

**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  
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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). 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 holding meetings open to the public. 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, live streaming of meetings, and posting minutes of meetings online. No board deliberation or action shall be invalid, if such measures are not taken.

The Kaua‘i County Council’s meetings 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.
- 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, MARCH 25, 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. CONSENT CALENDAR:

1. [C 2020-81](#)            Communication (02/10/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Helen A. Cox (Environmental) to the Planning Commission – Term ending 12/31/2020. (*See Resolution No. 2020-17*)
  
2. [C 2020-82](#)            Communication (02/19/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Francis Paul DeGracia, Jr. (Labor) to the Planning Commission – Term ending 12/31/2022. (*See Resolution No. 2020-18*)
  
3. [C 2020-83](#)            Communication (02/28/2020) from the Director of Finance, transmitting for Council information, the 2020 Real Property Assessment List of the County of Kaua‘i, pursuant to Section 5A-2.2, Kaua‘i County Code 1987, as amended. (*2020 Real Property Assessment List on file in the Office of the County Clerk.*)
  
4. [C 2020-84](#)            Communication (03/02/2020) from the Director of Finance, transmitting for Council information, the Period 6 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of December 31, 2019, pursuant to Section 21 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kaua‘i for Fiscal Year 2019-2020. (*Copies of Period 6 Financial Reports as of December 31, 2019 on file in the Office of the County Clerk.*)

5. [C 2020-85](#) Communication (03/03/2020) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2020 Action Plan (Community Development Block Grant) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title I Of The Housing And Community Development Act Of 1974 And 1987 (Public Laws 93-383 And 100-242), As Amended. (**See Resolution No. 2020-19**)
6. [C 2020-86](#) Communication (03/04/2020) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2020 Action Plan (HOME Investment Partnership Program) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title II Of The Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), As Amended. (**See Resolution No. 2020-20**)
7. [C 2020-87](#) Communication (03/04/2020) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of November 7, 2019.
8. [C 2020-88](#) Communication (03/11/2020) from Council Chair Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to C 2020-73, regarding the Property Adjustment Agreements for the clearing of debris and dredged material from the Waihohonu Stream, as he is employed with Grove Farm, Incorporated.
9. [C 2020-89](#) Communication (03/12/2020) from Council Chair Kaneshiro, transmitting for Council consideration, a Resolution Amending Resolution No. 2019-03 Relating To The Appointment Of The Chairpersons, Vice Chairpersons, And Members Of The Several Standing Committees Of The Council Of The County Of Kaua'i. (**See Resolution No. 2020-21**)
10. [C 2020-90](#) Communication (03/13/2020) from Council Chair Kaneshiro, transmitting for Council consideration, a Resolution Amending Resolution No. 2019-02, Relating To The Rules Of The Council Of The County Of Kaua'i For The Organization Of Committees And The Transaction Of Business. (**See Resolution No. 2020-22**)

11. [C 2020-91](#) Communication (03/13/2020) from the Director of Human Resources, transmitting for Council information, the March 15, 2020 Vacancy Report, pursuant to Section 24 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2019-2020.
12. [C 2020-92](#) Communication (03/13/2020) from the Director of Finance, transmitting for Council information, supplemental real property tax revenue information pertaining to the estimated reduction in real property tax revenues resulting from the Home Preservation Limit and Very Low Income tax relief measures enacted by the Kaua'i County Council, factored with the existing real property tax rates, and based on the Real Property Assessment Certification for Fiscal Year 2021.

#### E. COMMUNICATIONS:

1. [C 2020-93](#) Communication (02/20/2020) from Elliott K. Ke, Captain, Office of the Chief of Police, requesting Council approval of the indemnification provision in the End User License Agreement (EULA) and Terms and Conditions for the Kaua'i Police Department's small Unmanned Aircraft System (sUAS), to allow the Kaua'i Police Department (KPD) to procure the software license for the Pix4D mapping software to produce high quality visual and measurement images through the use of the Department's sUAS program.
2. [C 2020-94](#) Communication (02/26/2020) from Ka'aina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Section 8-2.4, Kaua'i County Code 1987, as amended, relating to the Table of Uses. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2020-6); Director's Report; and Supplement to the Director's Report (February 11, 2020 and February 25, 2020), on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2781))*
3. [C 2020-95](#) Communication (02/28/2020) from the Salary Commission, transmitting for the Council's information and consideration, the Salary Commission's Resolution No. 2020-1 and Resolution No. 2020-2, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i, which was adopted by the Salary Commission at its January 23, 2020 meeting.
  - Salary Commission Resolution No. 2020-1
  - Salary Commission Resolution No. 2020-2

4. [C 2020-96](#) Communication (03/03/2020) from the Housing Director, requesting Council approval to receive and expend the Reversion of Capital Improvement Project (CIP) Funds from the State Department of Land and Natural Resources (DLNR) in the amount of \$195,081.48 to the County of Kaua'i, for the Spark Matsunaga Memorial at Kealaula located on the Pua Loke project.
5. [C 2020-97](#) Communication (03/04/2020) from the Executive on Transportation, requesting Council approval to apply for, receive, and expend, a Fiscal Year 2020 Federal Transit Administration (FTA) Section 5339(c) Low or No Emission (Low-No) Bus Program competitive grant, in the amount of \$2,550,000.00, and to indemnify the FTA. This Section 5339(c) grant will provide eighty-five percent (85%) of the cost to replace three (3) diesel-powered buses exceeding their useful service lives with three (3) electric-powered buses, and provide for the design and construction of depot charger ports required for electric bus charging.
6. [C 2020-98](#) Communication (03/05/2020) from the Acting County Engineer, requesting Council approval to use existing budgeted funds to reprioritize the purchase of a backhoe to an unbudgeted excavator at a cost of \$130,000.00, which will be utilized at the Hanalei Refuse Transfer Station.
7. [C 2020-99](#) Communication (03/09/2020) from Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, recommending Council approval:
  - a. To enter into a Letter of Agreement (LOA) reimbursement program with the Drug Enforcement Administration (DEA) of the United States Department of Justice (DOJ), to provide as well as receive assistance from other Police Departments, State and Federal Agencies in the fight against drug, gun, and persons related crimes;
  - b. To receive \$42,000.00 as payment for overtime, vehicle and aircraft rentals, training, replacement of old equipment, and purchase of new technology; and
  - c. Of the indemnification provisions contained in Agreement Number 2020-59.
8. [C 2020-100](#) Communication (03/11/2020) from the Director of Human Resources, transmitting for Council consideration, the cost items for the Hawai'i Government Employees Association (HGEA) Bargaining Unit 4 for period July 1, 2019 to June 30, 2021, pursuant to Hawai'i Revised Statutes (HRS) Section 89-11 Kaua'i County Charter Section 19.13B. The terms of the Collective Bargaining Agreement were recently ratified by the employees of Bargaining Unit 4. (*See Proposed Draft Bill (No. 2782)*)

9. [C 2020-101](#) Communication (03/11/2020) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$284,784.00, and approval to indemnify the State of Hawai'i, Department of Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 18-V2-03 for the period of July 1, 2020 through June 30, 2021.
10. [C 2020-102](#) Communication (03/13/2020) from the Mayor, transmitting his Fiscal Year 2020-2021 Budget Message, along with the proposed [Operating Budget](#), [Capital Improvement Projects \(CIP\) Budget](#), and [Schedule of Charges and Fees](#). *(Detailed Line Item Budget on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2779), Proposed Draft Bill (No. 2780), and the proposed Fiscal Year 2020-2021 Real Property Tax Rate Resolution No. 2020-16)*
11. [C 2020-103](#) Communication (03/13/2020) from the Mayor, transmitting for Council consideration, the following revenue bills related to Administration's Fiscal Year 2020-2021 March Budget Submittal:
- A Bill For An Ordinance Amending Chapter 5, Kaua'i County Code 1987, As Amended, Relating To Motor Vehicles Certificate Of Ownership And Registration Fees;
  - A Bill For An Ordinance Amending Chapter 19, Section 19-1.9, Kaua'i County Code 1987, As Amended, Relating To Schedule Of Fees And Deposits;
  - A Bill For An Ordinance Amending Chapter 19, Kaua'i County Code 1987, As Amended, Relating To Camping On County Parks And Properties;
  - A Bill For An Ordinance Amending Chapter 19, Section 19-3.2, Kaua'i County Code 1987, As Amended, Relating To Playing Fees;
  - A Bill For An Ordinance Amending Chapter 19, Section 19-4.6, Kaua'i County Code 1987, As Amended, Relating To Fees;
  - A Bill For An Ordinance Amending Chapter 21, Section 21-9.1, Kaua'i County Code 1987, As Amended, Relating To Integrated Solid Waste Management;
  - A Bill For An Ordinance Amending Subsection (a) Of Section 21-9.2, Kaua'i County Code 1987, As Amended, Relating To Integrated Solid Waste Management; and
  - A Bill For An Ordinance Amending Subsections Of Section 25-11.1, 25-12.1, 25-13.4 And 25-13.9, Of The Kaua'i County Code 1987, Relating To Sewers. *(See Proposed Draft Bill (No. 2783), Proposed Draft Bill (No. 2784), Proposed Draft Bill (No. 2785), Proposed Draft Bill (No. 2786), Proposed Draft Bill (No. 2787), Proposed Draft Bill (No. 2788), Proposed Draft Bill (No. 2789), and Proposed Draft Bill (No. 2790))*

## F. RESOLUTIONS:

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
  
2. [Resolution No. 2020-17](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Helen A. Cox*)
  
3. [Resolution No. 2020-18](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Francis Paul DeGracia, Jr.*)
  
4. [Resolution No. 2020-19](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2020 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED
  
5. [Resolution No. 2020-20](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2020 ACTION PLAN (HOME INVESTMENT PARTNERSHIP PROGRAM) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE II OF THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT (PUBLIC LAW 101-625), AS AMENDED
  
6. [Resolution No. 2020-21](#) – RESOLUTION AMENDING RESOLUTION NO. 2019-03 RELATING TO THE APPOINTMENT OF THE CHAIRPERSONS, VICE CHAIRPERSONS, AND MEMBERS OF THE SEVERAL STANDING COMMITTEES OF THE COUNCIL OF THE COUNTY OF KAUAI
  
7. [Resolution No. 2020-22](#) – RESOLUTION AMENDING RESOLUTION NO. 2019-02 RELATING TO THE RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS

G. BILLS FOR FIRST READING:

1. [Proposed Draft 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
2. [Proposed Draft 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
3. [Proposed Draft Bill \(No. 2781\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMMERCIAL ZONING DISTRICT OF THE COMPREHENSIVE ZONING ORDINANCE TO IMPLEMENT THE 2018 GENERAL PLAN UPDATE (*County of Kaua'i Planning Department, Applicant*) (ZA-2020-6)
4. [Proposed Draft Bill \(No. 2782\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR HGEA BARGAINING UNIT 4 BETWEEN JULY 1, 2019 AND JUNE 30, 2021
5. [Proposed Draft Bill \(No. 2783\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE CERTIFICATE OF OWNERSHIP AND REGISTRATION FEES
6. [Proposed Draft Bill \(No. 2784\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, SECTION 19-1.9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SCHEDULE OF FEES AND DEPOSITS
7. [Proposed Draft Bill \(No. 2785\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPING ON COUNTY PARKS AND PROPERTIES
8. [Proposed Draft Bill \(No. 2786\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, SECTION 19-3.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PLAYING FEES



9. [Proposed Draft Bill \(No. 2787\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, SECTION 19-4.6, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO FEES

10. [Proposed Draft Bill \(No. 2788\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 21-9.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT

11. [Proposed Draft Bill \(No. 2789\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 21-9.2, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT

12. [Proposed Draft Bill \(No. 2790\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTIONS 25-11.1, 25-12.1, 25-13.4, AND 25-13.9 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SEWERS

**H. 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.)*

#### **I. ADJOURNMENT.**

J. PUBLIC HEARING NOTE: Pursuant to the Supplementary Emergency Proclamation dated March 16, 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, Līhu'e, Hawai'i 96766. The Council will convene into a public hearing on the following item(s) on this meeting date and will reconvene the Council Meeting to complete any unfinished business 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. 2755](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 8-4.3(a), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DEVELOPMENT STANDARDS FOR RESIDENTIAL STRUCTURES NOT INVOLVING THE SUBDIVISION OF LAND (*Kaua'i County Council, Applicant*) (ZA-2020-5)
2. [Bill No. 2775](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW ARTICLE RESTRICTING THE USE AND SALE OF POLYSTYRENE FOAM FOOD SERVICE CONTAINERS

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