE DEPARTMENT	169	169	1	0	0	
APPLICANT FIRE	3	1	1	0	1	
DEPT OF HEALTH (STATE)	1,363	1,095	76	50	161	
HEALTH DEPARTMENT APPLICANT	286	88	40	27	131	
DEPT OF WATER	1,345	1,230	19	15	81	
WATER APPLICANT	445	91	120	23	211	
WASTEWATER DIVISION	209	161	1	0	27	
WASTEWATER APPLICANT	11	4	1	0	6	
FLOOD REVIEW	639	640	10	4	5	
FLOOD APPLICANT	72	37	10	0	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
- > 90 Days : Quantity of Building Permit Applications aged 61 to 90 days
- Quantity of Building Permit Applications aged greater than 90 days

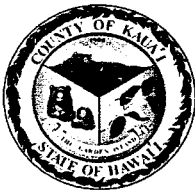
Section 2 - Detail :

- 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
 - 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 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

02009-374

Bernard P. Carvalho, Jr.
Mayor

Gary K. Heu
Administrative Assistant



KAUAI COUNTY HOUSING AGENCY
Pi'ikoi Building 4444 Rice Street Suite 330
Lihu'e Hawaii 96766

Eugene K. Jimenez
Housing Director

RECEIVED

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November 9, 2009

THE OFFICE OF THE CLERK

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

Attention: Economic Development/Housing Committee Chair Dickie Change

Dear Chairperson Asing and Members:

SUBJECT: Resolution for Establishing County Priorities for the Use of Community
Development Block Grant (CDBG) Program Funds

Enclosed for your review and approval is the Community Development Block Grant (CDBG) Program Resolution to be adopted by the Council for Program Years 2010 and 2011 establishing priorities for funding projects that may be proposed through an application process. The CDBG Resolution will be in effect until September 30, 2011. The Council may make modifications to the proposed priorities at this time should they wish to do so.

Application packets for the CDBG Program were made available effective today starting the funding cycle for Program Year 2010.

Thank you for your continued support for the CDBG program.

Very truly yours,

Handwritten signature of Eugene K. Jimenez in black ink.

Eugene K. Jimenez
Housing Director

APPROVED:

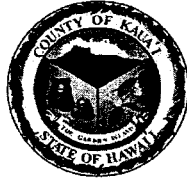
Handwritten signature of Bernard P. Carvalho, Jr. in black ink.

Bernard P. Carvalho, Jr.
Mayor

C2009-315



Bernard P. Carvalho, Jr.
Mayor



Wallace G. Rezendes, Jr.
Director of Finance

Gary K. Heu
Administrative Assistant

Belma A. Baris
Deputy Director of Finance

COUNTY OF KAUAI
DEPARTMENT OF FINANCE

TO: Honorable Bill 'Kaipo' Asing, Council Chairman
and Members of the County Council

FROM: Wallace G. Rezendes, Jr., Director of Finance

VIA: Mayor Bernard P. Carvalho, Jr.

DATE: November 12, 2009

SUBJECT: **Period 1 Financial Reports –
Statement of Revenues As Of
July 31, 2009**

THE
COUNTY OF KAUAI

09 NOV 17 A 9:27

RECEIVED

Pursuant to Section 17 and Section 20 of the **OPERATING BUDGET ORDINANCE (B-2009-690)** County of Kauai, the following **Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances and Revenue Report** in detail for the month of **July 31, 2009, Period 1** for Fiscal Year 2010 is hereby submitted.

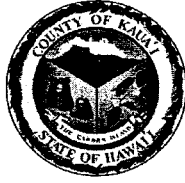
Any inquiries may be directed to Miles Tone, Accounting Systems Administrator at 241-4211.

Enclosures:

- 1) Statement of Revenues –Estimated and Actual (Listing)
- 2) Statement of Expenditures and Encumbrances (Listing)
- 3) Revenue Report (Listing)
- 4) Detail Budget Report (Listing)

C2009-376

Bernard P. Carvalho, Jr.
Mayor



Wallace G. Rezentes, Jr.
Director of Finance

Gary K. Heu
Administrative Assistant

Belma A. Baris
Deputy Director of Finance

COUNTY OF KAUAI
DEPARTMENT OF FINANCE

TO: Honorable Bill 'Kaipo' Asing, Council Chairman
and Members of the County Council

FROM: Wallace G. Rezentes, Jr., Director of Finance

VIA: Mayor Bernard P. Carvalho, Jr.

DATE: November 12, 2009

SUBJECT: **Period 2 Financial Reports –
Statement of Revenues As Of
August 31, 2009**

DEPARTMENT OF FINANCE
THE COUNTY OF KAUAI
NOV 17 09 09
NOV 17 A 9 :27
RECEIVED

Pursuant to Section 17 and Section 20 of the **OPERATING BUDGET ORDINANCE (B-2009-690)** County of Kauai, the following **Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances and Revenue Report** in detail for the month of **August 31, 2009, Period 2** for Fiscal Year 2010 is hereby submitted.

Any inquiries may be directed to Miles Tone, Accounting Systems Administrator at 241-4211.

Enclosures:

- 1) Statement of Revenues –Estimated and Actual (Listing)
- 2) Statement of Expenditures and Encumbrances (Listing)
- 3) Revenue Report (Listing)
- 4) Detail Budget Report (Listing)

C2009-377

Bernard P. Carvalho, Jr.
Mayor



Wallace G. Rezentes, Jr.
Director of Finance

Gary K. Heu
Administrative Assistant

Belma A. Baris
Deputy Director of Finance

COUNTY OF KAUAI
DEPARTMENT OF FINANCE

TO: Honorable Bill 'Kaipo' Asing, Council Chairman
and Members of the County Council

FROM: Wallace G. Rezentes, Jr., Director of Finance

VIA: Mayor Bernard P. Carvalho, Jr.

DATE: November 16, 2009

SUBJECT: **Period 3 Financial Reports –
Statement of Revenues As Of
September 30, 2009**

RECEIVED
NOV 20 AM 1:04
OFFICE OF THE DIRECTOR OF FINANCE
COUNTY OF KAUAI

Pursuant to Section 17 and Section 20 of the **OPERATING BUDGET ORDINANCE (B-2009-690)** County of Kauai, the following **Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances and Revenue Report** in detail for the month of **September 30, 2009, Period 3** for Fiscal Year 2010 is hereby submitted.

Any inquiries may be directed to Miles Tone, Accounting Systems Administrator at 241-4211.

Enclosures:

- 1) Statement of Revenues –Estimated and Actual (Listing)
- 2) Statement of Expenditures and Encumbrances (Listing)
- 3) Revenue Report (Listing)
- 4) Detail Budget Report (Listing)

C2009-318



MEMORANDUM

RECEIVED

TO: Honorable Chairperson William Kaipo Asing and Members of the Kauai County Council

FROM: Ian K. Costa, Director of Planning

VIA: Honorable Bernard P. Carvalho, Mayor

SUBJECT: Proposed Draft Bill to re-designate an area from the "Limited Industrial (I-L) Zoning District" to the "Open (O) and Agriculture Zoning Districts"
Kīlauea, Kaua'i, Tax Map Key 5-2-017:028
County of Kaua'i, Applicant

DATE: November 16, 2009

NOV 20 11 02
OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

Transmitted herewith for you review and action is the Planning Commission's recommendation for a proposed draft bill to re-designate a portion of a property in Kīlauea the "Limited Industrial (I-L) Zoning District" back to the "Open (O) Zoning District" and the "Agriculture (A) Zoning District".

Please also find attached the Planning Department's Staff Report and exhibits for the subject draft bill submitted to the Planning Commission on November 10, 2010. The Planning Commission minutes are forthcoming.

The subject draft bill should be reviewed in conjunction with Bill No. 2328 (State Land Use District Boundary Amendment A-2010-1) and Bill No. 2328 (General Plan Amendment GPA-2010-1), which re-designate the subject area back to its previous State Land Use and General Plan designations, respectively.

C2009-379

Bernard P. Carvalho Jr.
Mayor

Gary K. Heu
Administrative Assistant



Wallace G. Rezentes Jr.
Director of Finance

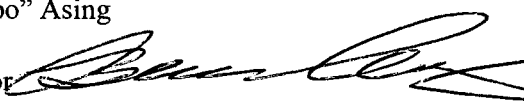
Belma A. Baris
Deputy Director of Finance

County of Kaua'i
Department of Finance
Mo'ikeha Building
4444 Rice Street, Suite 280
Lihu'e, Kaua'i HI 96766
PH# 241-4200 FAX# 241-6529

'09 NOV 17 19:24

RECEIVED
THE COUNTY OF
COUNTY HAWAII

MEMORANDUM

Date: August 31, 2009
To: Honorable Chair Bill "Kaipo" Asing
VIA: Bernard P. Carvalho, Mayor 
From: Wallace G. Rezentes Jr., Director of Finance
RE: Request to Write-Off Uncollectible Delinquent Sewer/Sludge Accounts

Approval is requested to write-off 31 finalled (inactive) sewer accounts and 1 finalled sludge account totaling an uncollectible delinquent amount of \$63,457.78 pursuant to County Code Section 25-14.3. Attachment A provided herein is a listing of these accounts for your reference. Write-off approval is requested due to the fact that collection efforts have been unsuccessful and the six year statute of limitation for legal action for the recovery of debt on these accounts has expired.

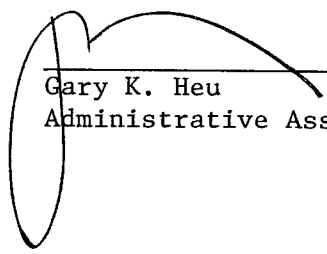
Also provided herein is supplementary information which outlines the remaining finalled (inactive) sewer accounts that are receiving further collection and/or legal action. Your assistance in the matter is appreciated.

Recommended by,

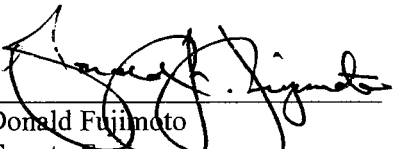
Approved by,



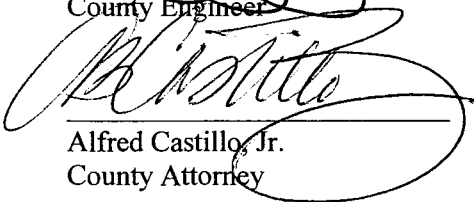
Wallace G. Rezentes, Jr.
Director of Finance



Gary K. Heu
Administrative Assistant



Donald Fujimoto
County Engineer



Alfred Castillo, Jr.
County Attorney

/Attachments

C2009-380

Finalled (Inactive)
Delinquent Sewer Accounts over \$1,000 Deemed Uncollectible
As of August 25, 2009

Account	Customer	Delinquent Amount
<u>Finalled - West Side Commercial</u>		
None		
<u>Finalled - West Side Residential</u>		
1.	27415-48210 M/M Alfredo Constantino	\$3,998.24
2.	29255-46710 M/M Frederick Acoba	\$2,510.03
3.	27345-48000 Ted/Pamela Lemons	\$2,505.40
4.	27405-48090 Thomas Labanon	\$2,340.99
5.	28175-47840 Darlene Balocan	\$1,896.60
6.	28365-47160 M/M Lester Lutao	\$1,787.24
7.	8325-8330 Rodney Gurtiza	\$1,783.03
8.	26605-48560 M/M Ronald A Bunao	\$1,533.33
9.	26825-4900 Albert/Miriam Fernandez	\$1,351.60
10.	61235-335050 Ernest Egan	\$1,339.94
11.	28135-47800 M/M Duane D Navarro	\$1,207.87
12.	46845-29720 Glenn Ayau	<u>\$1,043.39</u>
	SUB-TOTAL	\$23,297.66
<u>Finalled - East Side Commercial</u>		
1.	43965-136250 Ms Barbara Oki	\$2,951.52
2.	41675-175980 Henry & Jennifer Camacho	\$2,755.62
3.	56725-175290 Sherman Hee	<u>\$1,331.61</u>
	SUB-TOTAL	\$7,038.75
<u>Finalled - East Side Residential</u>		
1.	23035-23040 Lourdes V Gonzalez	\$3,695.31
2.	25895-404490 Ivan/Naomi Navarro	\$3,328.41
3.	25895-23240 Ivan/Naomi Navarro	\$3,266.01
4.	17225-17230 Jacob/Crystal Pia	\$2,591.50
5.	43895-414170 Marlene Naholoholo	\$2,115.49
6.	51855-16750 Eufrocina T Paramil	\$1,875.74
7.	46175-14570 Richard Maghanoy	\$1,833.17
8.	13745-13750 Jamie Ganiron	\$1,740.16
9.	13755-13760 Jamie Ganiron	\$1,603.28
10.	50975-176440 M/M Richard C Gaines	\$1,543.73
11.	13205-13210 Barbie & Kens	\$1,306.10
12.	53385-23740 Joyce Ragasa	\$1,276.91
13.	48655-17090 Ida Miguel	\$1,205.80
14.	18635-18640 Ricardo Banquel	\$1,164.61
15.	14445-14450 Samuel A Fernandez	\$1,133.28
16.	46055-22560 Parrish Ubongen	<u>\$1,009.11</u>
	SUB-TOTAL	\$30,688.61
31 Accounts	TOTAL SEWER ACCOUNTS	<u>\$61,025.02</u>
<u>Finalled - Sludge</u>		
1.	09-0676a Masa Sewer Service	<u>\$2,432.76</u>
32 Accounts	TOTAL SEWER & SLUDGE ACCOUNTS	<u>\$63,457.78</u>

C7009-380

Sewer Billing and Collections Information and Statistics
August 25, 2009

90+ Day Delinquency Balances of Active and Finalled Sewer Accounts

As of	Active Accts	# of Acts & % Incr/(Decr)	Finalled Accts	# of Acts & % Incr/(Decr)	Total \$	Total \$ Incr/(Decr)
12/12/07	\$439,112.72	448	\$436,337.59	314	\$875,450.31	
12/31/08	\$288,566.33	240 (46%)	\$410,914.66	303 (3%)	\$699,480.99	(20%)
8/25/09	\$286,855.22	268 11%	\$252,454.83	76 (74%)	\$559,664.19	(19%)

Sewer Accounts

- Active Accts
 - Collected delinquent amounts due on approximately 180 accounts totaling \$150,000.
 - Changed billing to property owner instead of a tenant if the account is 90+ days delinquent.
 - Filed liens on over 170 properties.
- Finalled Accts
 - Collected on more than 110 accounts totaling approximately \$57,000 in revenue.
 - Transferred more than 50 delinquent accounts totaling approximately \$84,000 to active accounts under the property owner.
 - Wrote off delinquencies of less than \$1,000 on more than 70 accounts totaling approximately \$33,000 deemed uncollectible. A majority of these accounts were delinquent for over 6 years; therefore the statute of limitation for legal action for the recovery of debt on these accounts expired.

Number of Sewer Accounts

- The number of active sewer accounts has grown from 2,500 in 1990 to over 4,200 in 2009 (64% increase).

02009-380

Finalled Accounts as of December 12, 2007						
	No. of Acts			Amount of Delinquency		
	Total	>\$1,000	less than \$1,000	Total	>\$1,000	less than \$1,000
West Side Commercial	10	2	8	8,435.20	6,630.45	1,804.75
West Side Residential	121	37	84	103,118.89	79,886.43	23,232.46
East Side Commercial	45	15	30	209,788.48	205,076.72	4,711.76
East Side Residential	138	27	111	114,995.02	81,515.22	33,479.80
Total	314	81	233	436,337.59	373,108.82	63,228.77
		26%	74%		86%	14%

Finalled Accounts as of August 25, 2009						
	No. of Acts			Amount of Delinquency		
	Total	>\$1,000	less than \$1,000	Total	>\$1,000	less than \$1,000
West Side Commercial	2	1	1	4,849.25	4,695.86	153.39
West Side Residential	28	16	12	35,926.49	31,184.23	4,742.26
East Side Commercial	14	9	5	172,673.36	170,437.35	2,236.01
East Side Residential	32	19	13	39,005.73	35,399.30	3,606.43
Total	76	45	31	252,454.83	241,716.74	10,738.09
		59%	41%		96%	4%

Finalled Accounts if Write Off Request Approved by Council						
	No. of Acts			Amount of Delinquency		
	Total	>\$1,000	less than \$1,000	Total	>\$1,000	less than \$1,000
West Side Commercial	2	1	1	4,849.25	4,695.86	153.39
West Side Residential	16	4	12	12,628.83	7,886.57	4,742.26
East Side Commercial	11	6	5	165,634.61	163,398.60	2,236.01
East Side Residential	16	3	13	8,317.12	4,710.69	3,606.43
Total	45	14	31	191,429.81	180,691.72	10,738.09
		31%	69%		94%	6%

02009-380

Actions Taken within the last two years

- December 2007
 - Final notices (approximately 240) sent to active sewer customers with a delinquent amount more than \$100 and 90+ days past due. Letter advised property owners that liens would be filed against the property if the delinquency was not paid in full.

- 2008
 - January 2008, Accounting Technician received training from Real Property Division personnel on how to record a lien on a property. (Note: Although the County Code allowed for a lien to be filed on the property related to a delinquent sewer account, no liens were recorded on properties with the Bureau of Conveyance until 2008.)
 - June 2008, installed Integrated Assessment System (IAS) on the Accounting Technician's computer and other finance department personnel's computers who would be assisting the Accounting Technician during the cleanup process.
 - June through December 2008, 102 liens recorded with the Bureau of Conveyance on delinquent active account's properties.
 - August 2008, prepared case folders and referred 13 of our largest delinquent sewer accounts to the Office of the County Attorney requesting legal action.
 - November 2008, adopted a Procedure for Sewer Collections of active delinquent accounts, which incorporated insights learned during the cleanup process.
 - December 2008, prepared case folders for approximately 285 finalised sewer accounts to batch account folders according to property ownership situation (same property owner or new property owner as compared to when the delinquency was established).

- 2009
 - January 2009, final notices (approximately 85) sent to finalised sewer customers as of December 31, 2009 without ownership changes.
 - March 2009, physically relocated the Accounting Technician from the Accounting Division to the Wastewater Division.
 - March – April 2009, final notices (approximately 200) sent to finalised sewer customers which had ownership changes since the delinquency was established.
 - May 2009, prepared a second batch of case folders and referred 11 delinquent sewer accounts to the Office of the County Attorney requesting legal action.
 - June 2009, prepared a third batch of case folders and referred 31 delinquent sewer accounts to the Office of the County Attorney requesting legal action.
 - July 2009, funding for Accounting Technician transitioned to the Wastewater Division.
 - 71 liens filed with the Bureau of Conveyance on delinquent active account's properties between January through July of 2009.

C7079-380

Bernard P. Carvalho, Jr.
Mayor



Wallace G. Rezentes, Jr.
Director of Finance

Gary K. Heu
Administrative Assistant

Belma A. Baris
Deputy Director of Finance

RECEIVED

COUNTY OF KAUA'I
DEPARTMENT OF FINANCE

'09 NOV 12 A10 :

TO: Bill "Kaipo" Asing, Council Chair Date: October 22, 2009
VIA: Mayor Bernard P. Carvalho, Jr. *[Signature]*
FROM: Wallace G. Rezentes, Jr. Director of Finance *[Signature]*
SUBJECT: Request Approval to Accept Volunteers from Insights to Success to IT Division

OFFICE OF THE COUNTY CLERK
THE COUNTY OF KAUA'I

It is our pleasure to inform Council that the County of Kauai's IT division is being offered qualified IT volunteers from the non-profit Insights to Success.

We humbly request Council approval to accept from two to four such volunteers to the IT division over the coming 12 months. Benefits are strong for the County, which include:

- The volunteers helping the IT division in rolling out over 200 computers in the comprehensive PC replacement program
- County agency computer users receiving the computers faster than if no such volunteers were contributing to this effort, with
- More time per user spent in orientation and on-site training with the new computer, as well as
- The community greatly benefiting over the long term by these volunteers gaining invaluable experience in a professional IT environment

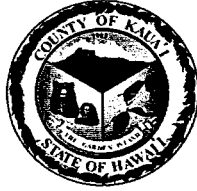
Many of you may be familiar with Insights to Success, whereby all applicants to the program must submit an application for financial assistance to the state's Department of Human Services Financial Welfare Department. Applications are then reviewed by the state department to determine qualification for Financial Assistance. Applicants are then referred to Insights to Success Inc. Pending on the household status of the applicant, if the applicant is a single parent household, the applicant is federally funded. If the applicant is a two parent household, the applicant is state funded.

No costs to the County of Kauai would be carried, as Insights to Success incurs all pre-engagement costs per applicant such as drug testing and criminal background checks. All volunteers would be carefully interviewed and references verified.

C2009-781

Bernard P. Carvalho, Jr.
Mayor

Gary K. Heu
Administrative Assistant



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

Eugene K. Jimenez
Housing Director

RECEIVED

'09 NOV 13 P12 :24

OFFICE OF THE
THE COUNTY OF KAUAI
COUNTY OF KAUAI

November 4, 2009

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

Attention: Economic Development/Housing Committee Chair Dickie Chang

Dear Chair Asing:

SUBJECT: Request to Decline Repurchase of Unit No. 65, Villas at Puali

The owners of the Unit No. 65 at the Villas at Puali, located in Puihi at 4012 Puali Place, Lihu'e, Hawai'i 96766, purchased a 3-bedroom, 2-1/2 bath single family attached CPR unit on July 6, 2006 for \$293,433.62. Because of personal financial issues, the owners feel a need to immediately sell the unit.

Attached is a Repurchase Disclosure Schedule that calculates the repurchase price at \$338,850.00. 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.

C2009-382

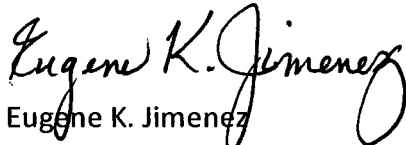


Honorable Chair Bill "Kaipo" Asing
November 4, 2009
Page 2

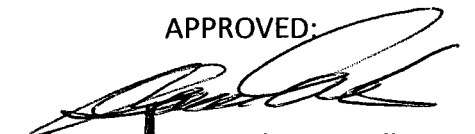
The Housing Agency requests that the Council decline its option to repurchase Unit No. 65 Villas at Puali, located at 4012 Puali Place, Līhu'e, Hawai'i 96766 and permit market sale of the unit for a period of one-year.

Thank you for your consideration of this matter.

Sincerely,


Eugene K. Jimenez
Housing Director

APPROVED:


Bernard P. Carvalho, Jr.
Mayor

EKJ/ptr

ptr/villas at puali

C7009-382



REPURCHASE DISCLOSURE SCHEDULE
KAUAI COUNTY HOUSING AGENCY

Document Preparation Date November 4, 2009
 Anticipated Closing Date 11/30/2009

Owner :		Lot No :	65
Project :	Villas at Puali	Lot Size :	
Address :	4012 Puali Place, #65	TMK :	(4) 3-3-003-039-0065
	Līhu'e, Hawai'i 96766		
7/6/06	Recording Date Of Original Sale	Inspected :	
11/30/2009	Estimated Closing Date of Repurchase	By :	
1243	Days of Ownership Period		
1. ORIGINAL PURCHASE PRICE			293,433.62
2. ORIGINAL SALE CLOSING COSTS :			
a.	Escrow Fee & Notary	\$	208.33
b.	Recording Fees	\$	123.00
c.	Title Insurance	\$	360.00
d.	Document Preparation Fees	\$	460.42
e.	Tax Service Fee		
f.	Appraisal Fee to FmHA	\$	650.00
g.	Mortgage Recording Fee/HHRF		
h.	Conveyance Tax	\$	293.40
i.		\$	2,095.15
3. COST OF CAPITAL IMPROVEMENTS ADDED - See Page 2			None
4. MORTGAGE BALANCE:			
	Principal	\$	301,827.00
	Interest & Late Fees		
	Sudsidy Recapture		
		\$	301,827.00
5. SIMPLE INTEREST @		4.30% PER YEAR	
a.	Cost of Original Sale (Lines 1 & 2)	\$	43,275.94
b.	Improvements Added (Line 3)	\$	-
		\$	43,275.94
	ESTIMATED CASH EQUITY :	\$	37,023.00
6. TOTAL REPURCHASE PRICE			\$ 338,804.71
COUNTY OF KAUAI :			say, \$ 338,850.00
Prepared By	<u>Fay T. Rapozo</u>	NOV 4 - 2009	Date
SELLER'S ACCEPTANCE OF REPURCHASE PRICE :			
Seller	<u>N/A - for financing purposes only</u>		Date

2009-382



POLICE DEPARTMENT COUNTY OF KAUAI



BERNARD P. CARVALHO, JR.
Mayor

3990 KAANA STREET, SUITE 200
LIHUE, HAWAII 96766-1268
TELEPHONE (808) 241-1600
FAX (808) 241-1604

DARRYL D. PERRY
Chief of Police

GARY K. HEU
Administrative Assistant

MARK N. BEGLEY
Deputy Chief

November 12, 2009

THE OFFICE OF THE
COUNTY CLERK

09 NOV 19 P 3:40

RECEIVED

The Honorable Kaipo Asing, Chairperson
and County Council Members
4396 Rice Street
Lihue, HI. 96766

SUBJECT: APPROVAL FOR APPLICATION, ACCEPTANCE, EXPENDITURES AND INDEMINIFY OF THE HIGHWAY SAFETY GRANT

Dear Chairperson Asing and Council Members:

We are requesting your approval to apply, accept, expend and indemnify funds from State of Hawaii, Safe Community Program – Safety Office. The funding amount is Twenty five thousand one hundred dollars (\$25,100).

The funding will be used to implement projects to reduce alcohol related fatalities and traffic casualties involving major injuries, by increasing enforcement of all liquor law violations of under age drinkers. The grant will provide overtime for officers to enforce all violations of any liquor laws for under age drinking. The grant will also provide funding for rental vehicles to be utilized in an under cover capacity during the enforcement and liquor stings.

Should you need more information, please feel free to contact Lt. Jon Takamura of our Crimes against Persons Section at 241-1700

Very truly yours,

APPROVED:

DARRYL J. PERRY
CHIEF OF POLICE

BERNARD CARVALHO
MAYOR

WALLY REZENTES JR.
FINANCE DIRECTOR

jt

C2009-383

Bernard P. Carvalho, Jr.
Mayor



Gary K. Heu
Administrative Assistant
RECEIVED

OFFICE OF THE MAYOR '09 NOV 20 AM 11:03
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 235, Lihu'e, Hawai'i 96766
TEL (808) 241-4900 FAX (808) 241-6877
OFFICE OF THE MAYOR
THE COUNTY OF KAUI
COUNTY OF KAUI

November 16, 2009

Council Chair Bill "Kaipo" Asing and
Members of the Kaua'i County Council
Kaua'i County Council
4396 Rice Street, Room 206
Lihu'e, Hawai'i 96766

Re: Hawai'i Strategic Prevention Framework State Incentive Grant Phase II

Dear Chair Asing and Members of the Council:

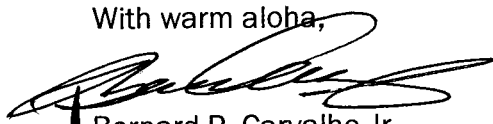
The Office of the Mayor's Anti-Drug Program would like to request the Council's approval to apply, receive and expend **ONE MILLION FIVE HUNDRED THOUSAND DOLLARS** (\$1,500,000.00) from Phase II of the Hawai'i Strategic Prevention Framework State Incentive Grant (SPF SIG) administered through the Department of Health-Alcohol and Drug-Abuse Division (ADAD).

This Phase II funding of the Hawai'i SPF Project will be used to fund evidence based programs identified by the Substance Abuse and Mental Health Services Administration (SAMHSA) that will reduce the Access, Behavior and Choice regarding alcohol among youth 12-17 years of age.

We request your consideration of this grant as it will provide an opportunity for us to continue the efforts of our Anti-Drug Program and improve the framework of our prevention system. Most importantly it will benefit our youth and families and change social norms about alcohol consumption on our island and the entire State of Hawai'i.

If you have any questions or need additional information regarding this grant, please contact Theresa Koki at 241-4925. Thank you for your time and consideration in this matter.

With warm aloha,


Bernard P. Carvalho Jr.
Mayor

C7009-384

COUNTY OF KAUAI

OFFICE OF THE COUNTY ATTORNEY

RECEIVED

'09 NOV 24 A 8 :40

November 24, 2009

OFFICE OF THE COUNTY ATTORNEY
THE COUNTY OF KAUAI

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

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

RE: REQUEST FOR AN AGENDA ITEM ON DECEMBER 2, 2009 FOR AUTHORIZATION TO EXPEND ADDITIONAL FUNDS FOR SPECIAL COUNSEL FOR KING C. LUM v. KAUA'I COUNTY COUNCIL, ET AL., CIV. NO. 06-00068 SOM/BMK (U.S. DISTRICT COURT, DISTRICT OF HAWAII) AND RELATED MATTERS

The Office of the County Attorney requests approval of its recommendation for authority to expend additional funds up to \$6,500 to engage special special counsel for King C. Lum v. Kaua'i County Council, et al., Civ. No. 06-00068 SOM/BMK (U.S. District Court, District of Hawai'i) 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 \$6,500 to engage special counsel for King C. Lum v. Kaua'i County Council, et al., Civ. No. 06-00068 SOM/BMK (U.S. District Court, District of Hawai'i) and related matters."

CMA-785



Bernard P. Carvalho, Jr.
Mayor

RECEIVED
George K. Costa
Director

Office of Economic Development

County of Kaua'i
4444 Rice Street, Suite 200
Lihu'e, HI 96766-1300
TEL (808)241-4946
FAX (808)241-6399

'09 NOV 20 P2 :20

OFFICE
THE COUNTY CLERK
COUNTY OF KAUAI

November 20, 2009

Honorable Chair Bill "Kaipo" Asing
and Members of the County Council
4396 Rice Street, Room 206
Lihu'e, Kaua'i, Hawai'i 96766

Subject: LEGAL DOCUMENT APPROVAL, AMENDMENT TO THE INDENTURE OF LEASE.

Dear Council Chair Asing & Members of the Council:

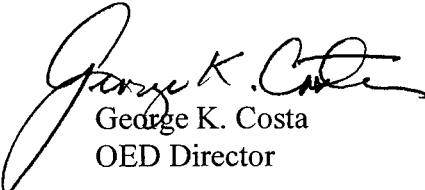
The Office of Economic Development (OED) has negotiated the attached Amendment to the Indenture of Lease between the Kikiaola Land Company, Ltd. and the County of Kaua'i.

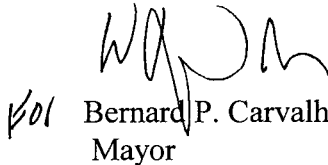
The Amendment will modify the lease agreement to allow the sale of high-quality, specialty items of Hawaiian cultural significance, such as products made from Ni`ihau shells, native wood, lau hala, feathers, tapa and cordage, natural materials, and items that compliment an exhibit, maps, books, and other printed materials which are offered for educational purposes shall also be allowed.

Your favorable consideration and approval is appreciated.

Sincerely yours,

APPROVED:


George K. Costa
OED Director


Bernard P. Carvalho, Jr.
Mayor

Attachment:

07009-386

AMENDMENT TO THE INDENTURE OF LEASE

THIS AMENDMENT TO THE INDENTURE OF LEASE is made by and between the KIKIAOLA LAND COMPANY, LIMITED, a Hawai'i corporation (the "Lessor"), whose mailing address is P. O. Box 367, Waimea, Kaua'i, Hawai'i 96796, and COUNTY OF KAUA'I, a political subdivision of the State of Hawai'i (the "Lessee"), whose mailing address is 4398 Rice Street, Līhu'e, Kaua'i, Hawai'i 96766.

WHEREAS, the Lessor and the Lessee entered into the lease on August 27, 2007 for the Waimea Visitor and Techno Center; and

WHEREAS, in order to facilitate the continuation of the Waimea Visitor and Techno Center, the parties desire to amend the section of the lease relating to the use of the premises;

NOW, THEREFORE, in consideration of the terms, conditions and agreements contained herein and other good and valuable consideration, the parties agree to delete paragraph 6 in its entirety and replace it with the following:

"6. Use of Premises. The demised premises shall be used by the Lessee for the "Waimea Visitor and Techno Center, consisting of a combination of multi-media theater, meeting/conference facilities, interactive exhibits, support staff offices, commercial office/laboratory space for high-technology business ventures and technical support contractors, other related and compatible commercial/industrial activities, and appurtenant parking, utility, landscape and support improvements. The demised premises may include the sale of high-quality, specialty items of Hawaiian cultural significance, such as products made from Ni'i'hau shells, native woods, lauhala, feathers, tapa and cordage, natural materials, and items that compliment an exhibit, maps, books, and other printed materials which are offered for educational purposes shall also be allowed. The building to be constructed on the demised premises by the Lessee shall not exceed 10,000 square feet and two stories in height, and shall be generally in accordance with the program requirements stated in the Waimea Visitor and Techno Center Feasibility Study as approved by the United States Department of Commerce Economic Development Administration ("EDA")."

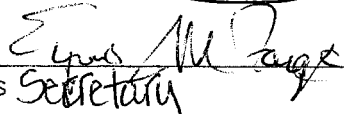
The parties understand and agree that all other terms and conditions of the Indenture of Lease shall remain in full force and effect.

02089-786

IN WITNESS WHEREOF, the parties have duly executed this amendment on this
23rd day of November, 2009.

KIKIAOLA LAND COMPANY, LIMITED

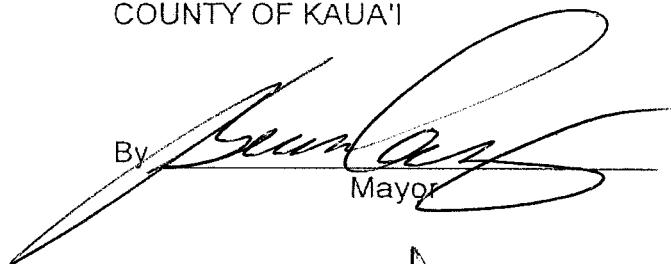
By 
Its Chair

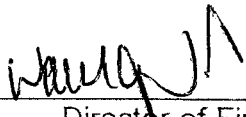
By 
Its Secretary

APPROVED AS TO FORM
AND LEGALITY:


for County Attorney

COUNTY OF KAUAI

By 
Mayor

By 
Director of Finance

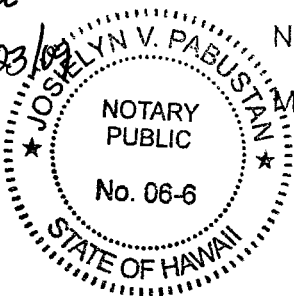
By _____
County Clerk

STATE OF HAWAII)
) ss.
COUNTY OF KAUA'I)

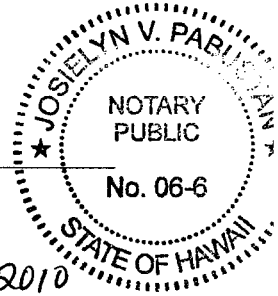
On this 23rd day of November, 2009, before me appeared Michael A Faye and Eyvind Marcus Faye Jr. to me personally known, who, being by me duly sworn, did say that they are the chair and Secretary, respectively, of KIKIAOLA LAND COMPANY, LIMITED, a Hawaii corporation; that the seal affixed to the foregoing instrument is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and said Michael A Faye and Eyvind Marcus Faye Jr acknowledged said instrument to be the free act and deed of said corporation.

Doc. Date: 11/23/09 # Pages: 4
Notary Name: JOSIELYN V. PABUSTAN
Doc. Description: Amendment to the Indenture of Lease

Joselyn V Pabustan 11/23/09
Notary Signature Date



Joselyn V Pabustan
Notary Public, State of Hawaii



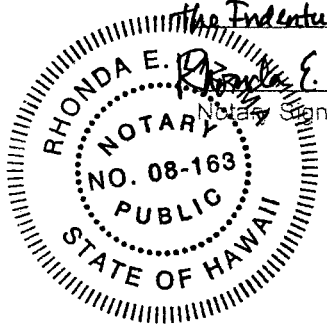
My commission expires: 1-1-2010

STATE OF HAWAII)
) ss.
COUNTY OF KAUA'I)

On this 24th day of November, 2009, before me appeared BERNARD P. CARVALHO, JR., to me personally known, who, being by me duly sworn, did say that he is the Mayor of the COUNTY OF KAUA'I, a political subdivision of the State of Hawaii'i; that said instrument was signed on behalf of said COUNTY OF KAUA'I 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 KAUA'I.

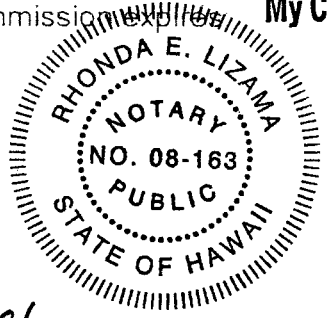
Doc. Date: 23 Nov 09 # Pages: 4
Notary Name: Rhonda E. Lizama 5th Circuit
Doc. Description: amendment to the Indenture of Lease

Rhonda E. Lizama 11/24/09
Notary Signature Date



Rhonda E. Lizama
Rhonda E. Lizama
Notary Public, State of Hawaii'i

My commission expires: 5/18/2012



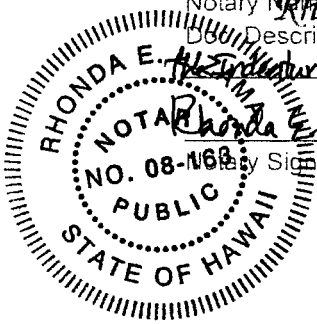
C7009-786

Aggr
No Corp
cal Affixed

STATE OF HAWAII)
) ss.
COUNTY OF KAUA'I)

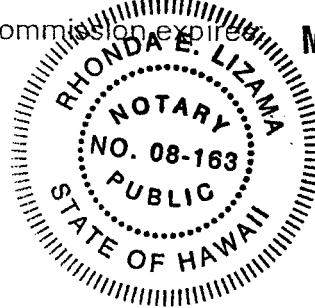
On this 24th day of November, 2009, before me appeared WALLACE G. REZENTES, JR., to me personally known, who, being by me duly sworn, did say that he is the Director of Finance of the COUNTY OF KAUA'I, a political subdivision of the State of Hawaii; that said instrument was signed on behalf of said COUNTY OF KAUA'I 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 KAUA'I.

Doc. Date: 23 Nov 09 # Pages: 4
Notary Name: Rhonda E. Lizama Circuit
Doc. Description: amendment TO
the Lease of Lease
Rhonda E. Lizama 11/24/09
Notary Signature Date



Rhonda E. Lizama
Rhonda E. Lizama
Notary Public, State of Hawaii

My commission expires: **My Commission Expires:
5/18/2012**



STATE OF HAWAII)
) ss.
COUNTY OF KAUA'I)

On this _____ day of _____, 2009, 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 KAUA'I, a political subdivision of the State of Hawaii; that the seal affixed to the foregoing instrument is the seal of said COUNTY OF KAUA'I, and that said instrument was signed and sealed on behalf of said COUNTY OF KAUA'I by authority of its Charter; and said PETER A. NAKAMURA acknowledged said instrument to be the free act and deed of said COUNTY OF KAUA'I.

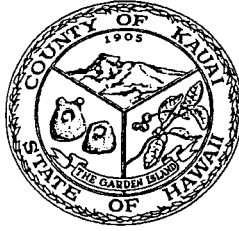
Doc. Date: _____ # Pages: _____
Notary Name: _____ Circuit
Doc. Description: _____

Notary Signature Date

Notary Public, State of Hawaii

My commission expires:

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

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

RECEIVED

November 10, 2009

'09 NOV 10 AM 11:14

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

RECEIVED
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 Cathleen B. Ibanez 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
Cathleen B. Ibanez

C2009-387

COUNTY COUNCIL

COUNTY OF KAUAI

Resolution No.

RESOLUTION ESTABLISHING COUNTY PRIORITIES FOR USE OF
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS

WHEREAS, Community Development Block Grant (CDBG) funds provide grants to units of general local government to meet housing and community development needs, whose primary objective is the development of viable communities by providing decent housing and suitable living environment and expanding economic opportunities, principally for persons of low and moderate income; and

WHEREAS, CDBG funds are a significant source of funds for certain programs, projects, and activities which assist lower income families and individuals in the County of Kauai; and

WHEREAS, within the parameters of the federal laws and regulations governing the application of CDBG funds, there may be more federally eligible programs, projects, and activities than there are CDBG funds available to assist them; and

WHEREAS, the Kauai County Housing Agency, has developed a priority screening and ranking system to assist the County in evaluating and selecting specific proposals for the use of CDBG funds; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that the Kauai County Housing Agency, shall formulate and implement a priority screening and ranking system to reflect the following program priorities which shall remain in effect until September 30, 2011 for the use of CDBG funds:

(a) (1) FIRST PRIORITY - PUBLIC SERVICE

CDBG funds may be expended to provide public services (including labor, supplies and materials) directed toward improving the community's public service and facilities, including those concerned with employment, homeless supportive services and prevention, crime prevention, child care, health, drug abuse, education, welfare or recreational needs, and are directed toward coordinating public and private development programs. To be awarded CDBG funds, a public service must be either a new service or, for an existing service, there must be a quantifiable increase in the level of a service. Public

service projects which were funded in the year preceding the program year may be eligible to receive continued funding at the same or lesser level in the subsequent program year.

(2) SECOND PRIORITY - ECONOMIC DEVELOPMENT

Economic development projects and activities are those directed toward (a) the alleviation of physical and economic distress, (b) expanding economic opportunities for low- and moderate-income persons, and handicapped persons, and (c) which are necessary and appropriate to implement the County's strategy for economic development. Economic development programs shall support businesses located in lower income areas and which employ lower income residents of the area; or provide support service facilities which allow lower income persons to prepare for, obtain, and retain gainful employment. Economic development project awards to for-profit applicants must be short-term loans of up to five years and with a three percent (3%) interest rate. Economic development awards to nonprofit or government applicants may be grants.

(3) THIRD PRIORITY - HOUSING

CDBG funds may be given for programs and projects that increase or support the increase in the housing inventory for lower income families and individuals. These programs and projects shall support the General Plan policies, especially as they relate to housing, support current housing needs assessment studies, and support the area development plans. The projects may include: rehabilitation, land acquisition, infrastructure improvements, architectural and engineering services, demolition and clearance activities, and other eligible activities in support of new housing construction and/or provide direct homeownership assistance to low- and moderate-income households.

(4) FOURTH PRIORITY - PUBLIC FACILITIES

Public facilities and improvements may include the acquisition, construction, rehabilitation of certain publicly and privately owned facilities that principally benefit low- and moderate-income persons. CDBG funds may be used by the County or other public or private nonprofit entity for public improvements or facilities, provided such improvements or facilities meet the national objectives of the CDBG program. Such facilities include but are not limited to, fire protection facilities and equipment; shelters for the homeless; convalescent homes; hospitals; nursing homes; battered spouse shelters; halfway houses for runaway children; group homes for developmentally disabled citizens and temporary housing for disaster victims. Preference shall be given to public facilities projects which are directed to increasing the level of compliance to the requirements of the American with Disabilities Act.

(b) In implementing the above program priorities, the following policies shall be followed:

- (1) Up to twenty percent (20%) of the total CDBG funds available may be used for planning and administrative expenses of the Kaua'i County Housing Agency as provided by law and up to twenty percent (20%) of any project award may be used for personnel expenses of the applicant.
- (2) The four program priorities may be allocated to the following remaining CDBG funds:

First Priority – Public Service
Second Priority – Economic Development
Third Priority – Housing
Fourth Priority – Public Facilities

(Public Services may not exceed fifteen percent (15%) of the total CDBG funds available)

- (3) Proposed projects shall be evaluated and ranked by the Kaua'i County Housing Agency in accordance with its Selection System for Proposed Projects. Each proposed project shall be evaluated to ensure consistency with the community development and housing priorities identified in the County's Five-Year Consolidated Plan.
- (4) Funds shall be allocated to proposed projects within the four (4) program priorities, first, in accordance with the level of their ranking and, second, in accordance with the program priority. After projects have been ranked, they will qualify for one (1) of the four (4) following levels of ranking: first or excellent, second or good, third or acceptable, and unacceptable.
 - (A) Funds shall first be allocated to projects that achieve the highest level of ranking, in the order of their rank, to the first program priority. Funds not allocated to projects in the first program priority of the highest level of ranking shall be allocated to the second program priority that achieved the highest level of ranking in the order of their rank. Funds not allocated to projects in the second program priority of the highest level of ranking shall be allocated to the third program priority that achieved the highest level of ranking in the order of their rank. And funds not allocated to projects in the third program priority of the highest level of ranking shall be allocated to the fourth program priority that achieved the highest level of ranking in the order of their rank.

- (B) If there are remaining funds, they shall then be allocated to projects that achieved the second level of ranking and be allocated first to projects in the first program priority in the order of their rank, then in the same manner to the second program priority, then to the third program priority, and if funds still remain, to the fourth priority.
- (C) If there are still funds remaining, they shall be allocated to projects that achieved the acceptable level of ranking and be allocated first to projects in the first program priority in the order of their rank, then in the same manner to the second program priority, then to the third program priority, and if funds still remain, to the fourth priority.
- (5) No proposed project shall be approved that received less than the minimum point threshold established prior to the ranking process. Projects that do not receive at least the minimum points are unacceptable and not eligible for an allocation of funds.
- (6) In the event that any funds remain unallocated after the allocation process described in paragraph (b)(4), such remaining funds shall be allocated to selected eligible projects in the first priority in accordance to rank, and so on through the fourth priority. In this second phase, the third priority - "Public Services," shall not exceed fifteen percent (15%) of the total CDBG funds plus fifteen percent (15%) of the total program income received in the preceding year under any circumstances, and provided further that no eligible project shall receive funds in excess of the amount requested in the project's grant application.
- (7) In the event that additional CDBG funds are received after the allocation process described in paragraph (b)(6) has been completed and it does not exceed ten percent (10%) of the initial CDBG grant amount, then the funds to all of the selected eligible projects shall be increased proportionately in the following manner:
 - (A) No eligible project shall receive funds in excess of the amount requested in that project's grant proposal.
 - (B) The total amount of additional funds for "Public Services" projects shall not exceed fifteen percent (15%) of the total amount of additional funds available.
 - (C) Twenty percent (20%) of the total amount of additional funds may be allocated for planning and administrative expenses.
 - (D) The remaining amount of additional funds shall be allocated to the projects eligible for additional funds on a proportionate basis

equal to the ratio between each project's initial grant amount and the total grant amount of all projects eligible for additional funds.

- (E) The mathematical formula used to compute the share of each project eligible for additional funds is as follows:

$$\begin{array}{l} \text{Project's} \\ \text{Share of} \\ \text{Additional} \\ \text{Funds} \end{array} = \frac{\text{Project's Initial} \\ \text{Allocation}}{\text{Total Initial} \\ \text{Allocation of All} \\ \text{Projects Eligible} \\ \text{For Additional Funds}} \times \text{Additional} \\ \text{Funds}$$

- (F) Any additional funds which are allocated in accordance with this paragraph, but which cannot be used by a particular project because of the restriction contained in subparagraphs (A) or (B), shall be reallocated to the remaining selected eligible projects on a proportionate basis equal to the ratio between each remaining project's initial grant amount and the total grant amount of remaining selected eligible projects, as indicated by the following mathematical formula:

$$\begin{array}{l} \text{Project's} \\ \text{Share of} \\ \text{Unallocated} \\ \text{Additional} \\ \text{Funds} \end{array} = \frac{\text{Project's Initial} \\ \text{Allocation}}{\text{Total Initial} \\ \text{Allocation of All} \\ \text{Remaining Selected} \\ \text{Projects Eligible} \\ \text{For Unallocated} \\ \text{Additional Funds}} \times \text{Unallocated} \\ \text{Additional} \\ \text{Funds}$$

- (8) In the event that additional CDBG funds are received after the allocation process described in paragraph (b)(6) has been completed and it exceeds ten percent (10%) of the initial CDBG grant amount, then the funds may be allocated to a backup list of eligible projects not previously selected in the first phase. The selection process for this backup list will be made in accordance with the allocation process described in paragraph (b)(4).

- (9) In the event that CDBG funds are reduced after the allocation process described in paragraph (b)(6) has been completed, then the grants to all of the selected eligible projects shall be reduced proportionately as follows:

- (A) The total amount of funds available for planning and administrative services shall be reduced by an amount up to twenty percent (20%) of the total reduction.

- (B) Each project shall receive a reduction of funds equal to the total reduction multiplied by the ratio of each project's initial allocation and the total initial CDBG grant amount made to the County, as indicated by the mathematical formula:

$$\begin{array}{rcl} \text{Amount of} & & \text{Project's Initial} & & \text{Total} \\ \text{Project} & = & \text{Allocation} & \times & \text{Amount of} \\ \text{Reduction} & & \text{County's Initial} & & \text{Reduction} \\ & & \text{CDBG Grant} & & \end{array}$$

- (C) Should this reduction render any project ineligible under these guidelines, then:

- (i) The funds initially allocated to such project shall be used to offset the reduction; and
- (ii) Any remaining reduction shall be allocated among the remaining eligible projects on a proportionate basis as described in subparagraphs (A) and (B); or
- (iii) Any excess funds shall be allocated to the remaining eligible projects as provided in paragraph (b)(7).

- (c) The County shall insure that the maximum benefit for the use of CDBG funds is realized by planning for the efficient and timely expenditure of each year's allocation. Therefore, the County shall:

- (1) Program only those projects and amounts which can actually be expended within the lapsing periods applicable to the projects (CIP - 18 months; Operating - 12 months);
- (2) Actively seek to promote the development of CDBG undertakings in partnership with neighborhood, nonprofit, community and business related organizations, nonprofit developers, self-help housing organizations, other public housing agencies and private developers;
- (3) Insure that program funds will not be used to fund general administrative expenses that are not directly related to the implementation of selected projects;
- (4) Interpret these priorities in a flexible manner so that non-priority activities which meet federal requirements may be programmed from funds available after priority project needs have been met;
- (5) Assure that adequate CDBG funds are programmed to plan and administer the CDBG program; and

- (6) Review these program priorities annually.
- (d) The County shall promote public understanding of and participation in the development of CDBG undertakings by providing sufficient information with sufficient lead time to a large variety of neighborhood, nonprofit, community and business related organizations so that there is ample opportunity to publicly generate proposals. The County shall assist participants on an as-needed basis into viable projects within the goals, objectives, and priorities of the program.

The CDBG Program priorities shall be included in applicable CDBG application materials distributed by the Kaua'i County Housing Agency.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to Mayor Bernard P. Carvalho, Jr. and the Kaua'i County Housing Agency.

Introduced By:

Dickie Chang
(By Request)



	Aye	Nay	Exc	Recused
Asing				
Bynum				
Chang				
Furfas				
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

Dated

County Clerk

Chairman & Presiding Officer

ORDINANCE NO. _____

BILL NO. _____

**A BILL FOR AN ORDINANCE RELATING TO ZONING DESIGNATIONS
IN ORDINANCE NO. PM-229-91; KĪLAUEA, KAUAʻI**

(County of Kauaʻi, Applicant)

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

SECTION 1. Findings and Purpose. The purpose of this ordinance is to comply with condition number four (4) of Ordinance Number PM-229-91.

Condition number four (4) of said ordinance states the following:

Applicant shall complete "substantial construction" of the project within two (2) years from the date of Class IV Zoning Permit approval or subdivision approval. "Substantial construction" shall mean completion of site preparation and building foundations. The Planning Department shall determine whether substantial construction has been completed. If substantial construction is not completed within two (2) years from Class IV Zoning Permit approval or subdivision approval, or if the property is sold within two (2) years from the date of adoption of this ordinance, the County shall initiate proceedings to re-designate the property to its prior land use designations.

On April 23, 1998, the Planning Commission approved Class IV Zoning Permit Z-IV-98-29 to allow the development of a limited industrial/commercial park on the respective property; however, since that time, substantial construction has not occurred. In accordance with condition number four (4) of Ordinance Number PM-229-91, this ordinance rezones that certain area in Kīlauea, Kaua'i, identified as Tax Map Key 5-2-017:028 that Ordinance Number PM-229-91 affected, from the "Limited Industrial (I-L) Zoning District" back to the "Open (O) Zoning District" and the "Agriculture (A) Zoning District."

Separate ordinances have also been proposed to re-designate the subject area back to its other previous land use designations: from the State "Urban" Land Use District (U) back to the State "Agricultural" Land Use District (A); and from the General Plan "Residential Community" designation back to the General Plan "Agriculture" and "Open" designations.

SECTION 2. The zoning designation for that certain area in Kīlauea, Kauaʻi, identified as Tax Map Key 5-2-017:028, is hereby amended from the "Limited Industrial (I-L) Zoning District" to the "Open (O) Zoning District" and

“Agriculture (A) Zoning District”, as shown on the map attached hereto and incorporated herein as Exhibit ZA-2010-5.

SECTION 3. The Planning Department is directed to note this amendment on the official Zoning Map ZM-KI-600 on file with the Department. All applicable provisions of the Comprehensive Zoning Ordinance shall apply to the area rezoned herein.

SECTION 4. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or portion of this ordinance shall not affect the validity of any other part or portion of this ordinance that can be given effect without such invalid part or parts.

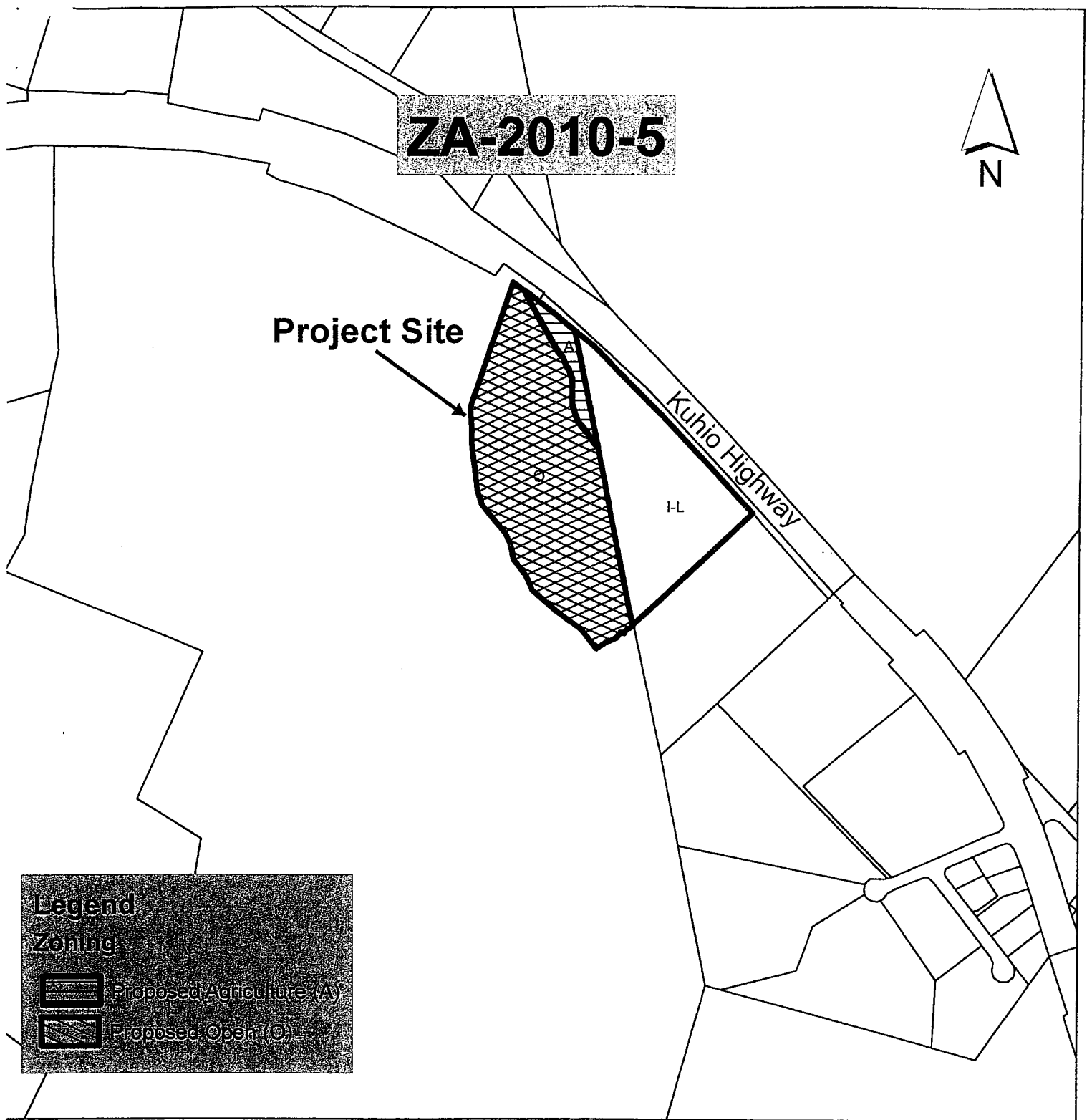
SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

JAY FURFARO
(By Request)

DATE OF INTRODUCTION:

Lihu'e, Kaua'i, Hawai'i



**LOCATION SHOWING
 PROPOSED COUNTY ZONING DISTRICT AMENDMENT FROM
 THE LIMITED INDUSTRIAL (I-L) ZONING DISTRICT TO
 THE OPEN (O) ZONING DISTRICT AND TO
 THE AGRICULTURE (A) ZONING DISTRICT
 PORTION OF TAX MAP KEY 5-2-017:028**

KILAUEA, KAUA'I, HAWAII *Proposed Draft Bill # 2740*