

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
Lihu'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. The suspension of Chapter 92 was subsequently continued through additional Supplementary Emergency Proclamations, the most recent being his Fourteenth Supplementary Emergency Proclamation dated October 13, 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 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. 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, Lihu'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 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
THURSDAY, NOVEMBER 12, 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 meeting of the Council:

1. October 21, 2020 Council Meeting

E. CONSENT CALENDAR:

1. [C 2020-265](#) Communication (10/20/2020) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of May 7, 2020.

COMMUNICATIONS:

1. [C 2020-266](#) Communication (10/09/2020) from Ka'aina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Article 27, Kaua'i County Code 1987, as amended, relating to Shoreline Setback And Coastal Protection. *(Copies of the Draft Ordinance for Zoning Amendment (ZA 2020-14); Minutes from the May 12, 2020 Planning Commission Meeting; Director's Report; and Supplement to the Director's Report #1, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2813))*
2. [C 2020-267](#) Communication (10/15/2020) from Ka'aina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation that Proposed Draft Bill (No. 2671) be received for the record. *(See Proposed Draft Bill (No. 2671))*

3. [C 2020-268](#) Communication (10/18/2020) from the Emergency Management Administrator, requesting Council approval to receive and expend State funds, in the amount of \$750,000.00, from the United States Department of Homeland Security, via the State of Hawai'i Department of Defense, to be used to enhance the capability of State and local units of government to prevent, deter, respond to, and recover from threats and incidents of terrorism, as well as "all hazards" catastrophic preparedness initiatives.
4. [C 2020-269](#) Communication (10/21/2020) from the Executive on Aging, requesting Council approval to receive and expend a total of \$100,465.00 in State General Funds for Fiscal Year 2021, and to indemnify the State Executive Office on Aging, to be used for the provision of Kūpuna Care Services, which includes case management, adult day care, assisted transportation, attendant care, homemaker care, kūpuna care transportation, personal care, and home-delivered meals.
5. [C 2020-270](#) Communication (10/21/2020) from the Executive on Aging, requesting Council approval to accept a monetary donation of \$750.00, from 'Āina Ho'okupu O Kīlauea, to be used by the Retired and Senior Volunteer Program (RSVP) for the delivery of fresh produce boxes to eligible seniors island-wide.

F. CLAIMS:

1. [C 2020-271](#) Communication (10/15/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by James A. Tavares, for damage to his property, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2020-272](#) Communication (10/19/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jill Elmore, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2020-273](#) Communication (10/26/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by George Makaneole, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

4. [C 2020-274](#) Communication (10/27/2020) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by DTRIC Insurance, as subrogee for Noel Butay, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kauaʻi.

G. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2671\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAʻI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Shoreline Setback*) (***Referred to the Planning Commission October 18, 2017***)

2. [Proposed Draft Bill \(No. 2813\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAʻI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*County of Kauaʻi Planning Department, ZA-2020-14*) (*Shoreline Setback And Coastal Protection*)

H. EXECUTIVE SESSION: Pursuant to Hawaiʻi 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.*)

I. ADJOURNMENT.

J. PUBLIC HEARING NOTE: Pursuant to Governor David Y. Ige’s COVID-19 Supplementary Emergency Proclamations, the most recent being his Fourteenth Supplementary Emergency Proclamation dated October 13, 2020, 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, Lihū’e, Hawaiʻi 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 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.

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. 2805](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC PARKS AND RECREATION
2. [Bill No. 2806](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Parks & Recreation RAIN20 Event – \$660,000.00*)
3. [Bill No. 2807](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Transient Accommodations Tax Revenue Reduction (Half Year) – \$7,467,500.00*)
4. [Bill No. 2808](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*General Fund Unassigned Fund Balance (Ho'olako/Ka'ana Parcel Improvements) – \$1,400,000.00*)
5. [Bill No. 2809](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-867, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND AND GENERAL FUND-CIP (*Ho'olako/Ka'ana Parcel Improvements Defunding – \$4,500,000.00*)
6. [Bill No. 2810](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*HGEA Retroactive Raises – Grant-Funded Positions*)

7. [Bill No. 2811](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*COVID-19 Funding For 2021 – \$2,000,000.00*)
8. [Bill No. 2812](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-867, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND AND GENERAL FUND-CIP (*HRMS, Payroll & Personnel System – \$1,335,000.00*)

K. 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.