

## COUNTY COUNCIL

Arryl Kaneshiro, Chair  
Ross Kagawa, Vice Chair  
Arthur Brun  
Mason K. Chock  
Felicia Cowden  
Luke A. Evslin  
KipuKai Kualii



## OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk  
Scott K. Sato, Deputy County Clerk

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**Council Services Division**  
4396 Rice Street, Suite 209  
Līhu'e, Kaua'i, Hawai'i 96766

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 Kaua'i 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](http://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](mailto: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, Līhu'e, Hawai'i 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](mailto: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](http://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 17, 2020**

**8:30 A.M. OR SOON THEREAFTER**

**COUNCIL CHAMBERS**

**HISTORIC COUNTY BUILDING**

**4396 RICE STREET, SUITE 201**

**LĪHUʻE, KAUAʻI, HAWAII 96766**

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. June 3, 2020 Council Meeting
2. June 10, 2020 Special Council Meeting

E. CONSENT CALENDAR:

1. [C 2020-159](#) Communication (05/26/2020) from the Acting County Engineer, transmitting a Resolution Authorizing The Acquisition Of An Easement Interest In Land Required For Public Use, To Wit: The Pedestrian And Bicycle Path That Constitutes Part Of The County's Public Park System, Situated At Waipouli, District of Kawaihau, County of Kaua'i, Hawaii, And Determining And Declaring The Necessity Of The Acquisition Thereof By Eminent Domain. (*See Resolution No. 2020-28*)
2. [C 2020-160](#) Communication (06/05/2020) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council approval, HSAC's slate of officers for the HSAC Executive Committee and Board of Director nominations for the National Association of Counties (NACo) and the Western Interstate Region (WIR) for the 2020-2021 term and HSAC's Fiscal Year 2021 Proposed Operating Budget, pursuant to Section 5, Section 5A, Section 5C, and Section 21, respectively, of the Bylaws of the Hawai'i State Association of Counties, Inc. (*See Resolution No. 2020-29 and Resolution No. 2020-30*)

F. COMMUNICATIONS:

1. [C 2020-161](#) Communication (05/07/2020) from the Director of Finance, 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-2013 files to include:
    - Cash Receipts;
    - Treasury Trust Fund documents;
    - Totals by Pay Class reports;
    - Bank Statements;
    - Outside Receipts; and
    - Daily SII Reports.
  
2. [C 2020-162](#) Communication (05/14/2020) from the Executive on Aging, requesting Council approval to receive and expend Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funds in the amount of \$389,892.00, and to indemnify the State Executive Office on Aging, to be used by the County of Kaua'i, Agency on Elderly Affairs to provide Title III Supportive Services, Title C2 Home-Delivered Meals, and Title III National Family Caregiver Support, for the period June 1, 2020 through May 31, 2022.
  
3. [C 2020-163](#) Communication (05/26/2020) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 10, Kaua'i County Code 1987, as amended, relating to the Enforcement, Legal Procedures, and Penalties that Apply to Violations, and Clarifying the Title for Chapter 10. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2020-15); Director's Report; and Supplement to the Director's Report (March 10, 2020 and April 13, 2020), on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2794))*
  
4. [C 2020-164](#) Communication (05/28/2020) from the Acting County Engineer, requesting Council approval to apply for, receive, and expend State grant funds, in the amount of \$48,000.00, to be used by the Department of Public Works, Solid Waste Division, to support Electronic Waste (eWaste) Recycling for Fiscal Year 2021.

5. [C 2020-165](#) Communication (06/03/2020) from the Chief of Police, requesting Council approval, to accept a donation from the Wilcox Medical Center of two hundred (200) face shields, valued at \$2,000.00, to be used by officers with the Kaua'i Police Department.
  
6. [C 2020-166](#) Communication (06/03/2020) from the Housing Director, requesting Council approval to receive and expend \$1,425,000.00 in National Housing Trust Fund (HTF) Program Year (PY) 2018 funds and to indemnify the Hawai'i Housing Finance and Development Corporation, for the Pua Loke Affordable Housing Project.
  
7. [C 2020-167](#) Communication (06/03/2020) from the Planning Director, requesting Council approval to receive and expend State funds in the amount of \$45,000.00, from the State of Hawai'i Department of Health, Chronic Disease Prevention and Health Promotion Division, to fund a "Quick Build" Demonstration Project that promotes walking, bicycling, and transit through safe, connected routes, and healthy community design, for the project period of July 1, 2020 through June 30, 2021.
  
8. [C 2020-168](#) Communication (06/04/2020) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$42,438.00, and to indemnify the State Executive Office on Aging, for the Healthy Aging Contract No. 20-227, Modification Order No. 1, which will be used towards EnhanceFitness and Better Choices, Better Health workshops, for the period June 30, 2020 through June 30, 2022.

#### G. LEGAL DOCUMENT:

1. [C 2020-169](#) Communication (06/01/2020) from the Acting County Engineer, recommending Council approval of a Right-of-Entry Agreement by and between the County of Kaua'i and Grove Farm Company, Inc. to allow access to property located at Tax Map Key (TMK) No. (4) 3-3-018:009, Lihu'e, Kaua'i, Hawai'i to construct and/or repair portions of Puhi Road for sidewalks and grading, as well as for construction related to the Puhi Road drainage system.
  - Right-Of-Entry Agreement

H. CLAIM:

1. [C 2020-170](#) Communication (06/03/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Patricia J. Erickson, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

1. **CR-PSHS 2020-02:** on PSHS 2020-01 Communication (05/21/2020) from Committee Chair Cowden, requesting the presence of the Chief of Police, to provide a comprehensive review of the Axon Body Camera Officer Safety Plans (OSP) and associated technologies. **[Received for the Record.]**

2. COMMITTEE OF THE WHOLE:

1. **CR-COW 2020-13:** on COW 2020-03 Communication (05/21/2020) from Committee Chair Kaneshiro, requesting the presence of the Managing Director, to provide a briefing on the new standard operating procedures and business hours for all County departments/agencies, and an update on the allowable industries/businesses on Kaua'i as of June 3, 2020. **[Received for the Record.]**

J. RESOLUTIONS:

1. [Resolution No. 2020-28](#) – RESOLUTION AUTHORIZING THE ACQUISITION OF AN EASEMENT INTEREST IN LAND REQUIRED FOR PUBLIC USE, TO WIT: THE PEDESTRIAN AND BICYCLE PATH THAT CONSTITUTES PART OF THE COUNTY'S PUBLIC PARK SYSTEM, SITUATED AT WAIPOULI, DISTRICT OF KAWAIHAU, COUNTY OF KAUA'I, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN

2. [Resolution No. 2020-29](#) – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES SLATE OF OFFICERS, NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS, AND NOMINEES TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2021

3. [Resolution No. 2020-30](#) – RESOLUTION APPROVING THE PROPOSED FISCAL YEAR 2021 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES

K. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2794\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES

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.)*

M. ADJOURNMENT.

N. PUBLIC HEARING NOTE: Pursuant to the Supplementary Emergency Proclamation dated March 16, 2020, the Sixth Supplementary Emergency Proclamation dated April 25, 2020, and the Seventh Supplementary Emergency Proclamation dated May 5, 2020, issued by Governor David Y. Ige, all meetings of the Council will be closed to the public consistent with social distancing practices. The public hearing will be read into the record and 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, Lihue, Hawai'i 96766. Oral testimony will be taken 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 cokouncil@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](http://www.kauai.gov/webcastmeetings).

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.

*[\*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. 2793](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2019 AND JUNE 30, 2021

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](mailto: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](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).