

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
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

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 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 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, JUNE 2, 2021**

8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHU‘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. May 14, 2021 Special Council Meeting
2. May 19, 2021 Council Meeting

E. CONSENT CALENDAR:

1. [C 2021-114](#) Communication (05/07/2021) from the Mayor, submitting his Supplemental Budget Communication for Fiscal Year 2021-2022 and Proposed Amendments to the Budget Bills, pursuant to Section 19.02A of the Kaua‘i County Charter (***Public Hearing held on May 26, 2021***)
2. [C 2021-122](#) Communication (05/03/2021) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Tess Kimie Shimabukuro to the Liquor Control Commission – Term ending 12/31/2023. (***See Resolution No. 2021-22***)
3. [C 2021-123](#) Communication (05/14/2021) from the Hawai‘i State Association of Counties (HSAC) President, transmitting for Council consideration, HSAC nomination of Councilmember KipuKai Kuali‘i, County of Kaua‘i, and Councilmember Tommy Waters, City and County of Honolulu, to serve on the Board of Directors for the National Association of Counties (NACo), and nomination of Councilmember Kelly T. King, County of Maui, and Councilmember Herbert “Tim” Richards, III, County of Hawai‘i, to serve on the Board of Directors for the Western Interstate Region (WIR), pursuant to Section 5A and Section 5C of the Bylaws of the Hawai‘i State Association of Counties, Inc. (***See Resolution No. 2021-23***)

4. [C 2021-124](#) Communication (05/17/2021) from the Director of Finance, transmitting for Council information, the Period 10 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of April 30, 2021, pursuant to Section 21 of Ordinance No. B-2020-866, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2020-2021. *(Copies of Period 10 Financial Reports as of April 30, 2021 on file in the Office of the County Clerk.)*

5. [C 2021-125](#) Communication (05/20/2021) from the Hawaiʻi State Association of Counties (HSAC) President, transmitting for Council consideration, HSAC’s Fiscal Year 2022 Proposed Operating Budget, pursuant to Section 21 of the Bylaws of the Hawaiʻi State Association of Counties, Inc. *(See Resolution No. 2021-24)*

F. COMMUNICATIONS:

1. [C 2021-126](#) Communication (05/07/2021) from the Deputy Planning Director, requesting Council approval to receive and expend Federal/State funds for the Hawaiʻi Coastal Zone Management (CZM) Program in an amount up to \$351,692.00, and to indemnify the State of Hawaiʻi in accordance with the State of Hawaiʻi General Conditions (AG-008 103D) for administering the program. This pass-through grant funding will be utilized to continue the implementation of the CZM Program on Kauaʻi commencing July 1, 2021 to June 30, 2022 and be expended on salaries/wages, travel, equipment, and supplies for the CZM Program, specifically for the implementation and enforcement of the Special Management Area Rules and Regulations of the County of Kauaʻi and Shoreline Setback provisions of Chapter 8 of the Kauaʻi County Code 1987, as amended.

2. [C 2021-127](#) Communication (05/11/2021) from the Emergency Management Administrator, requesting Council approval to receive and expend State funds, in the amount of \$50,000.00, for the Fiscal Year 2020, from the United States Department of Homeland Security, via the State of Hawaiʻi Department of Defense – Hawaiʻi Emergency Management Agency, to be used to support ongoing media campaigns to provide information on COVID-19 topics such as testing, vaccines, mental health services, et cetera.

3. [C 2021-128](#) Communication (05/17/2021) from the Acting County Engineer, requesting Council approval to use \$35,000.00 from the Department of Public Works, Wastewater Division's Repair and Maintenance (R&M) account for the unbudgeted equipment purchase of a replacement pump for the Fire Station Sewage Pump Station (SPS) in Hanapēpē, to replace aging equipment that is essential to restore the designed redundancy for the SPS.
4. [C 2021-129](#) Communication (05/17/2021) from the Acting County Engineer, requesting Council approval to use \$120,000.00 from the Department of Public Works, Wastewater Division's Repair and Maintenance (R&M) account for the unbudgeted equipment purchase of a trailer-mounted bypass pump, to support the emergency needs for the Kapaia Sewage Pump Station (SPS), Marriott SPS, and the Fire Station SPS in Hanapēpē.
5. [C 2021-130](#) Communication (05/18/2021) from the Executive on Aging, requesting Council approval to receive and expend a total of \$644,815.00 in State General Funds for Fiscal Year 2021, and to indemnify the State Executive Office on Aging to be used for the provision of Kupuna Care, which includes case management, adult day care, assisted transportation, attendant care, homemaker, kupuna care transportation, personal care, and home-delivered meals.
6. [C 2021-131](#) Communication (05/18/2021) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal Funds in the amount of \$73,880.00, and to indemnify the State of Hawai'i, Department of the Attorney General, to be used for salaries/wages and supplies for the Domestic Violence Prosecution Unit. This tentative recurring grant and funds will be utilized for the period commencing June 16, 2021 to May 31, 2022.
7. [C 2021-132](#) Communication (05/19/2021) from the Executive on Transportation, requesting Council approval of the unbudgeted equipment purchase of twelve (12) new handheld radios and charging stations, which will replace remaining obsolete models, at a total cost of \$53,693.13, in preparation for 2021 Hurricane Season.

8. [C 2021-133](#) Communication (05/19/2021) from the Chief of Police and Mark Begley, Assistant Chief of Police, Patrol Services Bureau, requesting Council approval to receive and expend recurring State funds with the initial contracted amount of \$50,326.42, which funds three (3) Emergency Services Dispatcher positions for the first quarter, with a total anticipated amount for the Fiscal Year of \$201,305.68, and approval to indemnify the State of Hawai'i, Department of Health, Emergency Medical Services & Injury Prevention System Branch, for the contracted period of July 1, 2021 to June 30, 2022.

9. [C 2021-134](#) Communication (05/20/2021) from the Acting County Engineer, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 16, Kaua'i County Code 1987, As Amended, Relating To Traffic Code, to broaden the types of traffic calming measures available to be employed across the spectrum of road types islandwide. (***See Proposed Draft Bill (No. 2824)***)

10. [C 2021-135](#) Communication (05/20/2021) from the Director of Finance, requesting Council approval of the "Payment" clause contained in Section 5 of the Datawatch Software License Agreement for the purchase of two (2) software licenses with an estimated cost of \$4,000.00, which allows for data extraction from the County's main financial system to be exported into more recognizable and workable formats such as Excel, Comma-Separated Values (CSV) files, Access Database, et cetera, as the current data extraction software is expired and no longer supported by current platforms.

G. CLAIMS:

1. [C 2021-136](#) Communication (05/07/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Helena Rachner, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2021-137](#) Communication (05/10/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kaua'i Air Conditioning & Refrigeration Inc., for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2021-138](#) Communication (05/20/2021) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Hawaiian Telcom, Inc., for property damage, pursuant to Section 23.06, Charter of the County of Kauaʻi.

H. COMMITTEE REPORTS:

1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2021-04:** on 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 KAUAʻI, 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*) **[Approved.]**
- b. **CR-COW 2021-05:** on COW 2021-02 Communication (05/14/2021) from Committee Chair Kaneshiro, transmitting the proposed increases to, deductions from, and other proposed amendments (plus/minus sheets) to the Mayor's Fiscal Year 2021-2022 Annual Operating and Capital Improvement Projects Budgets. **[Received for the Record.]**
- c. **CR-COW 2021-06:** on Resolution No. 2021-14 RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022 FOR THE COUNTY OF KAUAʻI **[Approved.]**
- d. **CR-COW 2021-07:** on Bill No. 2818 A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022 (*Fiscal Year 2021-2022 Operating Budget*) **[Approved as Amended.]**

- e. **CR-COW 2021-08:** on Bill No. 2819 A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022 (*Fiscal Year 2021-2022 CIP Budget*) [**Approved as Amended.**]

I. RESOLUTIONS:

1. [Resolution No. 2021-14](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022 FOR THE COUNTY OF KAUAI (*See also CR-COW 2021-06; the Committee of the Whole recommended approval on May 26, 2021.*)

2. [Resolution No. 2021-22](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Tess Kimie Shimabukuro*)

3. [Resolution No. 2021-23](#) – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS AND WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2021-2022

4. [Resolution No. 2021-24](#) – RESOLUTION APPROVING THE PROPOSED FISCAL YEAR 2021-2022 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES

J. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2824\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TRAFFIC CODE

K. BILLS FOR SECOND READING:

1. [Bill No. 2818, Draft 1](#) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022 (*Fiscal Year 2021-2022 Operating Budget*) (*See also CR-COW 2021-07; the Committee of the Whole recommended approval as amended to Bill No. 2818, Draft 1 on May 26, 2021.*)

2. [Bill No. 2819, Draft 1](#) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022 (*Fiscal Year 2021-2022 CIP Budget*) (*See also CR-COW 2021-08; the Committee of the Whole recommended approval as amended to Bill No. 2819, Draft 1 on May 26, 2021.*)

3. [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*) (*See also CR-COW 2021-04; the Committee of the Whole recommended approval on second and final reading.*)

L. 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.)*

M. ADJOURNMENT.

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 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.