

COUNTY COUNCIL

Arryl Kaneshiro, Chair
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Felicia Cowden
Bill DeCosta
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KipuKai Kualii



OFFICE OF THE COUNTY CLERK

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Scott K. Sato, Deputy County Clerk

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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 Twenty-First Supplementary Emergency Proclamation dated June 7, 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, JULY 7, 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. May 26, 2021 Public Hearing re: C 2021-114
2. June 16, 2021 Council Meeting

E. CONSENT CALENDAR:

1. [C 2021-147](#) Communication (05/04/2021) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee V. Pamai Cano to the Civil Service Commission – Term ending 12/31/2021. (*See Resolution No. 2021-25*)

2. [C 2021-148](#) Communication (05/05/2021) from the Director of Finance, transmitting for Council information, the Period 9 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of March 31, 2021, 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 Period 9 Financial Reports as of March 31, 2021 on file in the Office of the County Clerk.*)

3. [C 2021-149](#) Communication (06/16/2021) from the Director of Finance, transmitting for Council information, the Period 11 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of May 31, 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 9 Financial Reports as of May 31, 2021 on file in the Office of the County Clerk.)*
4. [C 2021-150](#) Communication (06/22/2021) from Mark R. Knoff, P.E., Manager and Chief Engineer, transmitting for Council consideration, a Resolution Establishing An “Authorized Parking Only – Tow Away Zone” (No-Parking Zone) And A “30-Minute Parking – Tow Away Zone” (Time-Limit Parking Zone) At The Department Of Water, County Of Kauaʻi Administration Building And Operations Baseyard Parking Lots, Lihuʻe District, County Of Kauaʻi. ***(See Resolution No. 2021-26)***

F. COMMUNICATIONS:

1. [C 2021-151](#) Communication (06/09/2021) from the Acting County Engineer, requesting Council approval to apply for, receive, and expend United States Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant funding in the amount of \$24,000,000.00, for the Poʻipū Road Mobility and Safety Project, and to indemnify the United States Department of Transportation, Federal Highway Administration, and the Hawaiʻi Department of Transportation.
2. [C 2021-152](#) Communication (06/18/2021) from the Prosecuting Attorney, requesting Council approval to receive and expend funds, in the amount of \$50,000.00, for contract DHS-20-OYS-037, Supplement 1, and to indemnify the State of Hawaiʻi, Office of Youth Services, to continue the Kauaʻi Teen Court program, which is subcontracted to Hale ʻŌpio Kauaʻi, for a tentative time period of July 1, 2021 to June 30, 2023.
3. [C 2021-153](#) Communication (06/18/2021) from the Housing Director, requesting Council approval to receive and expend an initial Emergency Housing Voucher (EHV) award, in the amount of \$348,288.00, to underwrite 28 new rental assistance vouchers from July 1, 2021 through June 30, 2022, and to receive future programmatic funds from the United States Department of Housing & Urban Development (HUD) to underwrite the EHV Voucher Program.

4. [C 2021-154](#) Communication (06/22/2021) from the Housing Director, requesting Council approval to receive and expend Federal funds via the State of Hawai'i, in the amount of \$281,000.00, to implement a landlord-tenant mediation program as contemplated by Act 057.

G. LEGAL DOCUMENTS:

1. [C 2021-155](#) Communication (06/14/2021) from the Acting County Engineer, requesting Council acceptance of the land and construction gift from Niu Pia Land Company, Ltd. and secure a Shared-Use Path Easement at the Kaua'i Coast Resort at the Beach Boy Parcel Tax Map Key (TMK) No. (4) 4-3-002:014 (Portion). The value of the land donation is appraised at \$116,759.00.

- Grant of Easement

2. [C 2021-156](#) Communication (06/14/2021) from the Acting County Engineer, requesting Council acceptance of the land and construction gift from Niu Pia Land Company, Ltd. and secure a Shared-Use Path Easement at the Kaua'i Shores Parcel Tax Map Key (TMK) No. (4) 4-3-002:012 (Portion). The value of the land donation is appraised at \$35,400.00.

- Grant of Easement

H. CLAIMS:

1. [C 2021-157](#) Communication (06/18/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Eugene C. Ancheta, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2021-158](#) Communication (06/23/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Maria Romero, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. RESOLUTIONS:

1. [Resolution No. 2021-25](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*V. Pamai Cano*)

2. [Resolution No. 2021-26](#) – RESOLUTION ESTABLISHING AN “AUTHORIZED PARKING ONLY - TOW AWAY ZONE” (NO-PARKING ZONE) AND A “30-MINUTE PARKING - TOW AWAY ZONE” (TIME-LIMIT PARKING ZONE) AT THE DEPARTMENT OF WATER, COUNTY OF KAUAI ADMINISTRATION BUILDING AND OPERATIONS BASEYARD PARKING LOTS, LIHU’E DISTRICT, COUNTY OF KAUAI

J. 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.)*

K. ADJOURNMENT.

L. PUBLIC HEARING NOTE: Pursuant to Governor David Y. Ige’s COVID-19 Supplementary Emergency Proclamations, the most recent being his Twenty-First Supplementary Emergency Proclamation dated June 7, 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, 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 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. 2824](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TRAFFIC CODE

M. 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.