

COUNTY COUNCIL

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OFFICE OF THE COUNTY CLERK

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Council Services Division
4396 Rice Street, Suite 209
Lihue, Kauai, Hawaii 96766

On August 5, 2021, Governor David Y. Ige issued an Emergency Proclamation related to COVID-19 Response, which suspended Chapter 92 of the Hawai'i Revised Statutes (HRS), relating to Public Agency Meetings and Records (also known as the Sunshine Law). 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, OCTOBER 6, 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. September 15, 2021 Council Meeting
2. September 15, 2021 Public Hearing re: Resolution No. 2021-27, Bill No. 2831, Bill No. 2832, Bill No. 2833, and Bill No. 2835

E. CONSENT CALENDAR:

1. [C 2021-217](#) Communication (09/21/2021) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of June 7, 2021.

2. [C 2021-218](#) Communication (09/24/2021) from the Mayor and the Boards & Commissions Administrator, transmitting for Council information, Mayoral appointments to the Kaua'i County Voters with Special Needs Advisory Committee for the County of Kaua'i:
 - Kimberly J. Blaum – Term ending 12/31/2024
 - Ann E. Lemke – Term ending 12/31/2023
 - Angenette M. Molina – Term ending 12/31/2022
 - Joseph D. Thomson – Term ending 12/31/2023
 - Marjorie E. Works – Term ending 12/31/2022

F. COMMUNICATIONS:

1. [C 2021-219](#) Communication (09/08/2021) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, for the third allotment in the amount of \$128.00 for Fiscal Year 2021 (total amount of funds including the previous approved awards is \$41,402.00), and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals.

2. [C 2021-220](#) Communication (09/09/2021) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$2,109.00, and to indemnify the State Executive Office on Aging, for the provision of Title III services of the Older Americans Act, which includes Supportive Services, Congregate Meals, Home-Delivered Meals, Preventive Health, and for Family Caregivers, for the Federal Fiscal Year 2021 that began October 1, 2020 and runs through September 30, 2024.

3. [C 2021-221](#) Communication (09/10/2021) from the Executive on Transportation, requesting Council approval of the County of Kaua'i, Transportation Agency's submittal of its current Title VI program to the Hawai'i Department of Transportation's Office of Civil Rights, as a recipient of Federal Transit Administration funds, which has been updated, reviewed, and approved through consultation with the Office of the County Attorney.

4. [C 2021-222](#) Communication (09/17/2021) from the Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, relating to Transient Accommodations. (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2021-2), Planning Commission Meeting Materials for July 13, 2021 and September 14, 2021, and public testimony received after the Planning Commission Action, on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2838)**)

5. [C 2021-223](#) Communication (09/21/2021) from the Chief of Police, Stan R. Olsen, Deputy Chief of Police, and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to receive and expend recurring Federal funds, in the amount of \$44,481.00, from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Project No. 19-DJ-03 (2019-DJ-BX-0069), and to indemnify the State of Hawai'i, Department of the Attorney General, funding will be used for drug-related investigations, training, K9 supplies, communication equipment, eradication projects, and travel to other islands for joint operations with other law enforcement agencies.

6. [C 2021-224](#) Communication (09/23/2021) from the Director of Finance, requesting Council approval of the indemnification provision contained in the Avolve ProjectDox software Terms and Conditions for upgrade and migration to the latest version of Avolve ProjectDox, which is used to manage the building permit system.

7. [C 2021-225](#) Communication (09/24/2021) from the Director of Finance, requesting Council approval of the Bank of Hawai'i Merchant Application and Terms, which includes indemnification provisions, unquantifiable fees, and unspecified future obligations for the collection of the County of Kaua'i's Transient Accommodations Tax (KTAT) via credit/debit card payments or Automated Clearing House (ACH) withdrawal.

8. [C 2021-226](#) Communication (09/28/2021) from the Acting County Engineer, requesting Council approval of the unbudgeted equipment purchase of a Grader in lieu of the currently budgeted Smooth Drum Roller to be used at the Kekaha Landfill and soil harvesting site in Paua Valley. The Smooth Drum Roller is currently budgeted at \$314,000.00 and the Grader will cost \$465,000.00, an increase of \$151,000.00 in the annual lease financing payment to be funded from the unexpended rental budget in the Department of Public Works, Solid Waste Division.

G. CLAIMS:

1. [C 2021-227](#) Communication (09/03/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Darlene Hatakeyama, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2021-228](#) Communication (09/17/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by DB Insurance, as subrogee of Wendalen Gonzalez, for personal property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORT:

1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2021-10:** on Bill No. 2830 A BILL FOR AN ORDINANCE AMENDING CHAPTER 3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO FINANCIAL DISCLOSURES [**Approved.**]

I. RESOLUTION:

1. [Resolution No. 2021-27](#) – RESOLUTION AUTHORIZING THE ACQUISITION OF LAND FOR PUBLIC USE, TO WIT: THE 23.5-ACRE PARCEL OF LAND, SITUATED AT KĪLAUEA, DISTRICT OF KO'OLAU, COUNTY OF KAUAI, HAWAII, TMK (4) 5-2-005-024, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN (*Public hearing held on September 15, 2021*)

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2822\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED RELATING TO TRANSIENT ACCOMMODATIONS (*Referred to the Planning Commission on April 7, 2021*)

2. [Proposed Draft Bill \(No. 2838\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TRANSIENT ACCOMMODATIONS (*Kaua'i County Council, Applicant*) (*ZA-2021-2 – Planning Commission Recommendation*)

K. BILL FOR SECOND READING:

1. [Bill No. 2830](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO FINANCIAL DISCLOSURES (*See also CR-COW 2021-10; 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.)

1. ES-1061 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 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 Matthew Mannisto, Esq., as Personal Representative of the Estate of Leslie Gae Lutao, Deceased, et al. vs. County of Kaua'i, et al., Civil No. 19-1-0107 JKW (Fifth Circuit Court), and related matters. 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.

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.