

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

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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

Effective January 1, 2022, Act 220, Session Laws of Hawai'i (SLH) 2021 adds a new option to the Sunshine Law that allows boards to hold remote meetings via interactive conference technology (ICT), such as online meeting platforms, teleconferences, videoconference, and voice over internet protocol.

Pursuant to Act 220, SLH 2021 and Governor David Y. Ige's Emergency Proclamation Related to COVID-19 (Omicron Variant) dated January 26, 2022, the meetings of the Kaua'i County Council will be conducted as follows until further notice:

- Meetings will be noticed pursuant to Hawai'i Revised Statutes (HRS) Chapter 92.
- The meeting will be closed to the public to be consistent with social distancing practices due to the COVID-19 pandemic.
- 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 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays). 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 may continue watching the meeting via the livestream link found at www.kauai.gov/webcastmeetings.
- All accommodations pursuant to Act 220, SLH 2021 shall be submitted to the Office of the County Clerk, Council Services Division as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Requests can be made via E-mail to cokcouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays).
- 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, FEBRUARY 9, 2022
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. January 26, 2022 Council Meeting

E. CONSENT CALENDAR:

1. [C 2022-19](#) Communication (01/18/2022) from the Director of Finance, transmitting for Council information, the County of Kaua'i Schedule of Fund Balances as of June 30, 2021; pursuant to Kaua'i County Charter Section 19.14.

F. COMMUNICATIONS:

1. [C 2022-20](#) Communication (01/13/2022) from the Director of Finance, requesting Council approval of the indemnification language contained in the Property Damage Release and Indemnity Agreement and to accept payment of \$7,737.86 for the replacement of the damaged air conditioner unit that is located outside of the Information Technology office facing Kūhiō Highway that sustained damages in an automobile accident on September 9, 2021.

2. [C 2022-21](#) Communication (01/13/2022) from the Housing Director, requesting Council approval to dispose of the Section 8 Division Records, in accordance with Section 46-43, Hawai'i Revised Statutes, and Resolution No. 2021-48, which have met the three (3) years or more retention period:
 - Wait List – Lottery (Applicants not selected by lottery) from 2014;
 - Wait List Pull – Inactive (Applicants mail returned due to insufficient address with no forwarding address. Applicants did not respond to waitlist pull letters. Voucher expired – issued with no tenancy lease up.) from 2014-2017;
 - Wait List Reports (Wait list listing by year) from 2008-2011;
 - HCV EP Files (Participants files that ended participation with agency) from 2005-2017;
 - HCV EP with Cause Files (Participant files that participation ended due to program violation) from 2014-2016;
 - HCV QC Audit Files – Inspections (Quality Control Audits on Inspections – participant tenancy) from 2012-2016;
 - FSS Closed Files (Participant files that have graduated or exited the FSS program) from 1998-2016; and
 - FSS Homeownership Files (Participants that completed the FSS Homeownership program) from 2004-2014.

3. [C 2022-22](#) Communication (01/20/2022) from the Fire Chief, requesting Council approval to accept a donation of sixteen (16) used televisions, valued at \$3,200.00, from the Marriott Waiohai Beach Club, on behalf of Clinton Makaanani, Multi-Site Director of Safety & Security, which will be distributed to all stations on the island for recreational use in common areas.

4. [C 2022-23](#) Communication (01/21/2022) from the Fire Chief, requesting Council approval to apply for, receive, and expend United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG), in the amount of \$597,272.73 (\$59,727.27 County Match), to fund the purchase of one (1) fire engine to replace an existing apparatus at Fire Station 6 at Hanapēpē and in the amount of \$112,272.27 (\$11,272.73 County Match) for Firefighter Health and Wellness including behavioral health support, cancer screenings, and exposure reporting for Kaua'i Firefighters.

5. [C 2022-24](#) Communication (01/21/2022) from the Chief of Police, requesting Council approval of the indemnification provisions included in Navigate 360's Terms of Service Agreement for the Crimestoppers P3 App, which is used to securely manage anonymous tips from the public to assist law enforcement efforts.

6. [C 2022-25](#) Communication (01/24/2022) 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, Related To County Transient Accommodations Tax, to align language in the Kaua'i Transient Accommodations Tax (KTAT) legislation with that of the State and other county jurisdictions. ***(See Proposed Draft Bill (No. 2844))***

7. [C 2022-26](#) Communication (01/25/2022) from the Executive on Transportation, requesting Council approval of a revised Base Memorandum of Agreement (MOA) for all Federal Transit Administration (FTA) Section 5311 and 5339 grants, and to indemnify the FTA, which covers grant HI-2021-011 and was previously approved via C 2019-147 on June 26, 2019, and C 2021-177 on August 4, 2021 and will remain valid for five (5) years.

8. [C 2022-27](#) Communication (01/27/2022) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$2,000,000.00, 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 programs, and the National Family Caregiver Support Program, for the Federal Fiscal Year 2022 that began February 1, 2022 and runs through January 31, 2024.

G. CLAIMS:

1. [C 2022-28](#) Communication (01/18/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Neil and Michelle Young, for damage to their vehicle and personal injuries, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2022-29](#) Communication (01/20/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Allstate Insurance Company as subrogee of Allison Jacobson, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2844\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATED TO COUNTY TRANSIENT ACCOMMODATIONS TAX

I. 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-1070 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and 92-5(a)(8), and Kaua‘i County Charter Section 3.07(E), the purpose of this Executive Session is to consult with the Council’s legal counsel to receive legal updates, overviews, and recommendations for purposes of obtaining Council approval to settle a workers’ compensation claim. This deliberation and/or decision-making involves matters that require the consideration of information that must be kept confidential due to significant privacy interests. The significant privacy interests relate to a medical history, diagnosis, condition, treatment, and evaluation. This information is protected from disclosure pursuant to state or federal law, including the Health Insurance Portability and Accountability Act.

J. ADJOURNMENT.

K. PUBLIC HEARING NOTE: Effective January 1, 2022, Act 220, Session Laws of Hawai‘i (SLH) 2021 adds a new option to the Sunshine Law that allows boards to hold remote meetings via interactive conference technology (ICT), such as online meeting platforms, teleconferences, videoconference, and voice over internet protocol. Pursuant to Act 220, SLH 2021 and Governor David Y. Ige’s Emergency Proclamation Related to COVID-19 (Omicron Variant) dated January 26, 2022, all meetings of the Council will be closed to the public consistent with social distancing practices due to the COVID-19 pandemic. 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 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays). 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 may continue watching the meeting via the livestream link found at www.kauai.gov/webcastmeetings. All accommodations pursuant to Act 220, SLH 2021 shall be submitted to the Office of the County Clerk, Council Services Division as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Requests can be made via E-mail to cokcouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays).

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. 2842](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC PARKS AND RECREATION, AND CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GENERAL PROVISIONS RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE

2. [Bill No. 2843](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 19-1.9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO SCHEDULE OF FEES AND DEPOSITS

L. 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.