

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

Effective January 1, 2022, Act 220, Session Laws of Hawaii (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 Kauai County Council will be conducted as follows until further notice:

- Meetings will be noticed pursuant to Hawaii 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 (808) 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. It is recommended that anyone interested in providing oral testimony 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 or may listen to the meeting on the oral testimony Zoom link that can be accessed at <https://tinyurl.com/KauaiCountyCouncil030922> (Meeting ID 843 9846 4334; Passcode: zk9wew).
- 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, MARCH 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. February 23, 2022 Council Meeting

E. SPECIAL ORDER OF THE DAY:

1. [Bill No. 2834, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE, AND CHAPTER 22, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO PUBLIC HEALTH, SAFETY AND WELFARE (*Pursuant to Council Rule No. 5(e); Council Absence, Tie Vote (Council Absence or Recusal).*)

F. INTERVIEWS:

1. LIQUOR CONTROL COMMISSION:

- [Gerald S. Matsunaga](#) – Term ending 12/31/2024

2. SALARY COMMISSION:

- [Howard J. Leslie](#) – Term ending 12/31/2023

G. CONSENT CALENDAR:

1. [C 2022-39](#) Communication (02/03/2022) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Monica L. Belz to the Police Commission – Term ending 12/31/2024. (*See Resolution No. 2022-05*)

2. [C 2022-40](#) Communication (02/03/2022) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointments to the various Boards and Commissions for the County of Kauaʻi:
 - a. Charter Review Commission
 - Coty “Buffy” Trugillo – Term ending 12/31/2023
 - b. Board of Review
 - Jerry Nishihira – Term ending 12/31/2023
(See Resolution No. 2022-06 and Resolution No. 2022-07)

3. [C 2022-41](#) Communication (02/03/2022) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Rose Ramos-Benzel to the Board of Review – Term ending 12/31/2022. **(See Resolution No. 2022-08)**

4. [C 2022-42](#) Communication (02/09/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing A Stop Sign On Pilikai Road At Anahola Road, Kawaihau District, County Of Kauaʻi. **(See Resolution No. 2022-09)**

5. [C 2022-43](#) Communication (02/22/2022) from the Director of Finance, transmitting for Council information, Periods 1 through 6 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report for July 1, 2021 through December 31, 2021, pursuant to Section 21 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2021-2022. *(Copies of the Periods 1 through 6 Financial Reports as of December 31, 2021 on file in the Office of the County Clerk.)*

6. [C 2022-44](#) Communication (02/23/2022) from the Director of Finance, transmitting for Council information, Period 7 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report for January 31, 2022, pursuant to Section 21 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2021-2022. *(Copies of the Period 7 Report for as of January 31, 2022 on file in the Office of the County Clerk.)*

H. COMMUNICATIONS:

1. [C 2022-45](#) Communication (02/10/2021) 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 \$17,108.80, 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)-, funds will be used for costs associated with the KPD's Computer Automated Dispatch (CAD) server upgrade and for CAD system maintenance and support.
2. [C 2022-46](#) Communication (02/16/2022) from the Director of Human Resources, transmitting for Council consideration, the cost items for the United Public Workers (UPW) Bargaining Unit 1 for the period July 1, 2021 through June 30, 2025 which were recently ratified by the employees of Bargaining Unit 1. (***See Proposed Draft Bill (No. 2850)***)
3. [C 2022-47](#) Communication (02/17/2022) from the County Clerk, 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 been kept for over seven (7) years and no longer of use or value. These records consist of the Office of the County Clerk, Council Services Division, pre-2000 *non-agenda* files which include Council/Committee follow-up letters, intra- and inter-office communications, requests to and from Councilmembers, etc.
4. [C 2022-48](#) Communication (02/22/2022) from the Acting Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$296,250.00, 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 20-V2-03 (Victim/Witness program) for the period July 1, 2022 through June 30, 2023.
5. [C 2022-49](#) Communication (02/23/2022) from the Human Resources Director, requesting Council approval of the indemnification provision contained in the Cooperative Personnel Services (CPS) HR Consulting Test Rental and Use Agreement for test materials which will be used for development of civil service promotional tests.

I. CLAIMS:

1. [C 2022-50](#) Communication (02/22/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Linda Kay Ross, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2022-51](#) Communication (02/24/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Tara Hancock, for damage to her personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2022-52](#) Communication (02/18/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by First Insurance Company of Hawai'i, as subrogee of Kaua'i Air Conditioning, for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

J. COMMITTEE REPORTS:1. PARKS & RECREATION / TRANSPORTATION COMMITTEE:

- a. **CR-PRT 2022-01:** on 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 [**Approved as Amended.**]

2. PLANNING COMMITTEE:

- a. **CR-PL 2022-02:** on PL 2022-02 Communication (01/20/2022) from Councilmember Cowden, requesting the presence of the Planning Director, to provide a briefing regarding the Climate Adaptation Plan. [**Received for the Record.**]

K. RESOLUTIONS:

1. [Resolution No. 2022-05](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Monica L. Belz*)
2. [Resolution No. 2022-06](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Coty “Buffy” Trugillo*)
3. [Resolution No. 2022-07](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF REVIEW (*Jerry Nishihira*)
4. [Resolution No. 2022-08](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Rose Ramos-Benzel*)
5. [Resolution No. 2022-09](#) – RESOLUTION ESTABLISHING A STOP SIGN ON PILIKAI ROAD AT ANAHOLA ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUAI

L. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2850\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2021 AND JUNE 30, 2025

M. BILL FOR SECOND READING:

1. [Bill No. 2842, Draft 1](#) – 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 (*See also CR-PRT 2022-01; the Parks & Recreation / Transportation Committee recommended approval as amended to Bill No. 2842, Draft 1 on February 23, 2022.*)

N. 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.)*

O. ADJOURNMENT.

P. 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. It is recommended that anyone interested in providing oral testimony 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 or may listen to the meeting on the oral testimony Zoom link. 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. 2844](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COUNTY TRANSIENT ACCOMMODATIONS TAX

Q. 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.