

COUNTY COUNCIL

Arryl Kaneshiro, Chair
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Arthur Brun
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Felicia Cowden
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

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Council Services Division
4396 Rice Street, Suite 209
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On March 16, 2020, Governor David Y. Ige issued a Supplementary Emergency Proclamation related to COVID-19 which suspended Chapter 92 of the Hawai'i Revised Statutes (HRS), relating to Public Agency Meetings and Records (also known as the Sunshine Law). Governor Ige continued the suspension of Chapter 92 with his Sixth Supplementary Emergency Proclamation dated April 25, 2020. On May 5, 2020, Governor Ige issued his Seventh Supplementary Emergency Proclamation amending his earlier suspension of Chapter 92. Chapter 92 of the HRS was suspended to the extent necessary in order to enable boards to conduct business in-person or through remote technology without any board members or members of the public physically present in the same location. Boards shall consider reasonable measures to allow public participation consistent with social distancing practices, such as providing notice of meetings, allowing the submission of written testimony on items which have been posted on an agenda, providing board packets available electronically, live streaming of meetings, and posting minutes of meetings online. Furthermore, if a board has the staffing, technological, and other resources to hold a secure video teleconference (video and audio), it must in good faith, attempt to provide the public with the opportunity to observe the meeting as it happens, and provide an opportunity to deliver oral testimony. No board deliberation or action shall be invalid, if such good faith efforts to implement remote technology for public observations and comments do not work.

The meetings of the Kauai County Council will be conducted as follows until further notice:

- Meetings will be noticed pursuant to HRS Chapter 92.
- The meeting will be closed to the public to be consistent with social distancing practices.
- 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 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 at the beginning of the meeting on any agenda item 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. Anyone interested in providing oral testimony shall 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. 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 should continue watching the meeting via the live stream link found at www.kauai.gov/webcastmeetings.
- 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, JUNE 3, 2020
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU'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 13, 2020 Public Hearing re: Resolution No. 2020-16, Bill No. 2779, and Bill No. 2780
2. May 15, 2020 Special Council Meeting
3. May 20, 2020 Council Meeting
4. May 27, 2020 Special Council Meeting
5. May 27, 2020 Public Hearing re: C 2020-135

E. CONSENT CALENDAR:

1. [C 2020-135](#) Communication (05/07/2020) from the Mayor, submitting his Supplemental Budget Communication for Fiscal Year 2020-2021 and Proposed Amendments to the Budget Bills, pursuant to Section 19.02A of the Kaua'i County Charter. (**Public Hearing held May 27, 2020**)

F. COMMUNICATIONS:

1. [C 2020-148](#) Communication (05/05/2020) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$730,425.00, and to indemnify the State Executive Office on Aging, to be used by the County of Kaua'i, Agency on Elderly Affairs for the provision of Title III services of the Older Americans Act, which includes supportive services, congregate meals, home-delivered meals, preventive health programs, and the National Family Caregiver Support Program, for the Federal Fiscal Year 2020 that began October 1, 2019 and runs through September 30, 2021.

2. [C 2020-149](#) Communication (05/07/2020) from the Chief of Police, requesting Council approval to use \$63,000.00 in unexpended salaries for the unbudgeted equipment purchase of twenty-one (21) Mobile Data Terminals (MDTs) to replace aging equipment for use by patrol officers.

3. [C 2020-150](#) Communication (05/08/2020) from the Executive on Aging, requesting Council approval to receive and expend State funds in the amount of \$205,000.00, and to indemnify the State Executive Office on Aging, to be used by the County of Kaua'i, Agency on Elderly Affairs to support the functions of the Aging and Disability Resource Center and be used for staff development, outreach, awareness, education, and collaboration with the No Wrong Door (NWD) Network, for the period June 1, 2020 through May 31, 2021.

4. [C 2020-151](#) Communication (05/13/2020) from the Mayor, requesting agenda time for a briefing from Smith Dawson & Andrews, Inc., Washington D.C. consultants, to provide a recap of the services and activities provided to the County during the past year as part of their professional services contract.

5. [C 2020-152](#) Communication (05/13/2020) from the Acting Fire Chief, requesting Council approval, to accept a donation from the Kaua'i Lifeguard Association (KLA) of a Swift Water Rescue Sled, two (2) jet ski rescue sleds, two (2) jet ski wing collars, and a Motorola repeater and accessories, valued at \$39,582.04, which will benefit the Ocean Safety Bureau.

6. [C 2020-153](#) Communication (05/14/2020) from the Executive on Transportation, requesting Council approval to receive and expend the Federal Transit Administration (FTA) Section 5311 Coronavirus Aid, Relief, and Economic Security (CARES) Act grant, in the amount of \$4,453,300.00, and to indemnify the FTA. This Section 5311 grant will be used to fund transit vehicle replacements and operating expenses, to include, but not be limited to, sustaining the increased cleaning protocols on transit vehicles and facilities for the health and safety of the community.

7. [C 2020-154](#) Communication (05/15/2020) from Bryson M. Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to use \$200,000.00 in unexpended travel and retirement contributions for the unbudgeted purchase of new workstations to assist in creating additional desk space and privacy for employees involved in investigations and to better utilize unused floor space.
8. [C 2020-155](#) Communication (05/18/2020) from the County Clerk, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008), as amended, which have been kept for over seven (7) years and are no longer of use or value:
- Pre-2014 files to include:
 - Accounts payable files;
 - Procurement Contracts;
 - Employee vacation, sick leave, and compensatory time accruals;
 - Separated employee files; and
 - Separated employee working papers.
 - Audio and video recordings of meetings that have been archived and for which written minutes have already been transcribed and approved.
9. [C 2020-156](#) Communication (05/21/2020) from the Director of Finance, requesting Council approval to use \$200,000.00 in unexpended funds from the Fiscal Year 2019-2020 budget of the Department of Finance, for the unbudgeted purchase of new workstations for employees in the Kapule Building, comprised of the Real Property Assessment Division, Treasury Division, and Motor Vehicle Registration Division, to create more desk space for employees, maximize the use of the Kapule Building, and to assist with employee spacing/social distancing during COVID-19.

G. CLAIM:

1. [C 2020-157](#) Communication (05/20/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by First Insurance Company of Hawai'i as subrogee for Unlimited Construction Services, Inc., for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:1. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2020-03:** on FED 2020-02 Communication (05/07/2020) from the Director of Economic Development, requesting agenda time to present an update on the Kaua'i Economic Recovery Strategies report. **[Received for the Record.]**

2. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2020-08:** on Bill No. 2791 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE G.E. TAX FUND (*G.E. Tax Surcharge Reduction (COVID-19) – (\$2,000,000.00)*) **[Approved.]**
- b. **CR-COW 2020-09:** on COW 2020-02 Communication (05/15/2020) from Committee Chair Kaneshiro, transmitting the proposed increases to, deductions from, and other proposed amendments (plus/minus sheets) to the Mayor's Fiscal Year 2020-2021 Annual Operating and Capital Improvement Projects Budgets **[Received for the Record.]**
- c. **CR-COW 2020-10:** on Resolution No. 2020-16 RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 FOR THE COUNTY OF KAUAI **[Approved.]**

- d. **CR-COW 2020-11:** on Bill No. 2779 A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 (*Fiscal Year 2020-2021 Operating Budget*) **[Approved as Amended.]**
- e. **CR-COW 2020-12:** on Bill No. 2780 A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 (*Fiscal Year 2020-2021 CIP Budget*) **[Approved as Amended.]**

I. RESOLUTION:

1. [Resolution No. 2020-16](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 FOR THE COUNTY OF KAUAI (*See also CR-COW 2020-10; the Committee of the Whole recommended approval on May 27, 2020.*)

J. BILLS FOR SECOND READING:

1. [Bill No. 2779, Draft 1](#) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 (*Fiscal Year 2020-2021 Operating Budget*) (*See also CR-COW 2020-11; the Committee of the Whole recommended approval as amended to Bill No. 2779, Draft 1 on May 27, 2020.*)

2. [Bill No. 2780, Draft 1](#) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2020 TO JUNE 30, 2021 (*Fiscal Year 2020-2021 CIP Budget*) (*See also CR-COW 2020-12; the Committee of the Whole recommended approval as amended to Bill No. 2780, Draft 1 on May 27, 2020.*)

3. [Bill No. 2791](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE G.E. TAX FUND (*G.E. Tax Surcharge Reduction (COVID-19) – (\$2,000,000.00)*) (*See also CR-COW 2020-08; the Committee of the Whole recommended approval on second and final reading.*)

K. 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.)

L. ADJOURNMENT.

M. 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.