

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
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, AUGUST 4, 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 meeting of the Council:

1. July 21, 2021 Council Meeting

E. CONSENT CALENDAR:

1. [C 2021-171](#) Communication (07/15/2021) from the Director of Finance, transmitting for Council information, the Period 12 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of June 30, 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 12 Financial Reports as of June 30, 2021 on file in the Office of the County Clerk.)*

F. COMMUNICATIONS:

1. [C 2021-172](#) Communication (06/02/2021) from the Director of Finance, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008), as amended, which have met the ten (10) year retention period:
 - Accounts Payable (Supporting documents, reports for Accounts Payable for January 2011 and older)
 - Asset Inventory (Inventory records, reports, and logs from June 2011 and older)
 - Cash/Investments (Cash/Investment reports, audits, and supporting documents from 2005 and older)
 - Miscellaneous Deposits (Deposits for Fire meals, Golf Fund, and Treasury Trust Fund from 2007 and older)
 - Contract Files (Various contract folders, payments and supporting documents from January 2011 and older)

2. [C 2021-173](#) Communication (07/02/2021) from the Chief of Police and Elliott K. Ke, Assistant Chief of Police, Administrative & Technical Bureau, requesting Council approval to receive and expend funding from the Enhanced 911 (E-911) Board, in the amount of \$991,994.00, for annual recurring and non-recurring expenditures to operate 911 services as part of the Kaua'i Police Department's (KPD's) Public Safety Answering Point (PSAP) and Alternate Dispatch Center (ADC), and for travel expenses for designees to attend monthly board meetings on O'ahu and board-approved trainings available out-of-state.

3. [C 2021-174](#) Communication (07/15/2021) from the County Attorney, requesting authorization to expend funds up to \$180,000.00 to retain Special Counsel for legal services related to the condemnation and development of Tax Map Key No. (4) 5-2-005-024.

4. [C 2021-175](#) Communication (07/16/2021) from Susan Burriss, Chair of the Board of Ethics, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 3, Kaua'i County Code 1987, As Amended, Relating To Financial Disclosures. (***See Proposed Draft Bill (No. 2830)***)

5. [C 2021-176](#) Communication (07/20/2021) from the Director of Human Resources and Jill Niitani, Human Resources Manager III, requesting Council approval of the indemnification provisions contained in the ADP Global Master Services Agreement (GMSA), for the leveraging of ADP's industry standard processing services for Employment Taxes and Unemployment Claims as part of the County's Human Resources Management System (HRMS).

6. [C 2021-177](#) Communication (07/20/2021) from the Executive on Transportation, requesting Council approval to receive and expend a Fiscal Year 2020 Federal Transit Administration (FTA) Section 5339(c) discretionary grant, in the amount of \$2,450,001.00, and to indemnify the FTA. The 5339(c) grant will provide eighty-five percent (85%) of the cost to replace three (3) diesel-powered buses, with three (3) hybrid electric buses.

G. CLAIMS:

1. [C 2021-178](#) Communication (07/13/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Christopher Scott Chase, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2021-179](#) Communication (07/22/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Leilani Higashi, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2021-180](#) Communication (07/26/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by David Vandervoet, for damages to his personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.
4. [C 2021-181](#) Communication (07/26/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Anthony J.K. Morita, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2021-03:** on Bill No. 2824 A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TRAFFIC CODE
[Approved as Amended.]

2. HOUSING & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-HIR 2021-02:** on HIR 2021-02 Communication (05/06/2021) from Committee Chair Kualii, requesting the presence of the Housing Director, to provide a briefing on the County's Housing Policy and Housing Agency programs and projects.
[Received for the Record.]

- b. CR-HIR 2021-03:** on HIR 2021-03 Communication (06/08/2021) from Councilmember Cowden, requesting agenda time to receive an informational briefing from Councilmembers who attended the 2021 National Association of Counties (NACo) Annual Conference held July 9-12, 2021 in Prince George's County, Maryland. **[Received for the Record.]**

I. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2830\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO FINANCIAL DISCLOSURES

J. BILL FOR SECOND READING:

1. [Bill No. 2824, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TRAFFIC CODE (*See also CR-PWVS 2021-03; the Public Works & Veterans Services Committee recommended approval as amended to Bill No. 2824, Draft 1 on July 21, 2021.*)

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-1057 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai 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 the retention of Special Counsel for legal services related to the condemnation and development of Tax Map Key (TMK) No. (4) 5-2-005-024. 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.

2. ES-1058 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 authority for a possible settlement proposal in a claim filed by Kaua'i Island Utility Cooperative 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.

L. ADJOURNMENT.

- 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.