

## COUNTY COUNCIL

Arryl Kaneshiro, Chair  
Mason K. Chock, Vice Chair  
Bernard P. Carvalho, Jr.  
Felicia Cowden  
Bill DeCosta  
Luke A. Evslin  
KipuKai Kualii'i



## OFFICE OF THE COUNTY CLERK

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

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
E-mail: [cokcouncil@kauai.gov](mailto:cokcouncil@kauai.gov)

**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 Eighteenth Supplementary Emergency Proclamation dated February 12, 2021. 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, 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](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, FEBRUARY 24, 2021  
8:30 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS  
HISTORIC COUNTY BUILDING  
4396 RICE STREET, SUITE 201  
LIHU'E, KAUA'I, HAWAI'I 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meeting of the Council:

1. February 10, 2020 Council Meeting

E. INTERVIEW:

1. BOARD OF ETHICS:

- [Ryan de la Pena](#) – Term ending 12/31/2023

F. CONSENT CALENDAR:

1. [C 2021-40](#)      Communication (01/28/2021) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of November 12, 2020.
2. [C 2021-41](#)      Communication (01/29/2021) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council consideration, HSAC's slate of officers for the remainder of the current Fiscal Year 2021 term, pursuant to Section 5 of the Bylaws of the Hawai'i State Association of Counties, Inc. (***See Resolution No. 2021-10***)

3. [C 2021-42](#) Communication (02/17/2021) from Councilmember Chock and Councilmember Evslin, transmitting for Council consideration, a Resolution Urging The Governor To Resume In-Person Education For Grades K-12, Interscholastic Sports Competitions, Organized Youth Sports, And Adult Recreational Sports For The State Of Hawai'i. (*See Resolution No. 2021-11*)

#### G. COMMUNICATIONS:

1. [C 2021-43](#) Communication (02/05/2021) from Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept and expend Domestic Cannabis Eradication/Suppression Program funding, in the amount of \$25,000.00, which will be used for payment of overtime, renting vehicles and aircraft, training, equipment, and technology for conducting drug enforcement operations both on the island of Kaua'i and with other State, County, and Federal law enforcement agencies in the fight against drug- and gun-related crimes.
2. [C 2021-44](#) Communication (02/08/2021) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in a total amount of \$310,173.00, and to indemnify the United States Department of Labor and the State Department of Labor & Industrial Relations, regarding the following Kaua'i Workforce Development Board – Workforce Innovation & Opportunities Act (WIOA) programs:
  - Adult Program (\$81,505.00);
  - Dislocated Worker Program (\$111,879.00);
  - Youth Program (\$85,773.00); and
  - Administrative Costs (\$31,016.00).
3. [C 2021-45](#) Communication (02/09/2021) from the Housing Director, requesting Council approval to receive and expend Federal Emergency Rental Assistance funds (Pub. L. No. 116-260), in the amount of \$22,000,000.00, and to establish a special account for those funds, which will be used for the payment of rent, rental arrears, utilities and home energy costs, utilities and home energy costs arrears, and other expenses related to housing incurred due to the COVID-19 outbreak as defined by the Secretary of the Treasury.

4. [C 2021-46](#) Communication (02/10/2021) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$71,330.00, and to indemnify the State Executive Office on Aging, for the provision of home-delivered meals for the period of December 1, 2020 through September 30, 2022.

#### H. LEGAL DOCUMENT:

1. [C 2021-47](#) Communication (02/09/2021) from the Housing Director, recommending Council approval of Release and Indemnity provision, Use and Occupancy Agreement No. 432 for Tax Map Key (TMK) No. (4) 2-1-001 between the County of Kaua'i and the State of Hawai'i Department of Transportation, including the Release and Indemnity to install necessary waterline infrastructure for the Lima Ola project within the Kaumuali'i Highway right-of-way.

- Use and Occupancy Agreement No. 432

#### I. CLAIMS:

1. [C 2021-48](#) Communication (02/04/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sarah Lohrey, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2021-49](#) Communication (02/05/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jaime Villatora, for injuries sustained by her minor child, pursuant to Section 23.06, Charter of the County of Kaua'i.

#### J. RESOLUTIONS:

1. [Resolution No. 2021-10](#) – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES SLATE OF OFFICERS FOR FISCAL YEAR 2021
2. [Resolution No. 2021-11](#) – RESOLUTION URGING THE GOVERNOR TO RESUME IN-PERSON EDUCATION FOR GRADES K-12, INTERSCHOLASTIC SPORTS COMPETITIONS, ORGANIZED YOUTH SPORTS, AND ADULT RECREATIONAL SPORTS FOR THE STATE OF HAWAII

K. 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-1038 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 the Council with a briefing and request for settlement authority in the matter of Trevor Wright vs. County of Kaua'i, et al., Civil No. 19-1-0061 JRV (Fifth Circuit Court). This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. ***(Deferred January 13, 2021)***
  
2. ES-1039 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 the Council with a briefing and request for settlement authority in the matter of County of Kaua'i vs. KAPHA North Shore, LLC, Civil No. 18-1-0031 (Fifth Circuit Court). This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. ***(Deferred January 27, 2021)***
  
3. ES-1044 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(3), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to discuss the utilization of public access, open space, natural resources preservation funds for the acquisition of real property identified by Tax Map Key No. 3-2-001-001 (55.408 acres) and Tax Map Key No. 3-1-001-012 (44.641 acres) for land conservation purposes. 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.

L. ADJOURNMENT.

- M. PUBLIC HEARING NOTE: Pursuant to Governor David Y. Ige's COVID-19 Supplementary Emergency Proclamations, the most recent being his Eighteenth Supplementary Emergency Proclamation dated February 12, 2021, 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](mailto: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 [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).

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. 2804](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO USES IN THE AGRICULTURE ZONING DISTRICT
2. [Bill No. 2817](#) – 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 AND GOLF FUND (*Golf Fund Projected Revenue Deficit—\$250,000.00*)

- N. 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).