

COUNTY COUNCIL

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OFFICE OF THE 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 21, 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. July 7, 2021 Council Meeting
2. July 7, 2021 Public Hearing re: Bill No. 2824

E. CONSENT CALENDAR:

1. [C 2021-159](#) Communication (07/06/2021) from Aaron D. Larrimore, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from April 1, 2021 through June 30, 2021.

F. COMMUNICATIONS:

1. [C 2021-160](#) Communication (06/28/2021) from the Chief of Police and Elliott K. Ke, Assistant Chief of Police, Administrative & Technical Bureau, requesting Council approval of indemnity provisions, liability terms, and attorney's fees provisions contained in the lease by and between the County of Kaua'i and Hale Kaua'i, Ltd. for a warehouse/office building. The purpose of this lease is to consolidate police training administration and operations into a single location suitable for classroom and practical instruction.

2. [C 2021-161](#) Communication (06/28/2021) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Section 5A-1.20(b), Kaua'i County Code 1987, As Amended, Relating To Real Property Taxes (*Real Property Tax Overpayment*). (***See Proposed Draft Bill (No. 2825)***)
3. [C 2021-162](#) Communication (06/28/2021) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Sections 5A-12.9 And 5A-12.10, Kaua'i County Code 1987, As Amended, Relating To Real Property Taxes (*Real Property Tax Appeals*). (***See Proposed Draft Bill (No. 2826)***)
4. [C 2021-163](#) Communication (06/28/2021) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 6, Section 6-1.3, Kaua'i County Code 1987, As Amended, Relating To Disposition Of Unclaimed Monies. (***See Proposed Draft Bill (No. 2827)***)
5. [C 2021-164](#) Communication (07/01/2021) from the Director of Economic Development, requesting Council approval to 1) apply for, receive, and expend State funds, of an additional amount of \$42,000.00 from the Hawai'i Tourism Authority, to be used for expenditures needed to provide Harbor greetings in Calendar Year 2022, and 2) indemnify the Hawai'i Tourism Authority-State of Hawai'i.
6. [C 2021-165](#) Communication (07/06/2021) from the Housing Director, requesting Council approval of the indemnification provision contained in the Grant of Easement to Kaua'i Island Utility Cooperative for electrical service to the Pua Loke Street Affordable Housing Project.
7. [C 2021-166](#) Communication (07/07/2021) from the Fire Chief, requesting Council approval to purchase unbudgeted equipment utilizing the Kaua'i Fire Department (KFD) Prevention Bureau Plans Review Account (F12017, 251-1103-566.88-01) for an estimated cost of \$80,000.00, for one (1) 4-Door Crew Cab 4x4 Truck with camper shell and Emergency A/V Equipment for the KFD Prevention Bureau.

8. [C 2021-167](#) Communication (07/08/2021) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Kaua'i County Code 1987, As Amended, Establishing A Commercial Vehicular Rental Real Property Tax Class. **(See Proposed Draft Bill (No. 2828))**

9. [C 2021-168](#) Communication (07/08/2021) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5, Article 4, Kaua'i County Code 1987, As Amended, Implementing A County Transient Accommodations Tax. **(See Proposed Draft Bill (No. 2829))**

10. [C 2021-169](#) Communication (07/14/2021) from the Acting County Engineer, requesting Council approval of unbudgeted equipment purchases using unused funds, by the Department of Public Works, Wastewater Management Division, in the amounts of \$54,000.00 and \$28,000.00, respectively, for a replacement pump for the Marriott Sewage Pump Station (SPS) and an Aerator for the Wailua Wastewater Treatment Plant, which are urgently needed for continued wastewater operations.

11. [C 2021-170](#) Communication (07/15/2021) from Councilmember Carvalho, requesting the presence of the Mayor, Managing Director, and Lance K. Segawa, FACHE, MPH, NHA, Regional Chief Executive Officer, Hawai'i Health Systems Corporation, for a status update on the Adolescent Treatment and Healing Center.

G. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2825\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 5A-1.20(b), KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Real Property Tax Overpayment*)

2. [Proposed Draft Bill \(No. 2826\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTIONS 5A-12.9 AND 5A-12.10, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Real Property Tax Appeals*)

3. [Proposed Draft Bill \(No. 2827\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, SECTION 6-1.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DISPOSITION OF UNCLAIMED MONIES

4. [Proposed Draft Bill \(No. 2828\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, ESTABLISHING A COMMERCIAL VEHICULAR RENTAL REAL PROPERTY TAX CLASS

5. [Proposed Draft Bill \(No. 2829\)](#) – A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 5, ARTICLE 4, KAUAI COUNTY CODE 1987, AS AMENDED, IMPLEMENTING A COUNTY TRANSIENT ACCOMMODATIONS TAX

H. 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-1055 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, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. 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-1056 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 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.

I. ADJOURNMENT.

- J. 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.