



4530 Kukui Grove Street  
Lihue, Kauai, Hawaii 96766  
Phone 808 245-4788  
Fax 808 245-2875

January 24, 1996

96 FEB 1 1996

Mr. Ronald Kouchi  
Council Chair  
County of Kauai  
4396 Rice Street  
Lihue, HI 96766

Dear Chair Kouchi:

I am writing in support of the nomination of Mr. Gary Baldwin to the Planning Commission of the County of Kauai. Frankly, I was amazed that Gary agreed to stand for the position. He's so involved in his own businesses as well as many not for profit organizations that I simply assumed that he wouldn't have the time to devote to a job as large as planning commissioner.

After this first surprise, I was really heartened that someone with such a wealth of talent would, perhaps, be sitting on that commission for the next few years. I really can't think of many other individuals who will work as hard as Gary and who could bring so much knowledge to the job. I've worked with him on numerous projects and he's always delivered on what he has committed to.

Above all that, I commend Gary to you as a fairminded, evenhanded individual who can deal with the multitude of conflicting interests coming before that board in an equitable manner for the betterment of all of us on Kauai.

Thank you for your time. I hope you folks put him on the commission, the County will definitely get their money's worth out him.

Cordially,

Charles G. King  
President



C-84-96 01

RECEIVED

COUNTY OF KAUAI

DEC 26 1995

APPLICATION TO BOARD OR COMMISSION

(This is a public record) (Attach additional sheets if necessary)

OFFICE OF THE MAYOR

Name of Board or Commission: PLANNING

Applicant's Full Name: GARY J BALOWEN

Address: [REDACTED] (Mailing) [REDACTED] (Home Phone)

Place of Birth: MO Birth Date: [REDACTED]

Length of Residence in Hawaii: 13 YRS

Education: HIGH SCHOOL, CHEMICAL ENGR, FINANCE  
COURSE

Occupation: OWN NATIONAL CAR RENTAL AGENCY + BASKIN ROBBINS FISHIE

Employer or Firm: NATIONAL CAR RENTAL / BASKIN ROBBINS  
3901 MOKULELE LA '12 LEHAE (Address) 245 5638 (Business Phone)

Summary of major work experiences for the last ten (10) years. Begin with your present job, including military service.

OWNER NATIONAL CAR RENTAL AGY / BASKIN ROBBINS FISHIE  
GEN MGR THRIFFY CAR RENTAL

Are you a duly registered voter on Kauai?  Yes  No

Indicate Political Party Membership (check one below)  
 Non-Partisan (This means you are not officially registered as a member of a particular political party)  
Officially registered as a member of the:  
 Democratic Party  
 Republican Party  
 Other: \_\_\_\_\_

(Voting for a particular party does not indicate party membership)

What do you understand to be the primary duties of this appointment?

TO CARRY OUT THE DUTIES OF  
PLANNING & ARTICULATING THE NEEDS  
OF KAUAI CITIZENS AS IT RELATES  
TO PLANNING & DEVELOPMENT

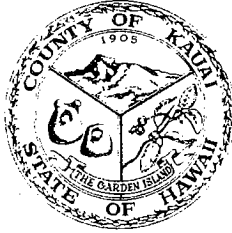
\* COST CONTROL AND CIVIL SERVICE COMMISSIONERS CANNOT BE EMPLOYED IN GOVERNMENT SERVICE.

The above statements made by me are true, complete and correct to the best of my knowledge and belief, and have been made in good faith. I have also read the attached code of ethics relating to ethical standards and principles, and to the best of my understanding, I do not have a conflict of interest.

12/22/95  
(Date)

(revised 10/93)

[Signature]  
(Signature)



OFFICE OF THE MAYOR

Maryanne W. Kusaka, Mayor  
County of Kauai

January 5, 1996

THE COUNTY OF KAUAI  
OFFICE OF THE MAYOR

96 JAN -5 P 1:06

Honorable Ronald Kouchi, Chairman  
and Councilmembers  
Kaua'i County Council  
4396 Rice Street  
Lihu'e, Hawai'i 96766

Dear Chairman Kouchi and Councilmembers:

I am pleased to present to the County Council for their review and consideration the following appointment to the Planning Commission:

Mr. Gary Baldwin                      1st Term: 1/1/96 - 12/31/98

Mr. Baldwin will be replacing Mr. Louis Abrams whose term expired on December 31, 1995. Your favorable confirmation of Mr. Baldwin is greatly appreciated. Should you have any questions, please contact Lisa Barretto or Kauai Tanaka at 241-6300.

Sincerely,

*Maryanne W. Kusaka*  
Maryanne W. Kusaka

MWK/lb

cc: Mr. Michael Machado  
Mr. Dee Crowell

C-21-96

P-3012  
1/10/96

C-13-96. Communication (12/8/95) from Kevin Kurihara, Price Waterhouse, transmitting the following reports for the year ended June 30, 1995:

- Reports Required by The Single Audit Act of 1984
- Report on Recommendations Designed to Improve Internal Accounting Controls and Administrative Efficiency:

*Mr. Secretario moved to refer C-13-96 to the February 21, 1996 Finance and Zoning Committee Meeting, seconded by Mr. Minatoya, and unanimously carried.*

C-14-96. Communication (12/14/95) from Steve Oliver, County Engineer, transmitting for review and approval a revision to the ordinance for Public Parks and Recreation, Chapter 19, Article 1 and 2, Kauai County Code: *Mr. Valenciano moved to refer C-14-96 to the January 24, 1996 Parks and Recreation Committee Meeting, seconded by Mr. Asing, and unanimously carried.*

C-15-96. Communication (12/11/95) from Mayor Maryanne Kusaka submitting for confirmation the reappointments of Rev. Jan Rudinoff and Pauline Ventura to the Board of Ethics: *Mr. Asing moved to refer C-15-96 to the January 31, 1996 Council Meeting, seconded by Mr. Secretario, and unanimously carried.*

C-16-96. Communication (12/11/95) from Mayor Maryanne Kusaka submitting for confirmation the appointments of James K. Azeka and Irene G. Wilhelm to the Police Commission: *Mr. Asing moved to refer C-16-96 to the January 31, 1996 Council Meeting, seconded by Mr. Secretario, and unanimously carried.*

C-17-96. Communication (12/11/95) from Mayor Maryanne Kusaka submitting for confirmation the appointments of Marion Penhallow and Thomas Tokioka to the Board of Water Supply: *Mr. Asing moved to refer C-17-96 to the January 31, 1996 Council Meeting, seconded by Mr. Secretario, and unanimously carried.*

C-18-96. Communication (12/13/95) from Mayor Maryanne Kusaka submitting for confirmation the reappointment of Damien Victorino to the Civil Service Commission: *Mr. Asing moved to refer C-18-96 to the January 31, 1996 Council Meeting, seconded by Mr. Secretario, and unanimously carried.*

C-19-96. Communication (12/16/95) from Mayor Maryanne Kusaka submitting for confirmation the appointment of Dr. Ramon de la Pena to the Planning Commission: *Mr. Asing moved to refer C-19-96 to the January 31, 1996 Council Meeting, seconded by Mr. Secretario, and unanimously carried.*

C-20-96. Communication (1/5/96) from Mayor Maryanne Kusaka submitting for confirmation the appointment of Alan M. Suzawa to the Liquor Commission: *Mr. Asing moved to refer C-20-96 to the January 31, 1996 Council Meeting, seconded by Mr. Secretario, and unanimously carried.*

C-21-96. Communication (1/5/96) from Mayor Maryanne Kusaka submitting for confirmation the appointment of Gary Baldwin to the Planning Commission: *Mr. Asing moved to refer C-21-96 to the January 31, 1996 Council Meeting, seconded by Mr. Secretario, and unanimously carried.*

C-22-96. Communication (12/19/95) from Steve Oliver, County Engineer, requesting approval to accept three new gang mower reels donated by the Kukui-O-Lono Trust Estate; and requesting approval that the County donate an old greens mower to the Kukui-O-Lono Trust Estate: *Mr. Asing moved to approve C-22-96, seconded by Mr. Secretario, and unanimously carried.*

C-16-96. Communication (12/11/95) from Mayor Maryanne Kusaka submitting for confirmation the appointments of James K. Azeka and Irene G. Wilhelm to the Police Commission: Mrs. Correa moved to receive C-16-96 for the record, seconded by Mr. Secretario and unanimously carried.

C-17-96. Communication (12/11/95) from Mayor Maryanne Kusaka submitting for confirmation the appointments of Marion Penhallow and Thomas Tokioka to the Board of Water Supply: Mrs. Correa moved to receive C-17-96 for the record, seconded by Mr. Secretario and unanimously carried.2

C-18-96. Communication (12/13/95) from Mayor Maryanne Kusaka submitting for confirmation the reappointment of Damien Victorino to the Civil Service Commission: Mrs. Correa moved to receive C-18-96 for the record, seconded by Mr. Secretario and unanimously carried.

C-19-96. Communication (12/16/95) from Mayor Maryanne Kusaka submitting for confirmation the appointment of Dr. Ramon de la Pena to the Planning Commission: Mrs. Correa moved to receive C-19-96 for the record, seconded by Mr. Secretario and unanimously carried.

C-20-96. Communication (1/5/96) from Mayor Maryanne Kusaka submitting for confirmation the appointment of Alan M. Suzawa to the Liquor Commission: Mrs. Correa moved to receive C-20-96 for the record, seconded by Mr. Secretario and unanimously carried.

C-21-96. Communication (1/5/96) from Mayor Maryanne Kusaka submitting for confirmation the appointment of Gary Baldwin to the Planning Commission: Mrs. Correa moved to receive C-21-96 for the record, seconded by Mr. Secretario and unanimously carried.

C-578-95. Communication (8/31/95) from Wallace Rezentes, Jr., Director of Finance, requesting Council agenda time at each Council meeting for briefing on the status of the Kalepa Village Housing Bonds: Mr. Valenciano moved to defer C-578-95 until the February 14, 1996 Council meeting, seconded by Mr. Minatoya and unanimously carried.

**HSAC/LEGISLATIVE STATUS REPORT:** Mr. Minatoya updated the councilmembers on various legislative bills. He said that Senate hearings were held on bills relating to various beach liability issues and a bill on Anahola water. In the House of Representatives a bill was heard on the Emergency Management Trust Fund and was deferred.

Mr. Kouchi expressed concern over a bill to be introduced by Representative Cachola that would freeze the TAT revenues for all counties at the 1994 level. He said it was crucial that the councilmembers testify at upcoming hearings to get the message across that this bill is unacceptable. Mr. Kouchi pointed out that this bill takes away all incentives for the County to work with the private sector and to work with the State to make each county prosperous. He believed this bill is trying to address the State's problems in the wrong way.

Mr. Minatoya said he attended a Senate Transportation hearing on the status of the Kauai hotels that have not reopened as well as the Kauai airport runway extension. Mr. Minatoya said he was informed by Senator Lehua Fernandes Salling that there may be some funds for the EIS runway extension for Lihue Airport included in the State budget.

**HURRICANE INIKI STATUS REPORT/CONTINGENCY EXPENDITURE:**  
[See Page 15.]

**CLAIMS:**

C-72-96. Communication (1/16/96) from the Deputy County Clerk transmitting a claim filed against the County of Kauai by Vicki and Ricky Watanabe, for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kauai: Mr. Valenciano moved to refer C-72-96 to the County Attorney for disposition and a report, seconded by M. Asing and unanimously carried.

**ADDITIONS:**

C-73-96. Communications from the following supporting the appointment of Gary Baldwin to the Planning Commission:

- a) Michael M. Dyer (1/24/96)
- b) Richard Turlington (1/25/96)
- c) Sandi Kato-Klutke (1/26/96)
- d) John Isobe (1/25/96)
- e) Patti Serdar (1/25/96)
- f) Tom Grooms (1/25/96)
- g) Wesley Shimokawa (1/26/96)
- h) Noboru Yamane (1/30/96)
- i) John C. Ferry (1/29/96)
- j) Kenneth W. Kubiak (1/29/96)
- k) Tad Miura, Jr., (1/29/96)
- l) Nancy Lindman (1/29/96)

Mrs. Correa moved to receive C-73-96 a) through l) for the record, seconded by Mr. Secretario and unanimously carried.

C-74-96. Communication (1/29/96) from Mayor Maryanne Kusaka regarding Mr. Suzawa's appointment to the Liquor Control Commission: Mrs. Correa moved to receive C-74-96 for the record, seconded by Mr. Secretario and unanimously carried.

C-75-96. Communication (1/25/96) from Councilmember Randal Valenciano declaring a possible conflict of interest on the following for reasons stated therein:

- C-56-96 - Appointment of Dora Hong to the Liquor Commission;
- C-67-96 - Kauai Police Department;
- Resolution No. 84-96 - Boards/Commissions Confirmation
- C-68-96 - Monetary gifts to the County.

Mrs. Correa moved to receive C-75-96 for the record, seconded by Mr. Secretario and unanimously carried.

C-76-96. Communication (1/30/96) from James Kapule Torio, Chairman, Anahola Homesteaders Council, expressing disappointment with the Mayor's appointments to the Board of Water Supply: Mrs. Correa moved to receive C-76-96 for the record, seconded by Mr. Secretario and unanimously carried.

C-77-96. Communication (1/30/96) from Don Karleen supporting any and all initiatives promoting bicycle safety: Mrs. Correa moved to receive C-77-96 for the record, seconded by Mr. Secretario and unanimously carried.

C-78-96. Communication (1/29/96) from Dee Crowell, Planning Director, requesting confirmation of the Planning Commission nominees (Dr. Ramon dela Pena and Gary Baldwin) be scheduled for the Council's February 14, 1996 meeting.

There being no objections, C-78-96 was moved to the end of the agenda. [See Page 11.]

Ms. Souza addressed Mr. Kouchi's comments regarding her amendments to the resolution and asked if it might be appropriate at this time to suggest that the current resolution be tabled, and to make a request for a councilmember to introduce her resolution.

Ms. Souza informed councilmembers that a hearing has been aired on HO'IKE to inform the public. She said that there has not been any effort to shield or keep this project quiet. Ms. Souza stated she has copies of the transcripts from all the public hearings Statewide as well as copies of the written testimonies that have been submitted to the Sanctuary program in response to the draft EIS. She said that a copy is available for the Council and a copy will be located in the Lihue Library.

The meeting was called back to order, and the Council proceeded as follows:

Mr. Fukushima moved to adopt Resolution No. 75-95, seconded by Mr. Minatoya.

The Chair called a recess at 2:57 p.m. The meeting was called back to order at 3:10 p.m., and the Council proceeded as follows:

**ADDITION:**

C-78-96. Communication (1/29/96) from Dee Crowell, Planning Director, requesting confirmation of the Planning Commission nominees (Dr. Ramon dela Pena and Gary Baldwin) be scheduled for the Council's February 14, 1996 meeting.

There being no objections, the rules were suspended.

Mr. Dee Crowell addressed the Council and explained that at its last meeting the Planning Commission acted on a seawall permit application and voted to deny it by a 4-3 vote. He said that the course of this application has taken almost a year, including site visits and testimony from many experts--some from South Carolina. He said that a request was received just last Tuesday from the applicant for a reconsideration and that the reconsideration can only be reconsidered at the next Planning Commission meeting.

Mr. Crowell explained that it would be appropriate for the commissioners who voted on that action to be present to vote on any reconsideration hence the request to defer the confirmation of the two new planning commissioners until February 14, 1996.

The meeting was called back to order, and the Council proceeded as follows:

There being no objections, C-78-96 was moved to the end of the agenda. [See Page 13.]

Resolution No. 75-95, RESOLUTION REQUESTING THE HONORABLE BENJAMIN CAYETANO TO EXERCISE HIS OPTION TO REMOVE THE WATERS SURROUNDING KAUAI COUNTY FROM THE PROPOSED HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY:

[Continued from Pages 8, 9, 10 and 11.]

Mr. Fukushima then moved to amend the 7th paragraph of the resolution as follows, seconded by Mr. Minatoya.

"WHEREAS, the Draft Environmental Impact Statement/Management Plan for the Hawaiian Islands Humpback Whale National Marine Sanctuary suggests the expansion of the sanctuary boundaries to include half the waters around the County of Kauai; and

because there is a concern regarding the 45-day window time frame that the Governor has to review and approve it and if this window is missed then the Governor would not know about the Council's concerns.

Mr. Kouchi felt that the amendment will help to get across that the Council is not negative.

The motion to adopt Resolution No. 75-95, as amended, was then put and carried by the following vote:

FOR ADOPTION: Asing, Correa, Fukushima, Minatoya, Secretario, Valenciano, Kouchi	TOTAL - 7,
AGAINST ADOPTION: None	TOTAL - 0,
EXCUSED & NOT VOTING: None	TOTAL - 0.

**ADDITIONS:**

C-78-96. Communication (1/29/96) from Dee Crowell, Planning Director, requesting confirmation of the Planning Commission nominees (Dr. Ramon dela Pena and Gary Baldwin) be scheduled for the Council's February 14, 1996 meeting. [Continued from Page 11.]

There being no objections, the rules were suspended.

Mr. Asing asked the County Attorney if there were any legal ramifications in deferring the confirmation of the two planning commissioners.

Mr. Hartwell Blake, County Attorney, replied that the reason for deferring the two newly appointed Planning Commissioners is to give a member of the public the opportunity to request a reconsideration of a decision that went against him as an applicant for a permanent seawall and an extension of the seawall that is presently in place. He said that the issue has been before the Planning Commission for a year and has resulted in extensive professional expertise testimony and lay testimony.

Mr. Blake said that the new members would need to listen to the tapes and review all the material of the prior hearings. This issue is so complex that it is felt it would be unfair to the applicant to have the new commissioners rely solely on the tapes. This might compel them to redo everything again at great expense. The County Attorney's Office research has not indicated that it is illegal to do this and it would be fair to the applicant. Mr. Blake pointed out that a motion to reconsider can only be made by a party who voted in favor of the winning side.

Mr. Blake stated that 1) it is not illegal; 2) it is fairer to the public to have the people who were originally involved make the final decision.

The meeting was called back to order, and the Council proceeded as follows:

Mr. Asing moved to receive C-78-96 for the record, seconded by Mr. Minatoya and unanimously carried.

**RESOLUTIONS:**

Resolution No. 84-96, RESOLUTION CONFIRMING MAYORAL REAPPOINTMENTS AND APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS: Mr. Minatoya moved for adoption of the resolution, seconded by Mr. Asing.



Mr. Minatoya then moved to amend the resolution in its entirety as shown in the attachment which is incorporated herein (Attachment II), seconded by Mr. Asing.

Mr. Kouchi explained that the amendment deletes the names of Mr. Baldwin and Dr. dela Pena and that these names will be introduced in a separate resolution for their confirmation at the February 14, 1996 Council meeting.

The amendment was then put and unanimously carried.

The motion to adopt Resolution No. 84-96, as amended, was then put and carried by the following vote:

FOR ADOPTION: Asing, Correa, Fukushima, Minatoya, Secretario, Valenciano, Kouchi	TOTAL - 7,
AGAINST ADOPTION: None	TOTAL - 0,
EXCUSED & NOT VOTING: None	TOTAL - 0.

Resolution No. 75-95, RESOLUTION REQUESTING THE HONORABLE BENJAMIN CAYETANO TO EXERCISE HIS OPTION TO REMOVE THE WATERS SURROUNDING KAUAI COUNTY FROM THE PROPOSED HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY: [See Pages 8, 9, 10, 11, 12 and 13.]

**BILL FOR FIRST READING:**

Proposed Draft Bill (No. 1772) - A BILL FOR AN ORDINANCE TO ESTABLISH A NEW CHAPTER 18, ARTICLE 2, KAUAI COUNTY CODE 1987, RELATING TO MAINTENANCE OF PRIVATE ROADS: Mr. Fukushima moved for passage of the bill on first reading, that it be ordered to print, that a public hearing thereon be scheduled for Wednesday, February 14, 1996, at 2:30 p.m. or soon thereafter at the Lihue Civic Center, Kapule Building, Meeting Room No. 1, and that it be referred to the Public Works Committee, seconded by Mr. Secretario and carried by the following vote:

FOR PASSAGE: Asing, Correa, Fukushima, Minatoya, Secretario, Valenciano, Kouchi	TOTAL - 7,
AGAINST PASSAGE: None	TOTAL - 0,
EXCUSED & NOT VOTING: None	TOTAL - 0.

The Chair called a recess at 3:58 p.m. The meeting reconvened at the Lihue Civic Center, Kapule Building, Meeting Room No. 1, and was called back to order at 4:05 p.m. and the Council proceeded as follows:

**BILL FOR SECOND READING:**

Bill No. 1766, Draft 1 - A BILL FOR AN ORDINANCE RELATING TO REFRESHMENT CONCESSION AT LYDGATE PARK: Mr. Minatoya moved for adoption of the bill on second and final reading and that it be transmitted to the Mayor for her approval, seconded by Mr. Valenciano.

Mr. Minatoya then moved to amend Section 23-3.5 (a) (2) as shown in the attachment which is incorporated herein (Attachment III), seconded by Mr. Valenciano and unanimously carried.

The motion to adopt Bill No. 1766, Draft 1, as amended, was then put and carried by the following vote:

FOR ADOPTION: Asing, Correa, Fukushima, Minatoya, Secretario, Valenciano, Kouchi	TOTAL - 7,
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~~RESOL~~ AMENDMENT

Resolution No. 84-96, Relating to Various Board and Commissions

Introduced by: Ronald Kouchi

Amend Resolution No. 84-96 in its entirety as follows:

"SECTION 1. Pursuant to Section 23.02 of the Kauai County Charter, the Kauai County Council hereby approves the following mayoral reappointments and appointments as follows:

**[Planning Commission - 3-Year Term**

Ramon de la Pena (First Term) (Environmental) 12/31/98  
Gary Baldwin (First Term) (Business) 12/31/98]

**Police Commission - 3-Year Term**

James Azeka (First Term) 12/31/98  
Irene Wilhelm (First Term) 12/31/98

**Board of Water Supply - 3-Year Term**

Marion Penhallow (First Term) 12/31/98  
Thomas Tokioka (First Term) 12/31/98

**Civil Service Commission - 5-Year Term**

Damien Victorino (Second Term) 06/30/2000

**Board of Ethics - 3-Year Term**

Reverend Jan Rudinoff (Second Term) 12/31/98  
Pauline Ventura (First Term) 12/31/98

**Liquor Commission - 3-Year Term**

Alan Suzawa (First Term) 12/31/98

SECTION 2. This resolution shall take effect upon its approval.

SECTION 3. The County Clerk shall transmit a copy of this resolution to the Mayor's Office, [the Planning Department,] the Police Department, the Water Department, the Personnel Department, the Attorney's Office and the Liquor Control Commission for appropriate distribution."

(Material to be deleted is bracketed.)

**REGULAR MEETING**

**FEBRUARY 14, 1996**

The regular meeting of the Council of the County of Kauai was called to order by the Council Chairperson at the County Building, Lihue, Kauai, on Wednesday, February 14, 1996, at 1:19 p.m., after which the following members answered the call of the roll:

Honorable Ronald Kouchi, Chairperson  
Honorable Bill Kaipo Asing  
Honorable Maxine Correa  
Honorable Jesse Fukushima  
Honorable Richard Minatoya  
Honorable Randal Valenciano

Excused: Honorable Nelson Secretario until 1:30 p.m.

Mr. Asing moved for approval of the agenda with the addition of C-106-96, C-107-96, and C-108-96, seconded by Mr. Minatoya and unanimously carried.

There being no objections, Resolution No. 85-96 was taken out of order.

Resolution No. 85-96 - RESOLUTION CONFIRMING MAYORAL APPOINTMENTS TO THE PLANNING COMMISSION [Ramon de la Pena - First Term and Gary Baldwin - First Term]: Mr. Minatoya moved for adoption of the resolution, seconded by Mr. Asing and carried by the following vote:

FOR ADOPTION: Asing, Correa, Fukushima, Minatoya, Valenciano, Kouchi	TOTAL - 6,
AGAINST ADOPTION: None	TOTAL - 0,
EXCUSED & NOT VOTING: Secretario	TOTAL - 1.

Minutes of the following meetings of the Council:

Minutes of the Mid-Month Meeting of January 31, 1996  
Public Hearing of January 31, 1996 re Bill No. 1768

Mr. Asing moved for approval of the minutes, as circulated, seconded by Mrs. Correa and unanimously carried.

**COMMUNICATIONS:**

C-84-96. Communications from the following supporting Gary Baldwin's appointment to the Planning Commission:

- a) David S. Nekomoto (undated)
- b) Brad R. Nagano (1/29/96)
- c) Charles G. King (1/24/96)
- d) Ann Leighton (undated)
- e) Thomas L. Warling (1/29/96)
- f) Michael G. Ching (1/29/96).

Mr. Asing moved to receive C-84-96 for the record, seconded by Mrs. Correa and unanimously carried.

C-85-96. DSR Restoration Work Status Updated Report as of 1/31/96 submitted by the Public Works Department: Mr. Asing moved to refer C-85-96 to the Public Works Department, seconded by Mr. Minatoya and unanimously carried.

C-86-96. Communication (1/25/96) from Murl Nielsen, Manager & Chief Engineer, Department of Water, submitting the Quarterly Financial Report as of December 31, 1995: Mr. Asing moved to receive C-86-96 for the record, seconded by Mrs. Correa and unanimously carried.

C-87-96. Communication (2/1/96) from Michael J. Belles, Attorney at Law, confirming that his client, Charles E. Croft, supports the deferral of the confirmation of the two Planning Commission nominees until February 14, 1996: Mr. Asing moved to receive C-87-96 for the record, seconded by Mrs. Correa and unanimously carried.

C-88-96. Communication (1/22/96) from Richard K. Maeda, Kauai Builders, Ltd., expressing concern over Bill No. 1767 appropriating \$35,000 to hire a consultant to draft a design/build request for proposal for new police headquarters: Mr. Asing moved to receive C-88-96 for the record, seconded by Mrs. Correa and unanimously carried.

C-89-96. Communication (2/2/96) from Mayor Kusaka to Councilmember Maxine Correa, informing that the Administration will not support the request to restore the sand at Brennecke Beach and will not be submitting a money bill: Mr. Asing moved to receive C-89-96 for the record, seconded by Mrs. Correa.

Mr. Kouchi referred to C-108-95 and stated that the Mayor has contacted the Poipu Beach Resort Association and will be meeting with them in the future. When the Administration resolves the matter a letter containing the new action can be sent to the Council to be put on the agenda at another time. In the meantime, he said, all the old communications will be cleared off the agenda.

The motion to receive C-89-96 for the record was then put and unanimously carried.

The Chair noted the presence of Mr. Secretario at 1:30 p.m.

C-90-96. Communication (1/26/96) from Councilmember Nelson Secretario to Steve Oliver, County Engineer, requesting his presence at the February 14, 1996 Council meeting to discuss the County's plans for abandoned vehicles and the disposal of old tires: Mr. Minatoya moved to refer C-90-96 to the Public Works Committee, seconded by Mr. Asing.

Mr. Fukushima raised concerns of charging fees for the disposal of tires and the status of stockpiling old refrigerators in Kapaa.

The motion to refer C-90-96 to the Public Works Committee was then put and unanimously carried.

C-91-96. Communication (1/26/96) from Mayor Kusaka informing of the following appointments to the Office of Elderly Affairs Policy Council: Evelyn Laureta, Elizabeth Azeka, Nancy Harada and Gene Bullock: Mr. Asing moved to receive C-91-96 for the record, seconded by Mrs. Correa and unanimously carried.

C-92-96. Communication (1/31/96) from Mayor Kusaka submitting for confirmation the appointment of Ms. Victoria S. Medeiros to the Liquor Commission: Mr. Secretario moved to refer C-92-96 to the Public Safety & Services/Intergovernmental Relations Committee and that an interview be scheduled, seconded by Mr. Asing and unanimously carried.

C-93-96. Communication (1/30/96) from Wallace Rezentes, Jr., Finance Director to Councilmember Randal Valenciano, offering comments regarding the Recommendations Designed to Improve Internal Accounting Controls and Administrative Efficiency for the year

Eric Toulon 652-4301

REGULAR MEETING

FEBRUARY 14, 1996

The regular meeting of the Council of the County of Kauai was called to order by the Council Chairperson at the County Building, Lihue, Kauai, on Wednesday, February 14, 1996, at 1:19 p.m., after which the following members answered the call of the roll:

Honorable Ronald Kouchi, Chairperson  
Honorable Bill Kaipō Asing  
Honorable Maxine Correa  
Honorable Jesse Fukushima  
Honorable Richard Minatoya  
Honorable Randal Valenciano

Excused: Honorable Nelson Secretario until 1:30 p.m.

Mr. Asing moved for approval of the agenda with the addition of C-106-96, C-107-96, and C-108-96, seconded by Mr. Minatoya and unanimously carried.

There being no objections, Resolution No. 85-96 was taken out of order.

Resolution No. 85-96 - RESOLUTION CONFIRMING MAYORAL APPOINTMENTS TO THE PLANNING COMMISSION [Ramon de la Pena - First Term and Gary Baldwin - First Term]: Mr. Minatoya moved for adoption of the resolution, seconded by Mr. Asing and carried by the following vote:

FOR ADOPTION: Asing, Correa, Fukushima, Minatoya, Valenciano, Kouchi	TOTAL - 6,
AGAINST ADOPTION: None	TOTAL - 0,
EXCUSED & NOT VOTING: Secretario	TOTAL - 1.

Minutes of the following meetings of the Council:

Minutes of the Mid-Month Meeting of January 31, 1996  
Public Hearing of January 31, 1996 re Bill No. 1768

Mr. Asing moved for approval of the minutes, as circulated, seconded by Mrs. Correa and unanimously carried.

**COMMUNICATIONS:**

C-84-96. Communications from the following supporting Gary Baldwin's appointment to the Planning Commission:

- a) David S. Nekomoto (undated)
- b) Brad R. Nagano (1/29/96)
- c) Charles G. King (1/24/96)
- d) Ann Leighton (undated)
- e) Thomas L. Warling (1/29/96)
- f) Michael G. Ching (1/29/96).

Mr. Asing moved to receive C-84-96 for the record, seconded by Mrs. Correa and unanimously carried.

C-85-96. DSR Restoration Work Status Updated Report as of 1/31/96 submitted by the Public Works Department: Mr. Asing moved to refer C-85-96 to the Public Works Department, seconded by Mr. Minatoya and unanimously carried.

COUNTY COUNCIL  
COUNTY OF KAUAI

# Resolution

No. 85-96

RESOLUTION CONFIRMING MAYORAL APPOINTMENTS  
TO THE PLANNING COMMISSION

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

SECTION 1. Pursuant to Section 23.02 of the Kauai County Charter, the Kauai County Council hereby approves the following mayoral appointments as follows:

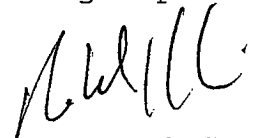
**Planning Commission - 3-Year Term**

Ramon de la Pena (First Term) (Environmental) 12/31/98  
Gary Baldwin (First Term) (Business) 12/31/98

SECTION 2. This resolution shall take effect upon its approval.

SECTION 3. The County Clerk shall transmit a copy of this resolution to the Mayor's Office and the Planning Department for appropriate distribution.

Introduced by:

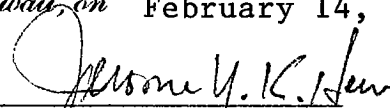
  
RONALD KOUCHI  
(By Request)

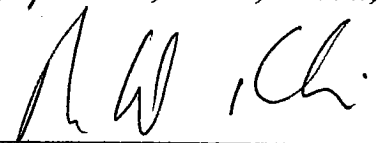
R2:planning/li

CERTIFICATE OF ADOPTION

	Yes	No	Exc.
Asing	X		
Correa	X		
Fukushima	X		
Kouchi	X		
Minatoya	X		
Secretario			X
Valenciano	X		
Total	6	0	1

We hereby certify that Resolution No. 85-96  
was adopted by the Council of the County of Kauai, Lihue, Kauai,  
Hawaii, on February 14, 1996.

  
County Clerk

  
Chairman & Presiding Officer

Dated 2/15/96