

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
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 Twelfth Supplementary Emergency Proclamation dated August 20, 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. 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, SEPTEMBER 23, 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. August 26, 2020 Special Council Meeting
2. September 9, 2020 Public Hearing re: Bill No. 2796, Bill No. 2797, Bill No. 2798, Bill No. 2799, Bill No. 2800, Bill No. 2801, and Bill No. 2802
3. September 9, 2020 Council Meeting

E. CONSENT CALENDAR:

1. [C 2020-234](#) Communication (09/10/2020) from Councilmember Chock and Councilmember Kualii, transmitting for Council consideration, a Resolution Supporting 'Āina Aloha Economic Futures Initiative And Transition To A Circular Economy. *(See Resolution No. 2020-43)*

F. COMMUNICATIONS:

1. [C 2020-235](#) Communication (08/27/2020) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in the amount of \$600,000.00, from the United States Environmental Protection Agency (EPA) Brownfields Program for planning and assessment of the Kekaha Mill Site.

2. [C 2020-236](#) Communication (08/28/2020) from the Housing Director, requesting Council approval to perform the following:
 - a. Exercise the County of Kaua'i's first right to repurchase a residential unit at 4277 Lehu Place, Lihu'e, Hawai'i, 96766, Ho'oluana at Kohea Loa, Tax Map Key (TMK): (4) 3-7-012-026 CPR2, for a purchase price of not more than \$447,000.00, based on the payback calculation in the Repurchase Disclosure;
 - b. Resale by fee simple of 4277 Lehu Place, Lihu'e, Hawai'i, 96766, for not more than \$447,000.00; and
 - c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.

3. [C 2020-237](#) Communication (09/08/2020) from the Emergency Management Administrator, requesting Council approval to enter into an Information Sharing Access Agreement (ISAA) between the Department of Homeland Security / Federal Emergency Management Agency (DHS/FEMA) Federal Insurance and Mitigation Administration (FIMA) and the County of Kaua'i, and to indemnify the Federal Emergency Management Agency (FEMA) for information sharing access as it relates to Repetitive Loss and the National Flood Insurance Program (NFIP).

4. [C 2020-238](#) Communication (09/11/2020) from the County Attorney, requesting Council authorization to expend funds up to \$50,000.00, to retain Special Counsel to aid the County of Kaua'i with general legal matters. The representation will include preparation and filing of a trademark.

G. COMMITTEE REPORT:

1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2020-21:** on COW 2020-09 Communication (08/28/2020) from Councilmember Chock, requesting agenda time for a briefing from members of the County's Abandoned/Derelict Vehicle Task Force, to provide their findings, recommendations, and action items to address the abandoned and derelict vehicle problem on Kaua'i. **[Received for the Record.]**

H. RESOLUTION:

1. [Resolution No. 2020-43](#) – RESOLUTION SUPPORTING ‘ĀINA ALOHA ECONOMIC FUTURES INITIATIVE AND TRANSITION TO A CIRCULAR ECONOMY

I. 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-1033 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, on behalf of the County, requests an Executive Session to consider questions and issues pertaining to the Council’s powers, duties, privileges, immunities, and/or liabilities as it relates to sewer delinquencies.

2. ES-1034 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4, 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 on the retention of Special Counsel to aid the County of Kaua‘i with general legal matters. This representation will include the preparation and filing of a trademark. 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.

J. ADJOURNMENT.

K. PUBLIC HEARING NOTE: Pursuant to Governor David Y. Ige’s COVID-19 Supplementary Emergency Proclamations, the most recent being his Twelfth Supplementary Emergency Proclamation dated August 20, 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, Līhu‘e, 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.

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. 2803](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Home Exemption Requirements*)

L. 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.