

COUNTY COUNCIL

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OFFICE OF THE COUNTY CLERK

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Council Services Division
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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 Eighteenth Supplementary Emergency Proclamation dated February 12, 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, 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, MARCH 24, 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. March 10, 2021 Council Meeting
2. March 17, 2021 Special Council Meeting

E. CONSENT CALENDAR:

1. [C 2021-61](#) Communication (03/09/2021) from Council Chair Kaneshiro, transmitting for Council consideration and confirmation, the reappointment of Erica Jolie Anuheha Taniguchi to the Public Access, Open Space, Natural Resources Preservation Fund Commission (*Anahola – Hā‘ena*) – Term ending 12/31/2023. **(See Resolution No. 2021-15)**

2. [C 2021-62](#) Communication (03/09/2021) from the Director of Finance, transmitting for Council information, the Period 6 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of December 31, 2020, 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 6 Financial Reports as of December 31, 2020 on file in the Office of the County Clerk.)*

3. [C 2021-63](#) Communication (03/09/2021) from the Director of Finance, transmitting for Council information, the County of Kaua'i 2021 Real Property Assessment List pursuant to Section 5A-2.2, Kaua'i County Code 1987, as amended. *(2021 Real Property Assessment List on file in the Office of the County Clerk.)*
4. [C 2021-64](#) Communication (03/11/2021) from the Director of Human Resources, transmitting for Council information, the March 15, 2021 Vacancy Report, pursuant to Section 24 of Ordinance No. B-2020-866, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2020-2021.
5. [C 2021-65](#) Communication (03/12/2021) from the Director of Finance, transmitting for Council information, supplemental real property tax revenue information pertaining to the estimated reduction in real property tax revenues resulting from the Home Preservation Tax Limitation and Very Low Income Tax Credit relief measures factored with the existing real property tax rates, and based on the Real Property Assessment Certification for Fiscal Year 2022.

F. COMMUNICATIONS:

1. [C 2021-66](#) Communication (02/25/2021) from the Director of Finance, transmitting for Council consideration:
 - A Bill For An Ordinance Amending Chapter 22, Article 24, Kaua'i County Code 1987, As Amended, Relating To Cat Licensing Program; and
 - A Bill For An Ordinance Amending Chapter 22, Article 10, Kaua'i County Code 1987, As Amended, Relating To Dog Licenses And Regulations. *(See Proposed Draft Bill (No. 2820) and Proposed Draft Bill (No. 2821))*
2. [C 2021-67](#) Communication (03/01/2021) from the Executive on Transportation, requesting Council approval to receive and expend a Federal Transit Administration (FTA) Section 5311 Coronavirus Response and Relief Supplemental Appropriation Act of 2021 (CRRSAA) grant, in the amount of \$8,000,270.00, which will be used to support the continued operation of essential public bus transit services for the County of Kaua'i.

3. [C 2021-68](#) Communication (03/03/2021) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to receive and expend Federal funds for Sexual Assault Nurse Examiner (SANE) exams, supportive funding, and DNA analysis, in the amount of \$98,507.00, which will be used to continue law enforcement efforts to assist in sexual assault investigations through agency collaboration, and approval to contract with and indemnify the State of Hawai'i Department of the Attorney General for the term commencing July 1, 2021 to May 31, 2022.
4. [C 2021-69](#) Communication (03/09/2021) from the Acting County Engineer, requesting Council approval to apply for, receive, and expend State funds in the amount of \$313,937.18, from the State of Hawai'i Department of Health (DOH), and to indemnify the State DOH for the Fiscal Year 2022 grant cycle, for the HI-5 Deposit Beverage Container program to be used to fund two (2) HI-5 Recycling Specialist positions.
5. [C 2021-70](#) Communication (03/09/2020) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$398,681.00, and approval to indemnify the State Executive Office on Aging, to be used to carry out the provisions of the Area Plan on Aging for the period October 1, 2020 through September 30, 2022.
6. [C 2021-71](#) Communication (03/10/2021) from the Chief of Police and Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, recommending Council approval to receive and expend Federal funds for the Office of National Drug Control Policy, Hawai'i High Intensity Drug Trafficking Area (HIDTA) Program, in the amount of \$141,600.00. These recurring Federal funds will supplement the Kaua'i Police Department's budget with overtime, specialized training, canine maintenance, services and equipment for use by personnel directly engaged in narcotic-related investigations for the term commencing January 1, 2021 to December 31, 2022.
7. [C 2021-72](#) Communication (03/11/2021) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$290,460.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 19-V2-03 for the period July 1, 2021 through June 30, 2022.

8. [C 2021-73](#) Communication (03/11/2021) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal Highway Safety funds from the State of Hawai'i Department of Transportation (HDOT), in the amount of \$114,094.63, and to indemnify HDOT, for the continued 0.50 funding of a Full-Time Equivalent (FTE) Traffic Safety Resource Prosecutor, travel, and training. This recurring grant and funds will be utilized for the term commencing October 1, 202 through September 30, 2022.

9. [C 2021-74](#) Communication (03/11/2021) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds, in the amount of \$175,000.00, from the Fiscal Year 2019 Edward J. Byrne Memorial Justice Assistance Grant (JAG), and to indemnify the State of Hawai'i, Department of the Attorney General, to support the Felony/Career Criminal Prosecution Program with one (1) Full-Time Equivalent (FTE) Deputy Prosecuting Attorney, a 0.60 funded FTE Special Investigator, and to cover a portion of fringe benefit costs. The anticipated contract date is for the period July 1, 2021 through June 30, 2022.

10. [C 2021-75](#) Communication (03/11/2021) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds, in the amount of \$70,222.00, from the Fiscal Year 2019 Edward J. Byrne Memorial Justice Assistance Grant (JAG), and to indemnify the State of Hawai'i, Department of the Attorney General, to support the Vehicular Crimes Unit with a 0.50 funded Full Time Equivalent (FTE) Deputy Prosecuting Attorney and to cover a portion of fringe benefit costs. The anticipated contact date is for the period of July 1, 2021 through June 30, 2022.

11. [C 2021-76](#) Communication (03/12/2021) from the Mayor, transmitting his Fiscal Year 2021-2022 Budget Message, along with the proposed [Operating Budget](#), [Capital Improvement Projects \(CIP\) Budget](#), and [Schedule of Charges and Fees](#). (*Detailed Line Item Budget on file in the Office of the County Clerk.*) (***See Proposed Draft Bill (No. 2818), Proposed Draft Bill (No. 2819), and the proposed Fiscal Year 2021-2022 Real Property Tax Rate Resolution No. 2021-14***)

G. CLAIMS:

1. [C 2021-77](#) Communication (02/25/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Hanson Hsu, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2021-78](#) Communication (03/03/2021) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Kaua'i Island Utility Cooperative, for damage to their property, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **CR-PL 2021-02:** on Bill No. 2804 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO USES IN THE AGRICULTURE ZONING DISTRICT [**Approved.**]

2. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2021-03:** on Bill No. 2817 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND GOLF FUND (*Golf Fund Projected Revenue Deficit*-\$250,000.00) [**Approved.**]

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 KAUA'I

2. [Resolution No. 2021-15](#) – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Erica Jolie Anuheha Taniguchi*) (*Anahola – Hā‘ena*)

J. BILLS FOR FIRST READING:

1. [Proposed Draft 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*)

2. [Proposed Draft 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*)

3. [Proposed Draft Bill \(No. 2820\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 24, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO CAT LICENSING PROGRAM (*Cat Microchipping Program*)

4. [Proposed Draft Bill \(No. 2821\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 24, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO DOG LICENSES AND REGULATION (*Dog Microchipping and Regulations*)

K. BILLS FOR SECOND READING:

1. [Bill No. 2804](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO USES IN THE AGRICULTURE ZONING DISTRICT (*See also CR-PL 2021-02; the Planning Committee recommended approval on second and final reading.*)

2. [Bill No. 2817](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2020-866, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2020 THROUGH JUNE 30, 2021, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND GOLF FUND (*Golf Fund Projected Revenue Deficit–\$250,000.00*) (*See also CR-COW 2021-03; 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-1038 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 for settlement authority in the matter of Trevor Wright vs. County of Kaua'i, et al., Civil No. 19-1-0061 JRV (Fifth Circuit Court). This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. ***(Deferred February 24, 2021)***

2. ES-1039 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 for settlement authority in the matter of County of Kaua'i vs. KAPHA North Shore, LLC, Civil No. 18-1-0031 (Fifth Circuit Court). This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. ***(Deferred February 24, 2021)***

3. ES-1044 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(3), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to discuss the utilization of public access, open space, natural resources preservation funds for the acquisition of real property identified by Tax Map Key No. 3-2-001-001 (55.408 acres) and Tax Map Key No. 3-1-001-012 (44.641 acres) for land conservation purposes. 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. ***(Deferred February 24, 2021)***

4. ES-1048 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 for settlement authority in the matter of Roy Gal vs. County of Kaua'i, et al., Civil No. 20-00011 JMS-WRP (U.S. District Court for the District of Hawai'i). 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.

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.