

## 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

Telephone: (808) 241-4188  
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**Council Services Division**  
4396 Rice Street, Suite 209  
Lihue, Kauai, Hawaii 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. The suspension of Chapter 92 was subsequently continued through additional Supplementary Emergency Proclamations, the most recent being his Thirteenth Supplementary Emergency Proclamation dated September 22, 2020. 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](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, 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](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, OCTOBER 7, 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. September 23, 2020 Council Meeting
2. September 23, 2020 Public Hearing re: Bill No. 2803

E. CONSENT CALENDAR:

1. [C 2020-239](#) Communication (09/09/2020) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to various Boards and Commissions for the County of Kaua'i:
  - a. Board of Ethics
    - Dean A. Toyofuku – Term ending 12/31/2023
  - b. Board of Review
    - Stella Bumacod Fujita – Term ending 12/31/2023
  - c. Charter Review Commission
    - Marissa L. Sandblom – Term ending 12/31/2023
  - d. Fire Commission
    - Linda K. Kaauwai-Iwamoto – Term ending 12/31/2023
    - Alfred Levinthol – Term ending 12/31/2023

## e. Kaua'i Historic Preservation Review Commission

- Gerald K. Ida (At-Large) – Term ending 12/31/2023

## f. Police Commission

- Jonelle L. Jardin – Term ending 12/31/2023
- Dean A. Pigao – Term ending 12/31/2023

## g. Salary Commission

- Trinette P. Kauai – Term ending 12/31/2023
- Kenneth N. Rainforth – Term ending 12/31/2023  
*(See Resolution No. 2020-44, Resolution No. 2020-45, Resolution No. 2020-46, Resolution No. 2020-47, Resolution No. 2020-48, Resolution No. 2020-49, Resolution No. 2020-50, Resolution No. 2020-51, Resolution No. 2020-52, and Resolution No. 2020-53)*

2. [C 2020-240](#) Communication (09/29/2020) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council consideration, HSAC nomination of Joey Manahan, Honolulu City Council, to serve on the Board of Director's for the National Association of Counties (NACo) until the end of 2020, pursuant to Section 5, Section 5A, and Section 5C of the Bylaws of the Hawai'i State Association of Counties, Inc. *(See Resolution No. 2020-54)*

F. COMMUNICATIONS:

1. [C 2020-241](#) Communication (09/09/2020) from the Deputy Director of Planning, transmitting for Council approval a request to apply for, receive, and expend Transient Oriented Development (TOD) Capital Improvement Program (CIP) Planning Funds in an amount of up to \$500,000.00, for pre-planning, master planning, and infrastructure assessment work that will facilitate coordinated and collaborative design and implementation of TOD projects, and to indemnify the State of Hawai'i in accordance with the State of Hawai'i General Conditions (AG-008 103D) for administering the subject program.

2. [C 2020-242](#) Communication (09/14/2020) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$18,124.00, and to indemnify the State Executive Office on Aging, 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.
3. [C 2020-243](#) Communication (09/23/2020) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, a Proposed Draft Bill to amend Chapter 19, Article 1, Kaua'i County Code 1987, As Amended, Relating To Public Parks And Recreation. (*See Proposed Draft Bill (No. 2805)*)
4. [C 2020-244](#) Communication (09/17/2020) from the Housing Director, requesting Council approval of the indemnification provision contained within the proposed Grant of Easement (pending Executive Order from the State of Hawai'i) to Kaua'i Island Utility Cooperative for the Kealaula Supportive Housing Project Electrical Service. A future agreement will be executed incorporating the "Grant of Easement" language by reference once the Executive Order conveying the property to the County is completed.
5. [C 2020-245](#) Communication (09/25/2020) from Council Chair Kaneshiro, requesting the presence of the Managing Director, to provide a briefing to discuss how the County of Kaua'i has been preparing for the pre-testing arrival process beginning on October 15, 2020, under Governor David Y. Ige's Thirteenth Supplementary Emergency Proclamation related to the COVID-19 pandemic.

#### G. LEGAL DOCUMENT:

1. [C 2020-246](#) Communication (09/30/2020) from the County Clerk, requesting Council approval of a Right-of-Entry Agreement between A&B Properties Hawai'i, LLC. (Agent) for ABP Waipouli (DBA) Waipouli Town Center and the Office of the County Clerk, Elections Division, to authorize the placement of a secured ballot box for the General Election at the fence line between the Kapa'a Fire Station and the Waipouli Town Center located at 4-771 Kūhiō Highway in Kapa'a.
  - Right-of-Entry Agreement

H. CLAIMS:

1. [C 2020-247](#) Communication (09/14/2020) 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.
  
2. [C 2020-248](#) Communication (09/25/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Ernest Aiu, for partial reimbursement of his water bill, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORT:1. PLANNING COMMITTEE

- a. **CR-PL 2020-08:** on Bill No. 2796 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE (CZO) (*County of Kaua'i Planning Department, Applicant*) (ZA-2020-16) **[Approved.]**

J. RESOLUTIONS:

1. [Resolution No. 2020-44](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Dean A. Toyofuku*)
  
2. [Resolution No. 2020-45](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Stella Bumacod Fujita*)
  
3. [Resolution No. 2020-46](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Marissa L. Sandblom*)
  
4. [Resolution No. 2020-47](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Linda K. Kaauwai-Iwamoto*)

5. [Resolution No. 2020-48](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Alfred Levinthol*)

6. [Resolution No. 2020-49](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION (*Gerald K. Ida – At-Large*)

7. [Resolution No. 2020-50](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Jonelle L. Jardin*)

8. [Resolution No. 2020-51](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Dean A. Pigao*)

9. [Resolution No. 2020-52](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Trinette P. Kauai*)

10. [Resolution No. 2020-53](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Kenneth N. Rainforth*)

11. [Resolution No. 2020-54](#) – RESOLUTION APPROVING THE NOMINATION OF COUNCILMEMBER JOEY MANAHAN, HONOLULU CITY COUNCIL, TO SERVE ON THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS FOR FISCAL YEAR 2020-2021

#### K. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2805\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC PARKS AND RECREATION

#### L. BILL FOR SECOND READING:

1. [Bill No. 2796](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE (CZO) (*County of Kauai Planning Department, Applicant*) (*ZA-2020-16*) (*See also CR-PL 2020-08; the Planning Committee recommended approval on second and final reading.*)

M. 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-1035 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 Council with a briefing and request authority to pay a claim filed by First Insurance Co. of Hawai'i, as subrogee of Unlimited Construction Services Inc. 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.

N. ADJOURNMENT.

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