

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

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Council Services Division
4396 Rice Street, Suite 209
Lihue, Kauai, Hawaii 96766

Effective January 1, 2022, Act 220, Session Laws of Hawaii (SLH) 2021 adds a new option to the Sunshine Law that allows boards to hold remote meetings via interactive conference technology (ICT), such as online meeting platforms, teleconferences, videoconference, and voice over internet protocol.

Pursuant to Act 220, SLH 2021, the meetings of the Kauai County Council will be conducted as follows until further notice:

- Meetings will be noticed pursuant to Hawaii Revised Statutes (HRS) Chapter 92.
- Councilmembers and/or resource individuals may appear via remote technology.
- The meeting will be live streamed and also available as an archived meeting after completion, at www.kauai.gov/webcastmeetings. Captions will be provided. Please note video production services or enhancements will not be available.
- Written testimony may be submitted on any agenda item and is appreciated at least one (1) hour prior to the meeting. Written testimony may be submitted to counciltestimony@kauai.gov, sent via facsimile to (808) 241-6349, or mailed to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Lihue, Hawaii 96766. Any testimony received after this time will be incorporated into the record as appropriate.
- Oral testimony will be taken in-person or via the Zoom remote technology platform. It shall be the responsibility of the testifier to ensure that the Zoom software is downloaded **prior** to the meeting. It is recommended that anyone interested in providing oral testimony provide a request to the Office of the County Clerk, Council Services Division at least one (1) hour prior to the meeting to cokcouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays). This request shall include your name, telephone number, E-mail address, and the specific agenda item(s) that you will be testifying on. After oral testimony has been taken, members of the public may continue watching the meeting via the livestream link found at www.kauai.gov/webcastmeetings or may listen to the meeting on the oral testimony Zoom link that can be accessed at <https://tinyurl.com/KauaiCountyCouncil051822>.
 - Video: Meeting ID 823 0901 0213; Passcode: 5BN4fa
 - Dial-In: +1 253 215 8782; Meeting ID 823 0901 0213; Passcode: 418151
- All accommodations pursuant to Act 220, SLH 2021 shall be submitted to the Office of the County Clerk, Council Services Division as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Requests can be made via E-mail to cokcouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays).
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Council's website upon completion and approval.

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, MAY 18, 2022**

8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHU‘E, KAUA‘I, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. May 4, 2022 Council Meeting
2. May 11, 2022 Public Hearing re: Resolution No. 2022-10, Bill No. 2851, and Bill No. 2852

E. CONSENT CALENDAR:

1. [C 2022-102](#) Communication (04/28/2022) from the Director of Human Resources, transmitting for Council information, the May 1, 2022 Vacancy Report, pursuant to Section 24 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kaua‘i for Fiscal Year 2021-2022.

F. COMMUNICATIONS:

1. [C 2022-103](#) Communication (04/20/2022) from Council Vice Chair Chock and Councilmember DeCosta, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 8, Kaua‘i County Code 1987, As Amended, Relating To Campgrounds, to allow Educational Camping in the Agricultural District for campers eighteen (18) years of age or younger via the Use Permit process. ***(See Proposed Draft Bill (No. 2859))***
2. [C 2022-104](#) Communication (04/20/2022) from Councilmember Carvalho and Council Vice Chair Chock, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 8, Kaua‘i County Code 1987, As Amended, Relating To Guest House, to increase the allowable square footage from 500 square feet to 800 square feet and to require that one off-street parking be provided for each Guest House. ***(See Proposed Draft Bill (No. 2860))***

3. [C 2022-105](#) Communication (04/25/2022) from the Housing Director, requesting Council approval to receive and expend funds from the American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (SLFRF), in the amount of \$5,000,000.00, which will be used to provide emergency rental assistance, housing stability services, or other related eligible services to County of Kaua'i residents.
4. [C 2022-106](#) Communication (04/26/2022) from the Chief of Police and Mark Ozaki, Acting Assistant Chief of Police, requesting Council approval of unbudgeted equipment purchases using unexpended salaries, in the amounts of \$109,504.94 and \$19,423.19, respectively, for ten (10) Motorola Model APX 7000 portable radios and a Codan Portable Repeater, which are critical to improve police operational efficiency and fundamental to employee safety and accountability.
5. [C 2022-107](#) Communication (05/02/2022) from the Chief of Police, requesting Council approval to receive and expend funds from the Hawai'i High Intensity Drug Trafficking Area (HIDTA) Program, in the amount of \$161,400.00, for the payment of overtime, renting of vehicles and aircraft, training, replacement of old equipment, and the purchase of new technology.
6. [C 2022-108](#) Communication (05/02/2022) from the Director of Finance, requesting Council approval to accept the standard Indemnification, Services, and Default Administration terms as stated in the Standard Agreement with Stericycle, Inc. for records disposal services.
7. [C 2022-109](#) Communication (05/04/2022) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Sections 5A-3.4, 5A-6.1, 5A-6.4, 5A-12.1, 5A-12.3, 5A-12.7, and 5A-12.8, Kaua'i County Code 1987, As Amended, Relating To Real Property Taxes, requiring appellants to file with the County Board of Review before appealing to the State Tax Court. **(See Proposed Draft Bill (No. 2861))**
8. [C 2022-110](#) Communication (05/04/2022) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Section 9.2, Kaua'i County Code 1987, As Amended, Relating to Real Property Taxes, a housekeeping measure regarding assessments of golf courses, removing the requirement of the Real Property Assessment Division to account for "imparted value." **(See Proposed Draft Bill (No. 2862))**

9. [C 2022-111](#) Communication (05/04/2022) from the Director of Human Resources, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 2 for period July 1, 2021 to June 30, 2025, pursuant to Hawai'i Revised Statutes (HRS) Section 89-11 and Kaua'i County Charter Section 19.13B. The terms of the Collective Bargaining Agreement were recently ratified by the employees Bargaining Unit 2. ***(See Proposed Draft Bill (No. 2863))***

10. [C 2022-112](#) Communication (05/04/2022) from the Director of Human Resources, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 3 for period July 1, 2021 to June 30, 2025, pursuant to Hawai'i Revised Statutes (HRS) Section 89-11 and Kaua'i County Charter Section 19.13B. The terms of the Collective Bargaining Agreement were recently ratified by the employees Bargaining Unit 3. ***(See Proposed Draft Bill (No. 2864))***

11. [C 2022-113](#) Communication (05/04/2022) from the Director of Human Resources, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 4 for period July 1, 2021 to June 30, 2025, pursuant to Hawai'i Revised Statutes (HRS) Section 89-11 and Kaua'i County Charter Section 19.13B. The terms of the Collective Bargaining Agreement were recently ratified by the employees Bargaining Unit 4. ***(See Proposed Draft Bill (No. 2865))***

12. [C 2022-114](#) Communication (05/04/2022) from the Director of Human Resources, transmitting for Council consideration, the cost items for the Hawai'i Fire Fighters Association (HFFA) Bargaining Unit 11 for the period July 1, 2021 through June 30, 2025 based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to HRS Section 89-11 and Kaua'i County Charter Section 19.13B. *(Arbitration Panel's Award and Decision for Bargaining Unit 11 on file in the Office of the County Clerk.)* ***(See Proposed Draft Bill (No. 2866))***

13. [C 2022-115](#) Communication (05/04/2022) from the Director of Human Resources, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 13 for period July 1, 2021 to June 30, 2025 pursuant to Hawai'i Revised Statutes (HRS) Section 89-11 and Kaua'i County Charter Section 19.13B. The terms of the Collective Bargaining Agreement were recently ratified by the employees of Bargaining Unit 13. (*See Proposed Draft Bill (No. 2867)*)

G. CLAIMS:

1. [C 2022-116](#) Communication (05/04/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Timothy L. Oga, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2022-117](#) Communication (05/05/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by David Booth, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:

1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2022-03:** on Bill No. 2853 A BILL FOR AN ORDINANCE AMENDING CHAPTER 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE [Approved.]

2. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE

- a. **CR-FED 2022-03:** on Bill No. 2845, Draft 1 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 5A-11.26, AND SECTION 5A-9.1(a), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tree Farm Development Exemption*) [Approved.]

I. RESOLUTION:

1. [Resolution No. 2022-17](#) – RESOLUTION APPROVING THE PROPOSED FISCAL YEAR 2022-2023 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES (*Deferred May 4, 2022*)

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2859\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPGROUNDS (*Kauai County Council, Applicant*)

2. [Proposed Draft Bill \(No. 2860\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GUEST HOUSE (*Kauai County Council, Applicant*)

3. [Proposed Draft Bill \(No. 2861\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTIONS 5A-3.4, 5A-6.1, 5A-6.4, 5A-12.1, 5A-12.3, 5A-12.7, AND 5A-12.8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES

4. [Proposed Draft Bill \(No. 2862\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 9.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES

5. [Proposed Draft Bill \(No. 2863\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 2 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

6. [Proposed Draft Bill \(No. 2864\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 3 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

7. [Proposed Draft Bill \(No. 2865\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 4 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

8. [Proposed Draft Bill \(No. 2866\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

9. [Proposed Draft Bill \(No. 2867\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 13 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

K. BILLS FOR SECOND READING:

1. [Bill No. 2845, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 5A-11.26, AND SECTION 5A-9.1(a), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Tree Farm Development Exemption*) (See also CR-FED 2022-03; the Finance & Economic Development Committee recommended approval on second and final reading.)

2. [Bill No. 2853](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE (See also CR-PWVS 2022-03; the Public Works & Veterans Services Committee recommended approval on second and final reading.)

L. EXECUTIVE SESSION: Pursuant to Hawai'i Revised Statutes (HRS) §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 HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file at the Office of the County Attorney and/or the Office of the County Clerk. Discussions held in Executive Session are closed to the public.)

1. ES-1074 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and request for settlement authority on the issue of attorney's fees in the matter of Roy Gal vs. County of Kaua'i, et al., Civil No. 20-00011 (United States District Court for the District of Hawai'i). This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

M. ADJOURNMENT.

- N. PUBLIC HEARING NOTE: The Council will convene into a public hearing on the following item(s) on this meeting date and will convene/reconvene the Council/Committee Meeting thereafter.

Testimony may be submitted in writing to counciltestimony@kauai.gov; via facsimile to (808) 241-6349; or mailed to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Līhu‘e, Hawai‘i 96766. Oral testimony may be given via the Zoom remote technology platform and it shall be the responsibility of the testifier to ensure that the Zoom software is downloaded **prior** to the meeting. It is recommended that anyone interested in providing oral testimony provide a request to the Office of the County Clerk, Council Services Division at least one (1) hour prior to the meeting to cokouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays). This request shall include your name, telephone number, E-mail address, and the specific agenda item(s) that you will be testifying on. After oral testimony has been taken, members of the public may continue watching the meeting via the livestream link found at www.kauai.gov/webcastmeetings or may listen to the meeting on the oral testimony Zoom link. All accommodations pursuant to Act 220, Session Laws of Hawai‘i 2021 shall be submitted to the Office of the County Clerk, Council Services Division as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Requests can be made via E-mail to cokouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays).

*[*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 Office of the County Clerk 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.]*

For a copy of the notice, please go to: <http://www.kauai.gov/Council/PublicHearings>

1. [Bill No. 2854](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ALL-HAZARD STATEWIDE OUTDOOR WARNING SIREN SYSTEMS (*County of Kaua‘i Planning Department, Applicant*) (ZA-2022-2)
 2. [Bill No. 2855](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WAREHOUSES IN THE COMMERCIAL GENERAL ZONING DISTRICT (*County of Kaua‘i Planning Department, Applicant*) (ZA-2022-3)
- O. NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: WWW.KAUAI.GOV/WEBCASTMEETINGS.