

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
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
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 Nineteenth Supplementary Emergency Proclamation dated April 9, 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. 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
WEDNESDAY, MAY 5, 2021
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. April 21, 2021 Council Meeting
2. April 21, 2021 Public Hearing re: Bill No. 2820 and Bill No. 2821

E. CONSENT CALENDAR:

1. [C 2021-106](#) Communication (01/26/2021) from the Director of Finance, transmitting for Council information, the Period 1 through 5 Financial Reports – Statements of Revenues (Estimated and Actual), Statements of Expenditures and Encumbrances, Revenue Reports, and Detailed Budget Report for the period July 1, 2020 through November 30, 2020, pursuant to Section 21 of Ordinance No. B-2020-866, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2020-2021. *(Copies of the Periods 1 through 5 Financial Reports for the Period July 1, 2020 through November 30, 2020 on file in the Office of the County Clerk.)*
2. [C 2021-107](#) Communication (04/13/2021) from the Director of Finance, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2020-2021, pursuant to Section 17 of Ordinance No. B-2020-866, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2020-2021.

3. [C 2021-108](#) Communication (04/27/2021) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2818, the Mayor's Proposed Operating Budget for Fiscal Year 2021-2022, regarding the appropriation to Transit Outreach Programs under Transportation Agency – Administration, as he is the Director of Operations for the YWCA.

F. COMMUNICATIONS:

1. [C 2021-109](#) Communication (04/07/2021) from Council Chair Kaneshiro, requesting the presence of United States Senator Brian E. Schatz, to provide an update on Federal and COVID-19-related funding opportunities that could possibly affect the County of Kaua'i.

2. [C 2021-110](#) Communication (04/13/2021) from the Acting County Engineer, requesting Council approval to indemnify the State of Hawai'i as outlined in Condition No. 2 of the State of Hawai'i Department of Land and Natural Resources' (DLNR) Conservation District Use Permit (CDUP) KA-3856 letter for the 'Aliomanu Road Repair and Revetment Project for erosion control along the damaged section of 'Aliomanu Road located in Anahola, Kaua'i, Hawai'i, Tax Map Key (TMK) Nos. (4) 4-8-018:028 and 029, and seaward.

3. [C 2021-111](#) Communication (04/13/2021) from the Acting County Engineer, requesting Council approval to indemnify the State of Hawai'i as outlined in Condition No. 2 of the State of Hawai'i Department of Land and Natural Resources' (DLNR) Emergency CDUP KA-21-08 to install emergency sandbags along the damaged section of 'Aliomanu Road located in Anahola, Kaua'i, Hawai'i, Tax Map Key (TMK) Nos. (4) 4-8-018:028 and 029, and seaward.

4. [C 2021-112](#) Communication (04/21/2021) from the Director of Economic Development, requesting after-the-fact Council approval to apply for and receive technical assistance from the Department of Energy's Energy Transitions Initiative Partnership Project, which provides technical assistance to remote and island communities around the United States to bolster their energy infrastructure, reduce the risk of outages, and improve their future energy and economic outlook.

G. LEGAL DOCUMENT:

1. [C 2021-113](#) Communication (04/13/2021) from Jodi A. Higuchi Sayegusa, Deputy Planning Director, requesting Council acceptance and approval of a Dedication Deed, from B&D Properties, LLC, Historic Plantation Center, LLC, and Kīlauea Shops, LLC, to the County of Kauaʻi, Lot B and Lot E, for roadway purposes, Tax Map Key (TMK) No. (4) 5-2-23:031 and TMK No. (4) 5-2-23:032:
 - Dedication Deed

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.)*

1. ES-1053 Pursuant to Hawaiʻi Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauaʻi 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 on a discrimination claim by a Kauaʻi Police Department employee, 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.

I. ADJOURNMENT.

- J. PUBLIC HEARING NOTE: Pursuant to Governor David Y. Ige's COVID-19 Supplementary Emergency Proclamations, the most recent being his Nineteenth Supplementary Emergency Proclamation dated April 9, 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; 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, 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. 2823](#) – 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 (Second Half of the Year) – \$7,467,500.00*)

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.